

Input by Civil Society Organisations to the EUAA Asylum Report 2024

by the Border Violence Monitoring Network



**Border Violence
Monitoring Network**

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The following is the contribution of the Border Violence Monitoring Network (BVMN) to the EUAA Annual Report. BVMN deems it crucial to provide field information and evidence to all EU institutions and agencies. However, it is important to note that BVMN neither endorses nor agrees with the conclusions drawn in the EUAA reports. BVMN calls the objectivity of these reports into doubt, claiming they are influenced by the necessity to justify the Agency's existence, creation, and expansion. BVMN acknowledges numerous reports highlighting significant deficiencies in the Agency's work, ranging from self-imposed quota limitations on recommendations for international protection to allegations of covering up irregularities and a lack of accountability. BVMN also urges that the information from our contribution not be reframed or reformulated to cast doubt upon our findings.

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

In 2023, Border Violence Monitoring Network (BVMN) recorded 66 testimonies of pushbacks across Greece, and the Western Balkans, affecting approximately 1,021 persons on the move. We include in this report a recent trend of pushbacks from Germany into Austria, recorded at the end of 2022. Between November and December 2022 BVMN collected 6 testimonies of people unlawfully returned from Germany to Austria, affecting 17 individuals.

It is crucial to emphasise that the figures gathered by BVMN represent just a fraction of the total, and the actual scope of individuals facing pushbacks is far more extensive. The escalating criminalization of those in transit, coupled with a rise in immigration detention and border-related violence, has compelled many to retreat further into obscurity, making it exceedingly difficult for them to avail themselves of essential services, and for human rights defenders to gain access to them.

In the past seven years, pushbacks have become a central, if unofficial, part of the migration regime of European states, members of the European Union and otherwise. The term “pushback” itself is a definition that came to initially describe the unfolding events along the EU borders of Hungary and Croatia with Serbia in 2016, after the formal closure of the Balkan migration route. BVMN understand pushbacks as state practices by which people on the move are forced across a border - at times immediately after crossing, - at times regardless whether they have transited through that border, without consideration of their individual circumstances and without the possibility to apply for asylum or to object against the measures taken.

Pushbacks in themselves are illegal, however they can also be a cluster of other human rights violations, including, but not limited to, the prohibition of *non-refoulement*, right to life (Art. 2 ECHR, CFREU), prohibition of torture and inhuman and degrading treatment (Art. 3 ECHR, Art. 4 CFREU), inviolability of human dignity (Art. 1 CFREU), right to the integrity of the person, right to liberty and security (Art. 5 ECHR, Art. 6 CFREU), right to property (Art. 17 CFREU), respect for private and family life (Art. 8 ECHR, Art. 7 CFREU), right to asylum (Art. 18 CFREU), right to a fair trial (Art. 6 ECHR, Art.

47 CFREU), right to an effective remedy (Art. 13, Art. 47 CFREU), prohibition of discrimination (Art. 14 ECHR, Art. 21 CFREU), protection of personal data (Art. 8 CFREU), and others.

Pushback practices represent the most utilised tactic by states to prevent access to territory and consequently access to rights, including the right to seek asylum. In the past years, states have qualified pushbacks as “prevention of entry”, or “refusal of entry”, or “prevention of departure”. Regardless of qualification, these practices are unlawful.

COUNTRY REPORTS

Austria

Pushback Alarm Austria reports that Austrian border guards continue to engage in [racial profiling and violence](#) in patrolling trains entering and exiting the country. This practice has not yet been challenged in courts.

Readmissions from Austria to Slovenia (that often lead to chain-readmissions to Croatia, and further down the route to Bosnia) have been suspended since two judgments from the Regional Administrative Court of Styria found the practice unlawful. The Court found that “pushbacks” were [methodically applied](#) by border guards in breach of fundamental rights.

In May 2023, BVMN, Pushback Alarm Austria and Bayerischer Flüchtlingsrat [published evidence of pushbacks](#) from Germany into Austria. The detailed testimonies documented a total of six incidents, affecting 17 individuals, between November and December 2022, underlining the allegations of unlawful pushbacks at the German-Austrian border.¹

¹ BVMN. Testimonies.

“I told them all the people I know live in Germany, but they told me [...] go back to Austria”. 6.12.2022

<https://borderviolence.eu/testimonies/december-6-2022-salzburg-austria/>

‘the Austrian police’ came to collect them from the facility and bring the respondent and ‘other persons back to Austria’. 06.12.2022.

<https://borderviolence.eu/testimonies/december-6-2022-near-freilassing/>

He was requested to ‘strip completely naked in front of them’. He recounted that he was even asked to ‘squat in front of them to see if I was hiding something somewhere’ which he expressed was ‘a very embarrassing situation’ for him. 04.12.2022

<https://borderviolence.eu/testimonies/december-4-2022/>

There were two [German] police officers in the van. They handed me over to the Austrian police without taking much time. 03.12.2022

<https://borderviolence.eu/testimonies/december-3-2022-near-passau-train-station-in-germany>

“If you come back again you will go to prison or you will get a fine”. 08.12.2022

<https://borderviolence.eu/testimonies/december-8-2022-salzburg-austria/>

I did not know where to go next. I asked the police officers where I was supposed to go and the Austrian police officers only answered: “Go away! Austria no! Go to Italy!”. 15.11.2022

<https://borderviolence.eu/testimonies/november-15-2023-near-salzburg-austria/>



Slovenia

In 2022, [the Slovenian government announced the removal of the border fence](#) (including the barbed wire) on the border with Croatia. Even though the removal has started, a vast part of the fence has still not been removed. It is also important to note that on 21 October 2023, [Slovenia temporarily reintroduced controls](#) at the internal Schengen borders with Croatia and Hungary, justified by irregular migration into the country.

Reports from BVMN member organisations indicate that Slovenia continues to return people on the move to Croatia. However, a positive update has been that since 2022 the number of persons pushed back to Croatia has significantly decreased. Yet it has been reported that [2,169 persons](#) were pushed back from Slovenia in 2022. The change in behaviour was partly attributed to Croatian officials' lack of willingness to take back persons who had expressed their intention to apply for asylum in Slovenia, indicating that these practices have always been unlawful and the Slovenian and Croatian authorities had acted in violation of EU law. Partly, the change in behaviour was attributed to a change in government when the Ministry of Interior was led by Tatjana Bobnar. However, she resigned in December 2022. Another assumed argument for the change of practice was the Croatia membership to the Schengen Area as of January 2023.

A decrease in pushbacks was observed in 2023 as well. [122 pushbacks were reported by BVMN members](#) until June 30 in 2023. According to official police statistics and the Government Office for the Support and Integration of Migrants (Urad Vlade Republike Slovenije za oskrbo in integracijo migrantov - UOIM) have reported an increase in the number of people on the move who have been apprehended and brought to their available capacities. Subsequently, more people are on the "waiting list" to apply for asylum. In general, Slovenia is recording one of the highest numbers of intentions to apply for international protection in comparison to previous years.

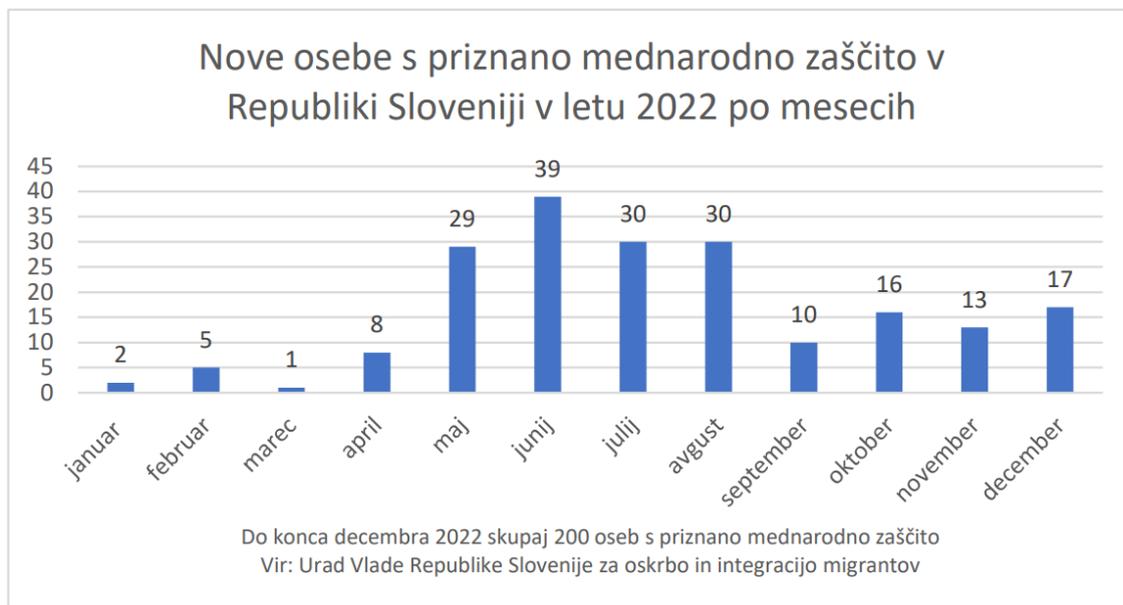
In the period from 1 January 2023 to 31 October 2023, [50,622 irregular entries](#) into the country were recorded (in the same period in 2022, there were 24,662). This year alone, 48,996 intentions to apply for international protection were expressed and registered, while in 2022 there were 21,452. More asylum applicants have had access to reception conditions in Slovenia in 2023. According to official sources from UOIM, the number of accommodated applicants has significantly risen over an extended period of 12 years between [2010 - 2022](#). The data for newly accommodated applicants for international protection by month for 2023 can be found [here](#).

In 2023, the number of people granted international protection was lower than in 2022, due to some applications from Ukrainian nationals being considered under national law the previous. BVMN observes a discrepancy between the extremely low numbers of people granted international protection, and the number of persons registered. Member organisations continue to [report](#) delays in asylum procedures, access to reception conditions, especially in the winter time, access to employment as significant obstacles for people on the move in Slovenia. See below the numbers for 2023 (figures include refugee status and subsidiary protection).



In 2022, the number of approved applications is higher (see the graph below), the reason being the Russian invasion of Ukraine, before the EU implemented the Temporary Protection Directive, a few hundred Ukrainians had already asked for protection. These applications were considered under the IPA (International Protection Act). In 2022 the majority of protection rights were granted under subsidiary protection.

It should also be noted that these figures include both international and subsidiary protection.



Croatia

Croatia joined the Schengen Area in January 2023. Since then, No Name Kitchen in Bihać has [observed](#) a notable increase in pushbacks from Croatia to Bosnia. Despite winter conditions that typically reduce transit, many people were present in Una Sana Canton, Bosnia. The pushbacks reported violence, with Croatian authorities using better-equipped weapons and acting more aggressively. Incidents included beatings, threats with firearms, and the use of dogs. Witnesses described officers employing tactics amounting to torture, such as forcing individuals into a "doggy position" for hours. Additionally, officers reportedly confiscated medicine from those with critical health conditions and ignored pleas for help. The harsh winter exacerbates the situation, making it difficult for people to access temporary reception centres.

In February, [BVMN reported](#) on people on the move arriving in Rijeka, Croatia in larger numbers than previously recorded. People on the move were forced to sleep outside in cold weather, due to laws that criminalise private hosting structures to accommodate undocumented persons. Solidarity structures were put in place by the local population and the Red Cross to support people on the move. While it remains the responsibility of the state to provide humane reception conditions, Croatian authorities failed to respond. Respondents stated that they were issued an order to leave the territory and the European Economic Area (EEA) within 7-days. The practice was recorded by BVMN in 2022 about what was colloquially known as the "7-days-paper". People on the move were not provided with information in a language they spoke about the content of the [order issued](#), therefore a common misunderstanding was that it was a temporary permit of stay. It is unclear the legal basis under which the Croatian authorities issued orders to leave EEA territory prior to joining Schengen.

At the end of March 2023, the Croatian police introduced [a practice of mass pushbacks of people on move to Bosnia and Herzegovina](#). According to testimonies, people were apprehended within Croatian territory, escorted to police stations in unmarked vehicles, detained in "prison-like" basements, denied food, water and forced to sleep on the floor, before being pushed back to Bosnia. The respondents were issued deportation orders, some respondents reported being forced to sign without the assistance of an interpreter. Deportation orders prescribed an entry ban of one year, which if in violation could lead to 18 months detention. In addition, people were issued a certificate of collection of costs of forced removal. People described that they were given the bills with the costs they were expected to pay for accommodation, food and transportation for the days they were forcibly detained. Respondents stated they were not allowed to apply for asylum, nor did they have access to an effective remedy against the deportation order. Some people stated they were held for several days, and some even weeks before being handed over to Bosnian authorities in an alleged process of lawful readmission between Croatia and Bosnia.

These unlawful actions from the Croatian authorities should be contextualised in the wider framework of fundamental rights violation perpetrated against people on the move for over seven years at the borders with Bosnia and Serbia, reported on by BVMN, other [human rights organisations](#), [investigative journalists](#), and condemned by the [European Court of Human Rights](#).

Croatia promised to implement "[compensatory measures](#)" once its membership to Schengen was concretized. The Minister of Interior indicated that around 742 police officers from the border crossing points with Slovenia and Hungary were reassigned to mobile teams tasked with apprehending people on the move on the territory of Croatia. Croatia continues to receive funding for border management from the European Commission, despite [a scandal of misspending](#) in 2020 where Croatia was meant to mandate an independent border monitoring mechanism to monitor borders, and despite years of reports of fundamental rights violations at its borders.

Official statistics indicate that [24,367 people applied for international protection in Croatia](#) in the first six months of 2023. Reportedly, at the beginning of September, some hundreds of [people arrived at the Porin centre](#) requesting accommodation and in possession of a registration paper from the authorities. The centre having reduced capacity to host the people, [local media](#) reported that around 500 people were forced to sleep on the streets and parks near the centre.

The Minister of Interior concluded that the way to move forward was to establish a [reception centre](#) within an abandoned military barracks located in the Dugi dol area (municipality of Krnjak). The plan to build the centre was met with protests by the local community. BVMN observes that the trend in establishing facilities for registration and identification in remote areas remains one of the main tools in managing migration, despite continuous reports of serious fundamental rights violations reported from reception centres and camps from across the EU and outside. The decision could be interpreted as a measure anticipating the adoption of the New Pact on Migration and Asylum, which foresees the creation of such centre while in violation of a number of fundamental rights such as prohibition of arbitrary detention, the inviolability of human dignity, prohibition of torture or inhuman and degrading treatment, right to an effective remedy and to a fair trial, among many others.

Slovenia introduced temporary border checks with Croatia in October, attributed to an alleged increase in border crossings. Among other consequences, Croatian border guards increased the level of violence they continuously perpetrated against people on the move.

In October, teams in Bosnia reported yet another increase in border violence exercised by the Croatian border guards. Reporters stated that people on the move return from the border robbed of their belongings, stripped to their underwear, sometimes after having been forced to cross through the river. It is important to note that the weather conditions in October are harsh. The level of violence sparked protests against border violence in the Lipa camp in Bosnia, where people were forced to return after being pushed back. According to respondents, also most vulnerable people were subjected to violence and inhuman and degrading treatment by Croatian border guards.

Regarding the Independent Border Monitoring Mechanism (IBMM), the last report published was in June 2022, over one year and a half ago. The IBMM was envisioned around 2018 but was only established in Croatia in 2021. It is funded by the European Commission and is meant to monitor border violence at Croatian borders. While it is meant to be an independent and effective institution, the Croatian IBMM is funded and members are appointed by the Ministry of Interior, the same governmental branch that manages borders. Also, the scope of the monitoring is restricted to official facilities and border crossings, while reports show that human rights violations occur at green borders. As to its effectiveness, participants in the mechanisms are restricted to 20 visits a year, as they must be announced prior, reducing significantly the possibility to be an effective mechanism to monitor and report fundamental rights violations.

The Centre for Peace Studies in Croatia [reported](#) on a new lawsuit at the Constitutional Court of Croatia in April 2023. The case concerned a failure to investigate a brutal pushback incident from Croatia to Bosnia from October 2020. The victims claimed they experience severe violence and sexual assault during the pushbacks. Despite a criminal complaint being filed more than two years before, the state attorney's office failed to initiate an investigation. Therefore, the case was taken to the Constitutional Court by the legal representatives seeking redress.

Significantly, in January 2023 the ECtHR found a violation to the right to life by the Croatian state in the case [Daraibou v Croatia](#). The case concerned the death of three people on the move in police custody when a fire broke out. The surviving applicant sustained heavy injuries. The judgement of the Court shows, once again, that the [Croatian authorities failed to conduct a proper investigation](#) into the circumstances of the case. This is the second judgement by the Court finding Croatia in

violation of the procedural limb of Article 2, the failure to conduct effective, impartial, independent investigations into its own officials. The prior [Court ruling](#) concerned the death of a 6-year-old girl who died after being hit by a train, after she and her family were pushed back by Croatian border guards to Serbia, and were instructed to follow the train tracks. The Court found that Croatia failed to investigate, among other violations.

Hungary

BVMN has a presence in Northern Serbia through its member organisations and partners. At this border location, field reporters monitor and report on border violence perpetrated by Hungarian authorities. Hungarian authorities continue to push back people on the move into Serbia. Hungary qualifies Serbia as a safe third country and does not make individualised, case-by-case assessment before unlawfully returning or expelling people on the move. Only in some cases there is coordination between the Hungarian authorities regarding handling people who arrived in Hungary. Most times, people are pushed back over the border without safeguards.

The situation of people on the move in Serbia is not in line with international human rights standards. With regards to access to asylum, in 2022, decisions were made on a total of 2,302 individuals. Only 10 asylum seekers received refugee status, 20 received subsidiary protection, while 62 had their asylum request denied. In 257 cases, the procedure was discontinued because the applicant absconded. According to UNHCR data the asylum acceptance rate in Serbia up until September 2023 remained low with only 8 people being granted refugee status or subsidiary protection since the start of the year.

In 2023, [Klikaktiv](#) and [BVMN](#) reported an increase of systemic police violence against people on the move. This violence was carried out both during massive police raids and during regular patrols. Since the Special Operation came into force, in the areas of Subotica and Sombor, BVMN member organisations have observed the use of an unknown gun-like sonic device to make noise and scare people during evictions. There was also a violent incident against volunteers, which included a person being hit by the police and forced to kneel. Although evictions have been common along the Serbian border with Hungary, they have drastically increased in frequency. All evictions carried out show a continued use of disproportionate violence.

In January 2023, foreign officers were reported at the Serbian northern borders with Hungary. They have been identified as Frontex, with the agency starting its operations as of November-December 2022. The Frontex officers were not wearing identifiable insignia. The presence of Frontex officers did not lead to a decrease in violence. On the contrary, reportedly Frontex officers participated in the violence against people on the move during evictions.

During an eviction on April 24th, a German police officer threatened violence against a young Moroccan man. The man told reporting groups that the German police officer said “If you run, problem (violence), if you stay, no problem.” During this same eviction, tents were confiscated, water bottles were slashed and personal belongings were stolen. These testimonies evidence a clear breach of the Frontex Code of Conduct, Article 4, which states that “Participants in Frontex activities shall promote and respect human dignity and the fundamental rights of every individual”. Additionally, they are evidence of a breach of international standards of fundamental rights, by which all the officers involved [are legally bound to](#).

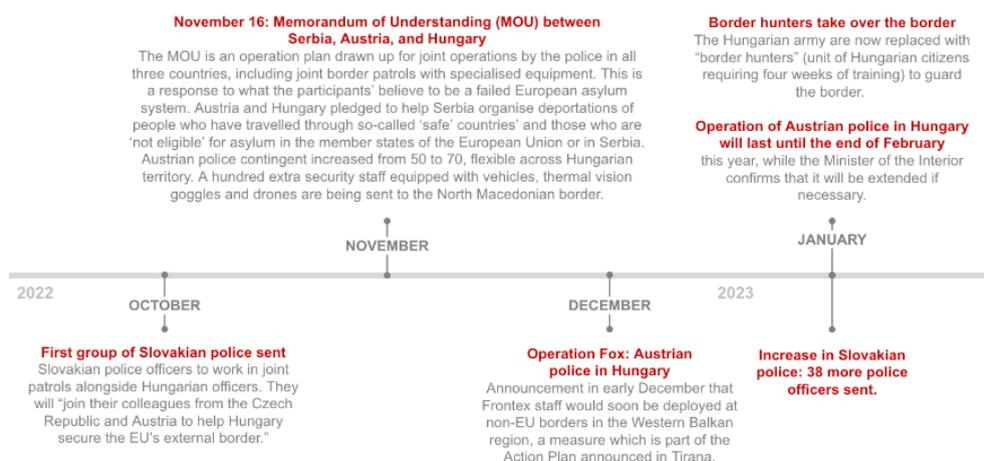
Starting with June 17th, Bojan Šoralov, leader of the North Bački administrative region started a campaign of near daily evictions. The rate and intensity of evictions continued into the month of July. There have been at least [27 documented evictions](#). Evictions are an operational strategy whereby

police forcibly remove people on the move from the informal living sites, or even from public spaces and take them to state reception facilities – often in the south of Serbia. It is common for this to be a violent process. During evictions in the month of July people on the move have been consistently subject to beatings with hands, feet and batons, abuse, theft of valuables, and the destruction of property and temporary infrastructure. Evictions have been reported to be carried out by local police, national police, and the Gendarmerie (military police). In one report from the eviction of 20-30 people from an informal living site near the town of Horgoš on July 20th, there were also two German police officers present. It was described that they were witness to the beating of three minors by Serbian police, the theft of mobile phones, and destruction of a generator.

Of the 27 reported evictions in July, 10 have been violent and 9 have involved theft and the destruction of property. It must be stated these statistics do not paint the whole picture of evictions across northern Serbia – as there are certainly many more unaccounted for in the region. An eviction testimony taken on July 11th at a living site near the city of Sombor described Serbian police forcibly entering a property at around 7am, in which around 20 Syrian men were sleeping. The police proceeded to beat people laying in beds with their hands and with batons, forcing them outside. It was reported one man was hit so hard on his neck that he fell unconscious. A 15- year-old boy sustained an injury to his shoulder that three-days later he couldn't move due to pain. The police stole money, phones, and power banks. 10 people were apprehended and taken to another facility. Evidence of the described police brutality is pictured below.

Alongside frequently violent evictions, it is also known that police regularly visit informal living sites without apprehending or arresting people, but instead harassing, intimidating, and abusing the people staying there. A testimony taken on July 31st at an informal camp near Bački Vinogradi outlined an instance of this kind of internal violence. Police came at around 10pm at night shining torches into people's eyes and forcing them to sit down while kicking them. They proceeded to verbally abuse the victims with racial slurs and take bets on where in Europe the people wanted to travel. They stole cigarettes and left. Multiple families with children as young as 7 were present.

With regards to foreign officers at the Hungarian - Serbian borders, between 2022-2023, there has been an increase in bi-lateral and multilateral police agreements between different EU countries and Serbia. [Medical Volunteers International \(MVI\), Collective Aid, and Construct Solidarity](#) issue regular reports on this border region. Below is the timeline on agreements between the end of 2022 beginning of 2023.



Collective Aid and MVI report on foreign officers being involved in pushbacks on the Hungarian side of the border. [Czech officers were reportedly spotted](#) participating in violence and conducting

pushbacks, practice observed and reported by BVMN for over two years. At the end of 2022, BVMN has filed a notification with the General Inspectorate of Border Forces in Czechia in this regard. The Inspectorate initiated an investigation into border violence. The findings of the investigation were transmitted in August 2023. The General Inspectorate interviewed solely officers and border guards, and found no violations to have been committed. Reporting organisations on border violence were not contacted, nor survivors, nor were there any field visits conducted. Concluding, the investigation conducted was neither independent, nor effective on the part of the Czech General Inspectorate. In this sense, BVMN submitted [a Rule 9 communication](#) to the Committee of Ministers of Council of Europe requesting that enhanced supervision be applied in the case [B.Ü. v. the Czech Republic](#). Hungary continues to collaborate with Czech officers, despite a clear lack of accountability for human rights violations. Moreso, we state that there is a general encouragement from the Hungarian authorities to conduct pushbacks with violence, in disregard of fundamental rights.

Since 2014, 354 people are recorded to have died according to IOM figures on the Western Balkan migration route. These figures will always be lower than the actual numbers of lives lost due to the problematic nature of data collection and environmental conditions which cause bodies to remain unfound. 47 men, women and children have lost their lives in 2023 alone. Causes of death included harsh environmental conditions, lack of adequate shelter, food and water, sickness, lack of access to adequate healthcare, vehicle accident, death linked to hazardous transport, violence, accidental death, and drowning as well as unknown causes of death. Yet, the underlying cause of all of these deaths is the lack of safe and legal routes for people on the move.

Greece

BVMN has been recording violations at Greek borders since 2019, while recognizing that the practice has preceded BVMN reporting. Engaging in pushbacks has become an unofficial policy of the Greek government since 2020. To this day, Greece continues to perpetrate in pushbacks and other violations at its borders and remains in full violation of EU law, the Charter of Fundamental Rights, the European Convention on Human Rights, the 1951 Geneva Convention on Human Rights, the UN Convention Against Torture, UN Convention on the Rights of the Child, UN Convention on Enforced Disappearances, and other international human rights instruments. The consequences of lack of accountability has been leading to deaths in the Aegean Sea as well as at land borders. Significantly, a direct result of this unofficial policy was the [shipwreck of the Adriana boat, the Pylos shipwreck](#) on June 14, 2023.

The Pylos shipwreck has been heavily reported on and BVMN feels like there has been a fair amount of [independent reporting](#) on the matter. BVMN contributed with a submission to the European Ombudsman's inquiry into Frontex's involvement, which will be published in due time by the office of the Ombudsman.

With regards to [the general situation at the land border](#), the Greek government disclosed that it prevented the entry of 2,720 "undocumented migrants" into Greece over a three-day period in mid-August 2023, just before the onset of fires in the Evros region. Despite denying the role of pushbacks, the government continues to emphasise securitized narratives, instilling fear of "mass arrivals" and justifying the extension of the Evros border fence by 35 km, costing 99.2 million euros. However, registrations at the Fylakio Reception and Identification Centre in June and July totaled 2,045 people. This likely underrepresents the actual arrivals, as it excludes those stranded in the Evros region, reporting violent pushbacks to Turkey.

BVMN can confirm a notable [surge in search and rescue operations](#) in the Aegean Sea subsequent to the Pylos shipwreck. This shift in approach stems from increased scrutiny of the situation in Greece by EU institutions and other entities. The Pylos shipwreck received extensive coverage in Greece,

prompting the government to react and reassure its credibility with its voters, given concerns about the government's alleged respect with human rights obligations while participating in unlawful practices qualified as "prevention of entry" or "prevention of departure," which are, in reality, tantamount to pushbacks. BVMN can also attest that this surge was temporary and has declined in the meanwhile, as the [table below indicates](#). The increase in search and rescue operations did not translate into an end to pushbacks in the Aegean Sea.

TABLES

1. Arrivals

Table 1

Arrivals ¹								
MONTH	CCAC KOS	CCAC LESVOS	CCAC SAMOS	CCAC CHIOS	CCAC LEROS	OTHER ISLANDS	RIC FYLAKIO	TOTAL
Sep-22	26	472	546	110	90	176	730	2.150
Oct-22	262	381	163	125	84	140	559	1.714
Nov-22	510	502	305	288	56	211	443	2.315
Dec-22	495	757	219	169	22	111	297	2.070
Jan-23	356	550	272	67	71	56	292	1.664
Feb-23	105	219	230	37	47	66	137	841
Mar-23	35	639	116	140	6	24	257	1.217
Apr-23	22	495	0	66	2	100	253	938
May-23	79	539	63	78	4	68	530	1.361
Jun-23	200	261	29	155	68	315	1.301	2.329
Jul-23	319	1.352	211	145	3	548	744	3.322
Aug-23	717	1.548	1.236	174	133	1.574	1.190	6.572
Sep-23	356	3.639	3.168	469	17	2.944	877	11.470
TOTAL	3.482	11.354	6.558	2.023	603	6.333	7.610	37.963

A 2023 [report](#) published by the Stockholm Center for Freedom highlighted the situation of Turkish asylum seekers pushed back from Greece to Turkey, many of whom are reportedly arrested upon return on 'terrorism' charges, and may be subjected to torture and other forms of inhuman treatment by Turkish authorities. [A testimony collected by BVMN](#) in April 2021 reported on the pushback of a Turkish man to Turkey, despite him expressing an intention to apply for asylum in Greece. In the testimony the respondent described how the Turkish man told the Greek authorities: 'I can't go back to Turkey because if I go back they will kill me.' People on the move are being pushed back indiscriminately at the borders, and that includes Turkish nationals fleeing persecution from their home country.

In addition to above, [people on the move of other nationalities](#) whose asylum application was rejected, are being left in legal limbo, unable to be returned to Turkey and without access to basic services and rights in Greece. Since March 2020, Turkey has refused to accept the return of rejected asylum seekers from Greece, yet the Greek government continues to designate Turkey as a so-called 'safe third country' for certain nationalities. The [Hellenic Council of State \(Supreme Administrative Court of Greece\)](#) recently challenged the Greek government's policy on this issue, by arguing that a country cannot be considered safe if it does not accept asylum seekers to be returned to its territory to claim asylum there, as is the case with Turkey. The matter has been referred to the EU Court of Justice of the European Union.

Also with regards to the territory and access to procedures, in February 2023, BVMN published [a press release](#) and sent a letter of complaint to the Greek Ombudsman regarding targeted raids and mass arrests of undocumented people in Thessaloniki. BVMN raised the alarm about similar operations in a [press release in April 2022](#), after our partners documented the arrest of people on

the move who were on their way to collect food from a humanitarian distribution site in the city. Worryingly, broom operations [continue to be carried out](#) on a regular basis in the city, while dysfunctions in Greece's new asylum registration system are leaving an increasing number of people seeking protection in limbo and highly vulnerable to arrest, detention and pushbacks. Six months after the launch of an online platform for the registration of asylum seekers, BVMN partner Mobile Info Team (MIT) has witnessed a plethora of failings including extensive delays, lack of access to information and support to navigate the system, limited translation assistance, and lack of support to enable applicants to travel to and from reception centres to register their claims. MIT expressed serious concerns about the effectiveness of the new system as far back as August 2022.

A report released in March by [Solomon and El País](#) has found that, over the past six years, Greek authorities have stolen over €2 million worth of cash and personal belongings from people on the move while carrying out pushbacks from Greek territory. The report outlines the modus operandi of the authorities which includes the use of arbitrary detention and theft of people's money, phones, jewellery and other personal items. The investigation, which also analysed [data from the BVMN database](#), found that the practice has increased over the years, shifting into a systemic practice of fear and intimidation. It is unclear what is done with the items following the theft, but one internal source informed Solomon that authorities keep them for personal use or gift them to family members. The frequency of theft has reportedly led to transit groups carrying less cash and valuable possessions on them for fear of being robbed and assaulted by state authorities. While this investigation predominantly focused on Greece, [BVMN has collected testimonies](#) from across the Balkans and Turkey which describe similar practices of theft during pushback operations, indicating that it is not solely Greece capitalising on this tactic.

In April 2023, the day before Frontex deployed 100 border guards to the southern borders of North Macedonia, a 23-year-old woman on the move named Fatmata [was shot and killed](#) by police along the North Macedonia-Greece border after the vehicle she was a passenger in was stopped by the police. The incident happened outside the town of Gevgelija, a location where numerous BVMN pushback testimonies are reported and often describe intense levels of verbal and physical violence inflicted by border guards against people on the move, including [theft](#), [beatings](#), and [threats](#). At the time of writing, an investigation [was not concluded](#).

In [May](#), footage evidencing 12 people, including men, women and children, being pushed back from the Greek island of Lesbos by the Hellenic Coast Guard was released in a [New York Times article](#). A group that had arrived from Turkey were apprehended, driven in an unmarked white van to a dinghy which they were reportedly forced to board by men in balaclavas before being transferred to a Hellenic Coast Guard vessel that subsequently abandoned them in the middle of the Aegean sea on an inflatable life raft. The group was then picked up by the Turkish Coast Guard. The pattern and details captured in this footage are corroborated by over 200 testimonies collected by BVMN partner organisations documenting pushbacks from Greece to Turkey. BVMN members have collected extensive evidence that reports masked individuals in unmarked vehicles forcefully and violently expelling people from Greek territory, both on [land](#) and at [sea](#).

In [August](#), the wildfires in Evros that [escalated](#) and the Greek state's lack of preparedness for this environmental emergency, despite previous wildfire seasons, has led political figures in Greece to deflect blame onto transit groups. Despite confirmation that the fire originated near the border due to lightning, politicians and far-right groups [propagated](#) racially abusive posts on social media, wrongly attributing blame to people on the move. Far-right groups took vigilante actions, detaining and imprisoning transit groups, exemplified by the case of [25 individuals abducted](#) by self-proclaimed "[civil guards](#)." The individuals were released without charges. The incident highlights the daily violence faced by migrants in the militarised Evros region and the degree of impunity enjoyed by civilians, and all other official actors. Amid extensive reports of [pushbacks](#) and violence and the risk exacerbated by the wildfires, at least [19 people died](#), including two children, trapped in the forest

during the fires. The Greek state's response has been to scapegoat migrants, perpetuating racist rhetoric and fueling the rise of right-wing groups in the region.

Bulgaria

[August 2023](#) saw an increase in reporting around violent pushbacks from Bulgaria to Turkey. Bulgaria has been a transit country along the Balkan migration route since its inception, with reports of violent incidents going back to [2016](#), yet there has been little attention to border violence in the context of the wider EU pushback regime. Bulgaria technically has established a border monitoring mechanism, like the one being called for in the Asylum Procedures Regulation as part of the EU's New Pact on Migration. The mechanism is established through a Tripartite Memorandum of Understanding between the Bulgarian General Directorate of Border Police, the UNHCR and the Bulgarian Helsinki Committee (BHC). The Bulgarian Helsinki Committee are the implementing partners who have access to border regions and detention centres in order to record rights violations, and to report on the number of pushbacks. In 2020, they reported the pushback of 15,173 individuals; a number which more than doubled in 2021 when the BHC reported 2,513 pushbacks impacting 44,988 individuals.

Between 2022 and 2023, with the situation at the Greece-Turkey land border quickly deteriorating, transit increased through Bulgaria. This was [mirrored by an increase in violent practices](#) at the border, namely pushbacks and other related rights violations. In 2021, BVMN also established a presence in Turkey and began recording pushback testimonies from Bulgaria. Since then, BVMN recorded a total of 73 pushback incidents from Bulgaria impacting 1,661 people.

In 63 incidents, people were pushed back directly from Bulgaria to Turkey, often through unofficial "doors" in the border fence; and 10 incidents of so-called "chain pushbacks" from Bulgaria to Greece and, subsequently, to Turkey were documented. The use of the tri-border area between Bulgaria, Greece and Turkey to conduct chain pushbacks was first documented by BVMN in 2020, and continued throughout the following years. In the majority of testimonies, respondents recount being apprehended, detained, and subject to extreme levels of violence before being pushed back. Pushback perpetrators are described to be Bulgarian officers (through corresponding uniform descriptions), military personnel, and people in civilian clothes wearing balaclavas. Frontex presence has also been [reported](#) during pushback operations. These operations are accompanied by high levels of violence including [dog attacks](#), [threatening with firearms](#), [shootings](#), forced undressings, and [prolonged beatings](#) - tactics that are applied indiscriminately to women and minors.

[In August](#), Infomigrants and the Italian Collective, [Collettive Rotte Balcaniche Alto Vicentino](#), released new reports on the situation in Bulgaria which attest to the fact that the conditions have only continued to decline. Infomigrants released [a four part series](#) on the situation of pushbacks and border violence in Bulgaria in which they also reported on the violent practices documented in BVMN testimonies and discussed with local organisations the issues they face in reporting on such issues. A number of organisations are now under surveillance and investigation for supporting people on the move to register asylum claims and avoid pushbacks - a move reminiscent of tactics used against NGOs in other Member States with restrictive migration regimes, like Greece and Croatia. The report from Collettive Rotte Balcaniche provides further evidence of these claims from their field assessments in the country. This reportage takes place in the context of [a pilot project by the EU](#) that is granting Bulgaria 45 million € for fast-tracked asylum procedures and to fund new technologies in support of 'border control'. In fact, in Von der Leyen's State of the Union speech she congratulated Bulgaria on its work to protect European borders, and again dangled the promise of Schengen accession over them. Yet again it is made patently clear that the European Commission is happy to totally disregard credible, evidence-based reporting coming out of Member States that attest to rights violations and the systematisation of illegal practices - all in the name of 'greater border control'.

2. Access to information and legal assistance (including counselling and representation)

Greece

In a report published in BVMN's February 2023, taking data from individuals detained over the past three years, 80% of those surveyed reported that they did not have access to free legal assistance. While some had access to legal services, only 15% of respondents received free assistance from NGO or state resources. 25% of [respondents reported](#) they had to pay up to 2,000 euros for services. [Frustrations](#) over legal gaps in procedures built into a protest on March 28th regarding a lack of information as to asylum procedures. In Patras, Western Greece port city, [reports](#) from No Name Kitchen indicate that it is a frequent occurrence that people on the move are detained without access to information, and other safeguards such as access to food, or water.

Additionally, I Have Rights [reported](#) in February that in particular, the rights to information for children on Samos were targeted when the Reception and Identification Service revoked access to the "safe-zone" for the lawyer working under the child protection actor PRAKSIS, only allowing correspondence by phone at the time the report was written. This issue of lack of information for minors seems not limited just to Samos, however, as a case study of a minor in Corinth who applied for asylum [illustrates](#). The sixteen year old was given no information regarding his asylum application that he could understand. He also noted that he could not access medical information or treatment due to a lack of interpreters.

[Testimonies](#) from Northern Greece referenced in the April 2023 report describe being forced to sign legal documents without a translator, and not having access to legal assistance to help them contest their detention or continue the asylum process, demonstrating again a critical lack of access to legal assistance in Greece. A [BVMN report from merely a month later](#) also noted that the Pylos Shipwreck resulted in survivors of the shipwreck being arrested and detained, which was seriously concerning due to the aforementioned pattern of detention with a lack of legal representation or access to [information](#).

Regarding Greece in general, for a span of roughly a month from May to June of 2023, [most services](#) regarding asylum were completely shut down due to the Greek Asylum Service requiring an update to its database. This meant that registration of new legal asylum claims and renewal or issuance of necessary documents could not be completed, leaving many without access to up to date services regarding their documentation needed for employment, accommodation contracts, as well as other services. We make note that this is not the first occurrence in Greece, and that the government has a track record of delaying issuing essential documents to people on the move, including those who have been recognized as beneficiaries of international protection.

In September, it was stated in a [BVMN report](#) that Greek authorities are still detaining individuals who are scheduled to lodge their asylum claim and are seeking legal support. The Greek government continues to detain people who have filed for asylum via the website of the Greek government. This platform was brought back online at the end of August following a three-and-a-half-month hiatus. At the moment, the platform is scheduling appointments at the Malakasa registration facility; however, these appointments are frequently set for weeks in advance.

As a result, people have no legal defence against arbitrary arrest and detention. These people are still being held by the police despite the appointment receipt that the platform produced as evidence of their asylum seeker status and authorization to stay in Greece. This practice has been documented consistently since the implementation of the new asylum system in September 2022, resulting in at least eight court decisions in 2023 that declared this practice illegal. According to the Greek Refugee

Council, some individuals with appointments are arrested, issued with return decisions, and detained for extended periods within pre-removal detention facilities. In May 2023, the Greek authorities filed a request to overturn the initial court decision regarding this practice, but the request was rejected as inadmissible.

Slovenia

Information provided by BVMN member organisation InfoKolpa indicates that there has not been much change in access to information or legal assistance in Slovenia from 2022. Applicants for international protection are meant to be [informed](#) about the procedures, their obligations, and the rights they have, in theory. This entitlement to information includes having access to legal assistance and information before the procedure itself begins. Unaccompanied minors should specifically be given a legal representative who is present at all stages of the process. Slovenia has [constructed](#) its access to information regarding international protection through an official website, where one can find a specific section for persons under international protection to view relevant information and policy changes. However, this section does not have a dedicated subsection for those seeking asylum specifically, which may make access to asylum procedure more difficult to seek out.

Greece - Turkey

An expert legal opinion was [published](#) by the European Association of Lawyers for Democracy and World Human Rights in August, on Turkey as a safe third country" The EU-Turkey agreement and Turkey's classification as a "safe third country" served as the foundation for this research, which challenges this classification using a wide range of data from informal and formal interviews with "exilees," groups, and activists in Turkey. It discussed the legal structures that people can use to seek protection and how, basically, there aren't any practical choices available to those who want to be safe. As there is currently no "effective protection for non-European foreigners, the report unequivocally demonstrates all the ways in which Turkey does not meet the requirements of a "safe third country," neither under Article 38 of the Asylum Procedures Directive, nor under the planned reform of the Common European Asylum System. Furthermore, anyone who is viewed as "foreign" is deliberately at higher risk of violent attacks due to an increase in hate speech and xenophobia, which has been [fueled](#) by both the opposition party and the ruling AKP in the run-up to the May 2023 elections.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Greece

Although the fast-track border procedure was initially introduced as an [exceptional and temporary procedure](#), it has become the rule for a significant number of applications lodged in Greece. Accelerated and fast-track border procedures should not apply to vulnerable applicants. Nevertheless, BVMN partner organisation I Have Rights (IHR) [denounced](#) the general failure to carry out proper vulnerability assessments by the Greek authorities and EU agencies. In particular, survivors of trafficking fall through the cracks of improper, inexpert, non-informed assessments. Out of the cases of 53 survivors of human trafficking, [IHR highlights](#) that a small percentage of survivors are identified, In practice, even those who are identified are not provided with first level protection and integration, nor are they being officially recognised as survivors, as is their right under the law.

In another case study, IHR [presents the case](#) of a survivor trafficking and gender-based violence from Sierra Leone whose case was examined under the accelerated procedure despite her medical and

psychological assessment not being completed. Along with a statement on the impact state violence and *de facto* detention have on survivors of trafficking, IHR [conducted an assessment of deficiencies in](#): the screening procedure conducted by Frontex; the medical and psychological evaluations; the asylum interview process; and the National Referral Mechanism. [Other civil society reports point out](#) to the Greek authorities' systematic incapacity to recognise victims of torture which lead to subsequent further violations contrary to European and international law.

Admissibility procedure and safe third country: Under Greece's International Protection Act (IPA), which was first introduced in November 2019 and then replaced in June 2022, an asylum application is considered inadmissible, if the 'safe third country' concept [applies](#). On June 7, 2021, a Joint Ministerial Decision [issued by](#) Greece's Deputy Minister of Foreign Affairs and Minister of Migration and Asylum declared Turkey as 'safe' for citizens of Afghanistan, Bangladesh, Pakistan, Somalia, and Syria who transited through Turkey.

However, a recent [expert opinion](#) outlines the insufficient access to protection and the practical obstacles that prevent individuals from effectively applying for either temporary or international protection in Turkey, thus often leaving people on the move seeking safety in Turkey remain undocumented, and therefore, stripped of access to social rights and services. The inadequate reception conditions in Turkey are proven by the scarcity of accommodation centres and shelters, a burdensome and costly work permit procedure, and difficult access to medical care and education. Moreover, there has been a widespread escalation of racist sentiments connected with the severe deterioration of the economic situation in Turkey as well as with the inflammatory political rhetoric targeting 'refugees' and 'migrants' that characterised the 2023 national elections [campaigns](#). An ongoing practice of coercive "voluntary returns" to Afghanistan, and mass expulsion to Syria has been [documented](#) throughout the last years, clearly in violation of the principle of non-refoulement.

Bulgaria

In March 2023, the EU Commission [launched](#) a pilot project granting Bulgaria 45 million euros for fast-tracked and accelerated asylum procedures and to fund new technologies in support of 'border control' and 'effective returns'. A [report](#) from the Commission evaluating the 'progress' of the project laid out that all asylum cases in the centre are reviewed under the accelerated asylum procedure. This could be implemented by the most recent amendment to the Asylum and Refugee Law in Bulgaria, which is already replicating the proposed EU Screening Regulation. According to the report, the amended law had not entered into force, however the working staff relies on a circular to implement the accelerated border procedure. It is unclear if that might be unlawful. The report states that from March to September 2023, 2,033 asylum applications were filed in Pastrogor, and 1,499 were denied through the accelerated procedure, 6 through the normal process, and 159 had their asylum procedures terminated, according to the Commission's report.

In August, Infomigrants and the Italian Collective, Collettive Rotte Balcaniche Alto Vicentino, released [new reports](#) on the situation in Bulgaria, documenting the continually declining conditions and the concrete risks of mass rejection of asylum claims due to accelerated procedures, which constitute a violation of rights as well as an infringement of European and international legal standards.

Slovenia & Croatia

BVMN partner organisation InfoKolpa reports that the majority of arrivals come from the border with Croatia, either from the southern or the western part of the country and are brought to Ljubljana, the main reception centre. Following the entrance of Croatia into the Schengen zone on the 1st of January 2023, the mode of patrolling and controlling the mobility of people in border areas has taken new forms. The execution methods in the southern parts of the country are expected to be similar to what has been functioning in other border areas with Hungary, Austria and Italy. At the same time,

Croatia continues reinforcing its southern borders with Serbia, Bosnia and Herzegovina, and Montenegro.

The Slovenian border line is 1,370 km on land (rivers taken into account) and includes 670 km between Slovenia and Croatia. Slovenia estimates that approximately 1,400 policemen will be patrolling the border areas since all borders of Slovenia belong to the Schengen agreement starting January 1, 2023. The buildings on the sites of official border crossings will be removed slowly. The Slovenian police will be executing compensatory measures inland and along the border lines. Seven police units work on accomplishing the compensatory measures. Two of their main tasks are to reveal illegal crossings and cease the smugglers. These police units with special compensatory tasks possess necessary classic and digital equipment.

Italy

Italy [adopted](#) a new legal framework (D.L. 2023/20, converted into L. 2023/50 and detailed by Ministerial Decree of 14.9.2023), asylum-seekers apprehended in connection with an irregular border crossing or coming from a safe country of origin can be subjected to a border procedure and, in the context of such a procedure, detained in order to decide on their right to (formal) entry into the territory. The automatic application of border procedures for all asylum seekers coming from a safe country, connected to the prohibition of entering the territory, has been contested by the Court of Catania.

7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Mainland Greece

Mobile Info Team, a BVMN member organisation, [published](#) in February 2023 a series of data collected from April to November of 2022 from people on the move detained in Pre-Removal Detention Centres in mainland Greece. Their report indicated that 80% of respondents had applied for international protection and were either still waiting for a response or their application was denied and they could not afford to appeal or missed the appeal deadline. The findings indicate that a strong majority of those detained were in need of some form of international protection and did not obtain access. 61% of respondents reported poor hygiene conditions within the detention centres such as mould, dirt, rodents and insects. 43% of respondents indicated that either themselves or other individuals were suffering from poor mental health conditions while in detention. 80% of respondents also noted that access to emergency healthcare was either extremely limited or unavailable entirely.

Over 80% of testimonies reported issues related to food while in detention such as the food being spoiled, mouldy, or in insufficient amounts. Lastly, the data reported that the average time of detention was five months. However, the range went from a few days to over 18 months, with some individuals being repeatedly detained and released over a course of 33 months. Such extreme lengths of time greatly hinder the rights and liberties of people on the move, especially due to detention being supposed to constitute a '[legal last resort](#)' as per the case-law of the CJEU.

These practices were again [reported](#) in April 2023 by BVMN, particularly noting incredibly long detention times within police stations. In statistics taken from February to April of this year, the average total detention length in police stations and Pre-Removal Detention Centres (PRDC) was 7,5 months, though one individual reported detention for 24 months in total. Testimonies taken in this

period again reported unhygienic conditions, overcrowding, no heating, and no access to resources, such as legal means, to challenge their detention.

Testimonies also [reported](#) violence by detention staff, such as physical punishment for protesting about poor conditions or being too noisy, as well as other arbitrary rules. Such tactics were not one-off incidents, but [observed](#) over the course of the last few years across the country, especially in Corinth, Amygdaleza and Paranesti PRDCs.

Samos, Greece

In September 2021, the first Closed Controlled Access Centre (CCAC) opened on Samos, built in an isolated location, 8km from the nearest town. BVMN member organisation I Have Rights (IHR) [documented](#) the prison-like structure of the Centre, due not only to its geographical isolation, but also the constant surveillance through different forms of technology, including AI, the continuous presence of police and private security, and the extreme restrictions of movement residents are subjected to.

BVMN has [denounced](#) the systematic and automatic detention of people on the move in the CCAC, in contrast to EU law and international standards. Indeed, on arrival to Samos, people are indiscriminately prohibited from leaving the CCAC up to 25 days, without individual assessment and solely for “*identification purposes*”, even though the period is usually prolonged. The situation between July and September 2023 became particularly harsh as the number of arrivals peaked and the CCAC population reached 200% of the facility’s capacity. Thousands of people were unlawfully automatically *de facto* [detained](#) in inhuman and overcrowded conditions and containers previously used for administrative or education purposes were converted into accommodation.

The July heatwave, with temperature exceeding 40°C, additionally [deteriorated](#) the living conditions in the CCAC, impacting the physical and psychological health of the residents, and, given the lack of cash assistance and the remoteness of the centre, could not move to cooler places of the island. Water shortages contributed to the decline of the living conditions, precluding laundry services and provoking cases of scabies. More generally, inhumane and degrading conditions inside the Centre have been documented by IHR throughout the whole year. Testimonies from inside the camp reported the high presence of cockroaches as well as mouldy, expired and smelly food, insufficient in quality and quantity. In addition, they point out that hygiene items are given to people only upon arrival to the structure, and once the “*welcome package*” runs out, they are usually left to buy all supplies (such as soap, toilet paper, menstrual products) they need on their own, which is problematic considering the lack of financial assistance.

IHR reports that protests sparked in this period in the CCAC. The causes [reportedly](#) were not only by the poor and inhumane conditions described above, but also by the lack of access to medical care and psychological support as well as by the scarcity of interpreters and translators who are essential for asylum procedures and for communicating with authorities.

The CCAC is a highly unsuitable structure, especially for vulnerable people, and that Greek and EU authorities consistently fail to carry out adequate vulnerability assessment. In particular, IHR [considered](#) cases of 53 survivors of human trafficking and presented evidence that every stage of the asylum and reception procedures on Samos constitutes a missed opportunity to identify and protect survivors.

Until the beginning of August 2023, [unaccompanied minors](#) were sub-detained for 22 hours a day in the so-called “*safe zone*” of the CCAC, a fenced off zone where they are automatically transferred

when entering the CCAC, that has been described as a “*prison within a prison*”. They are now permitted to have more “*free time*” (where they can enter Section A of the CCAC only) from 1pm to 8pm. Despite this, unaccompanied minors still remain de facto [detained](#) within the general structures of the CCAC for 24 hours a day.

Italy

At the beginning of the year, the Italian government [announced](#) plans to build another “*closed hotspot facility*” in the area on the border of Trieste. This structure has not been built at the time of writing.

Under Italy’s legal framework established in 2023 (D.L. 2023/20, converted into L. 2023/50 and detailed by Ministerial Decree of 14.9.2023), asylum-seekers apprehended in connection with an irregular border crossing or coming from a safe country of origin can be subjected to a border procedure and, in the context of such a procedure, detained in order to decide on their right to (formal) entry into the territory. Detention can be allegedly [avoided](#) by presenting their passports or by providing a financial guarantee of 4,938€. The Court of Catania has contested the law under various aspects, for example as the detention is not based on a case-by-case assessment and is not complying with the principles of proportionality of detention. Furthermore, the requirement of a financial guarantee is incompatible with EU law insofar as it imposes detention measures solely on the basis of the asylum seekers' lack of resources.

Croatia

BVMN [notes](#) that Croatian police had begun to deport people on the move en masse to Bosnia and Herzegovina. According to the testimonies of individuals deported, these deportations included detainment in “*prison-like basements*” with no access to food or water. People on the move were then made to sign documents without interpretation stating they would not return to Croatia for a year or face 18 months of detention. Upon signature, people on the move were then detained in other facilities for days or weeks without access to appeals or to the asylum procedure.

Bosnia and Herzegovina

It became [known](#) on the 15th of February that a detention centre will come into operation in the Lipa refugee camp. This notice was confirmed by Ferdinand Koenig, the spokesperson of the EU delegation in Bosnia and Herzegovina. The planned operation of the centre states that it will be used to detain people on the move for a maximum of 72 hours before transferring them to the Lukavica Immigration Centre, which has been subject to scrutiny for its conditions for people on the move. Sevlid Hurtić, the Minister for Human Rights and Refugees in Bosnia and Herzegovina visited the Lipa site in March and [declared](#) it to look “*like a classic prison*”, and to be “*certainly not in line with human rights and what representatives of the European Union have demanded of us*”. This further highlights how Croatia and other Schengen countries should not push back people on the move to Bosnia and Herzegovina like they were highlighted to do above, as the detention conditions there do not comply with EU standards.

Bulgaria

Released in August 2023, a series of reports from Infomigrants and Collettivo Rotte Balcaniche Alto Vicentino denounces the illegitimate and widespread use of detention and the inhuman and terrible detention conditions that people on the move have to face while detained. In particular, Collettivo's [report](#) focuses on the Lyubimets detention centre, citing accounts of threats of physical violence, food shortages and the presence of young children in rooms with adults. This latter problem was also

outlined by a BVMN [field assessment](#) emphasising the child protection deficiencies in the asylum procedures and reception conditions once unaccompanied minors manage to enter Bulgaria and lodge an application for international protection. For example, unaccompanied minors residing in the Harmanli camp live with a population of mixed ages and genders, with no safe zones.

Slovenia

In Slovenia, the Centre for Foreigners, situated near Postojna, is in charge of ‘foreigners’ subject to return procedures. There is a [movement restriction in place](#) for those who reside in the Centre. The most recent statistics [reported](#) 1,937 people on the move were accommodated inside. Such restrictions are problematic as they deprive people on the move of their liberty while they await removal. Additionally, alleged cases of ill-treatment and violence from Centre staff prompted a hunger strike in the [fall of 2022](#), though there has been no conclusive statements regarding any investigation into the claims.

The statistics regarding returns for 2023 are not available yet. In 2022, the Centre for Foreigners returned 10 foreigners from the Republic of Slovenia to their countries of origin with an escort. The monitoring of the return of foreigners is carried out by the [Slovenian Caritas](#). Infokolpa visited the detainees in the Centre for Foreigners in Postojna (Center za tujce Postojna) and helped them to obtain basic necessities, while also providing psycho-social assistance. At that time, 9 people were accommodated there. After the visit, according to the information we have received, there were only a couple of people still there.

12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship, and foster care for unaccompanied and separated children).

Since 2017, BVMN violence reporters collected 1,660 testimonies affecting over 24,990 people, of which 91% included exposure to some form of [torture or other cruel, inhuman, or degrading treatment](#). It has been previously established that persons that have been exposed to these types of treatment are considered to be “vulnerable applicants” in [Article 20\(3\) of the Asylum Qualification Directive](#). In the case of [M.S.S v. Belgium and Greece](#), the Court established that people on the move are “a particularly underprivileged and vulnerable population group in need of special protection” . Disregarding additional factors that could heighten the vulnerability of individuals on the move, such as women, minors, single-parent families, and those accompanied by small children, it is already apparent that those on the move face significant vulnerability. Moreover, exposing survivors to pushbacks can exacerbate the trauma experienced by individuals in transit. [As reported by BVMN](#), undergoing a pushback can subject individuals on the move to heightened uncertainty, intensifying their vulnerability even further.

The [UNCHR](#) identified that people on the move are at a much greater risk of being victims of human trafficking. Escalating criminalisation of migration in the past years, border violence, and shrinking of civic space of structures providing aid and support to people on the move further push them to resort to more dangerous means of migrating by resorting to traffickers and smugglers. This is not restricted to criminal networks, but to corrupt officials, from border guards, to administrative personnel. As reported by [BVMN](#), people on the move are particularly exposed to traffickers who may prey on their vulnerabilities as they seek protection especially when people have been pushed into illegality.

Minors: Minors and young children are group of extremely vulnerable applicants as people on the move. [Protecting Rights At Borders](#) coalition reported that 12% of all pushbacks involved children, 9% travelled in families while the remaining 3% travelled unaccompanied. Despite clear understanding

that [unaccompanied minors](#) require appropriate and specific protections due to the acute vulnerability of their situation, this is largely disregarded in practice.

BVMN released numerous pushback accounts documenting instances in which minors, and even incredibly young children, experienced harsh and inhuman pushbacks. In April 2023, a [testimony](#) detailing the brutal treatment of an 8-year-old girl was published, which illustrates the systemic injustice associated with pushbacks. It was detailed that a mother and her 8-year-old daughter were subjected to a violent pushback which resulted in both mother and child being pepper sprayed by Hungarian state authorities, the mother describing that she was worried her daughter would faint and lose consciousness. This level of trauma surpasses physical consequence and leaves severe mental scars which would further expedite the vulnerability of those on the move.

Greece has been a primary entry point for people on the move arriving in the EU. The country has continuously refused to address shortcomings regarding its reception conditions, illustrated by the [numerous](#) judgments of the European Court of Human Rights where Greece was found in violation of the Convention. Despite an increase in funding from the EU and the fact that Greece has seen arrivals since before 2015, more than eight years, at the time of writing there are issues of overcrowded reception centres and adequate living conditions. This in turn results in Greece becoming an unsuitable country for vulnerable people on the move, with an inadequate reception system, poor identification mechanisms of vulnerabilities, and substandard procedural standards. For example, in a 2023 report conducted by [I Have Rights](#), it stated that for over one-year, unaccompanied children (UACs) were sub-detained for 22 hours a day in the so-called “safe zone” of the CCAC, a fenced off zone that has been described as a “prison within a prison” which most definitely not suitable for children. The little improvement recorded, since August, UACs are now permitted to have more “free time” (where they can enter Section A of the CCAC only) from 1pm to 8pm. Despite this, a report on the situation by [BVMN](#) stated that UACs still remain *de facto* detained in the general structures of the CCAC, which is not an appropriate or sufficient reception for such a vulnerable group.

Furthermore, in May of 2023, video footage was obtained of the forced expulsion of a boat of mainly women. The footage shows the vulnerable individuals being taken out of a van, before being towed out to sea and abandoned on an inflatable raft. Among the survivors was 27-year-old Somali mother, Naima Hassan Aden, who recalled the terrifying experience, stating that they did not believe they would survive that day. Other survivors [included](#) Suleka Abdullahi, a 40-year-old woman, and her six children, who had been apprehended and left adrift by Greek authorities in the Aegean Sea. The EU Home Affairs Commissioner, Ylva Johansson, stated after the incident that there should be “no place for illegal deportations” like this and that she and the European Commission were ready to take “formal steps, as appropriate” to address this. Clearly, these practices have continued with impunity.

Bulgaria has also become a focal location for vulnerable people on the move becoming at risk. BVMN collected multiple testimonies of illegal pushbacks from Bulgaria to the neighbouring countries of Turkey and Greece. [45% of the testimonies](#) were identified as being related to children. Testimonies frequently draw attention to the ways in which children—some as young as [two years old](#)—have been forcefully and unlawfully removed from the territory. Moreover, the Harmanly centre is not adequate for the accommodation of children. Reports state that minors are housed together with adults. [The safety and security](#) of the camp's occupants have come under fire since it appears that those in charge of limiting access are not fulfilling their duties.

Women: Women on the move report being consistently exposed to gender-based violence in the countries they transit through. This violence can include sexual assault, and in extreme cases, death. In [March of 2023](#), in the waters of a stream, the body of 18-year-old Gabonese student and person on the move Jeannah Danys Dinabongho Ibouanga was [found](#). The Karabük Chief Public Prosecutor's Office released a press release shortly after her body was discovered, claiming that her death was

due to drowning and that there was no reason to suspect foul play. Later, footage of her jogging down the street barefoot in the days before her death surfaced, coupled with reports that she had received derogatory remarks from the residents in the community. It was also discovered that she had bruises all over her body. [Furthermore](#), in the days leading up to her death, her mother stated that she had been consistently subjected to sexual harassment. The investigation is still ongoing. Another 2023 report from [InfoMigrants](#) stated that a young female asylum seeker by the name of Fatmata was shot and killed by police along the North Macedonia-Greece border after the vehicle she was travelling in was stopped by the police. The incident happened outside the town of Gevgelija, a location where multiple [BVMN](#) pushback testimonies are reported and often describe high levels of violence carried out by border guards against people on the move, including theft, beatings, and threats.

A testimony obtained by BVMN outlined the pushback experience of a 55-year-old woman from Greece to Turkey. She was sexually harassed by an authority figure while she cried. This occurred as the rest of the transit group was forced to undress and stand by, before they themselves were violently violated by the [authorities](#). This incident illustrates the conduct women on the move are subjected to when in transit.

The data collected by BVMN, and other organizations reveals a staggering number of individuals exposed to various forms of mistreatment, including torture and inhuman, and degrading treatment or punishment in connection to pushbacks or border violence. The case studies of Greece and Bulgaria exemplify how pushback measures, often illegal and violent, exacerbate the vulnerability of asylum seekers. Insufficient reception systems, poor identification mechanisms, and substandard procedural standards contribute to an environment where vulnerable people are subjected to further harm. The gravity of the situation is evident in incidents like the forced expulsion of women in Greece and the indiscriminate violence against children in Bulgaria.

18. Other important developments

Criminalisation

Serving the purpose of deterring people from entering European territory, the criminalisation of those on the move has been extended to the criminalisation of Human Rights Defenders (HRDs). This aims to deter those working in solidarity with people on the move from continuing their support work, while discouraging others from engaging in similar activities. BVMN member organisations have been increasingly criminalised during the last years with a deteriorating situation in 2023. As a result, they have faced severe challenges in continuing with their work to support people on the move in accessing basic needs and exercising their rights, including the right to asylum.

Until the date of this submission, BVMN recorded four incidents of criminalisation directly targeting people carrying out BVMN work or that of member organisations. Six individuals were affected. In 75% percent of the cases, the perpetrators were identified as members of police units. In the majority of incidents, the form of criminalisation observed were administrative controls, intimidation and harassment, and wrongful accusations. As a consequence of one of the incidents, a member organisation of BVMN stopped their operations in the location that was targeted for one week.

In Greece, legislation implemented prior to 2023 continues negatively impacting the work of civil society actors (CSOs) and shrinking civic space in the country. Since the implementation of the NGO Registry Law ([Law 4662/2020](#)), several CSOs face ongoing [obstacles](#) in registering. This leads to their operations being endangered of being shut down. In addition, the Amendment to the Law on Deportations (Law 4825/2021), is continuously limiting monitoring and search and rescue missions in

the Aegean Sea. In [practice](#), it places CSOs under the jurisdiction of the Hellenic Coast Guard. Furthermore, [amendments](#) to Art. 191 of the Civil Code on the criminalisation of the ‘*dissemination of false news*’ from 2021 continuously put pressure on civil society actors working with people on the move. According to the amendments, ‘*fake news*’, which is vaguely defined, constitutes an offence for which [penalties](#) can be up to five years imprisonment. This is particularly problematic, as in recent years governmental actors have accused CSOs reporting on pushbacks of spreading ‘*fake news*’. Persistent pressure on HRD persists in Greece, stemming from a wiretapping scandal that unfolded in 2022. This scandal implicated the utilisation of Predator spyware on journalists covering topics related to people on the move. The ongoing developments in Greece up until 2023 consistently exert pressure on those advocating for the rights of people on the move..

In Bosnia and Herzegovina and in Serbia, BVMN member organisations observed in 2023 an increase in police operations targeting HRDs through informal acts of criminalisation. These include an increase in police audits and ID checks, as well as verbal threats. The developments are combined with an increase in administrative barriers faced by the CSOs operating in those countries.

The consequences of criminalisation for HRDs and people on the move are immense. Many CSOs are forced to change location or quit crucial support work altogether, others have to spend considerable resources combatting criminalisation and smear campaigns. Some BVMN member organisations have chosen to remain anonymous in order to protect their aid projects, and avoid being targeted due to their advocacy work. This fear is more than justified: 9 of 13 of BVMN’s member organisations have been targeted by criminalisation, either in a formal or informal way.

Overall, an increase in criminalisation of migration can be observed within the EU. This development is [interlinked](#) with an increase of securitisation and border externalisation. The intensification of criminalisation has mainly impacted people on the move, by limiting their access to territory and the asylum procedure, essential rights during the asylum procedure, such as access to legal assistance and interpretation services, as well as essential services and fundamental rights during special procedures, reception of applicants of international protection, and during their detention. Oftentimes, those services and access to fundamental rights are provided for and monitored by CSOs. Through the criminalisation of CSOs, people on the move are often left without the provision of crucial support and direct aid during all aspects of the asylum procedure and beyond. BVMN observes that in several European countries, governments fail to supply them with needed services, while at the same time stifling monitoring activities around the access to and violation of fundamental rights.

FRONTEX

Throughout recent years, Frontex has seen an increase in activity and budget that has continued into 2023. The 2023 Procurement Plan marked the total spending for Frontex as just under 600 million euro, with roughly 260 million Euro [going towards](#) the development, maintenance and implementation of IT systems. The plan also notes intentions to spend 90 million Euro on transportation, including the purchasing and servicing of vehicles to facilitate forced returns. 180 million euro was reserved for surveillance purposes, covering things like equipment, drones, and other technologies.

Tineke Strik, member of the European Parliament, among others, repeatedly raised concerns about how Frontex must “*ensure these significant sums of money don’t facilitate pushbacks by Member States*” as well as criticising the specific plan to [launch new Greece-Turkey ferry](#) services, since “*Turkey is not a safe country for refugees despite Greece’s claims*”. In the past few years, Frontex has spent over 1.1 billion Euro on operational activities and only 2.8 million on fundamental rights

activities, illustrating MEP Strik's concern that fundamental rights are not at the forefront of Frontex's work and as such, these huge sums of money may be used in ways that pose a danger to people on the move through pushbacks, unlawful use of over surveillance and other concerns. Frontex's activities are important to consider when looking over access to asylum and the fundamental rights of asylum seekers as their conduct has proved detrimental to these areas, as exemplified by their conduct within the individual countries below.

North Macedonia: This year in January, the updated Status Agreement between Frontex and North Macedonia was subject to [a vote](#) in the LIBE Committee. The Fundamental Rights Impact Assessment (FRIA) on North Macedonia commissioned by the European Commission was given to MEPs to aid in the voting process. The [FRIA itself](#) notes that while there have been some reports of violence against people on the move in the region, the situation does not pose a risk of persistent violations of international protection obligations, so therefore the implementation of the Status Agreement with Frontex can move forward. The FRIA also stresses that it is the duty of Frontex while present in the area to closely monitor activities and ensure full compliance with fundamental rights obligations.

While this may seem like an adequate decision, the EU Anti-Fraud Agency (OLAF)'s report into Frontex's activities raises concerns whether these obligations will be followed. The investigation points to [an organisational culture](#) of sanitising and softening the language in Frontex reports and covering up fundamental rights violations. It also indicates that Frontex refrained from reporting credible allegations of fundamental rights violations from Joint Operations, seemingly to protect Frontex's own rapport. If such behaviours were to continue, Frontex's presence in North Macedonia would not act as extra surveillance ensuring proper conduct by operations within the Status Agreement, but would instead allow fundamental rights violations to be downplayed or ignored.

Additionally, on the 19th of April, a woman on the move named Fatmata was killed by North Macedonian police during a check at the border the day before a Frontex Joint Operation deploying 100 Frontex officers was launched. Closely after, North Macedonia's Interior Minister announced that Frontex's presence would be increased. Worrying is that the Commission's position, expressed by Corinna Ullrich, is to criticise Article 46 of the Frontex Regulation as being "*not fit for purpose*". Article 46 outlines when Frontex must suspend operations in areas with human rights violations. Less than half a month after the [shooting](#), the Commission seems to be suggesting that Article 46 should be reformed as it does not fit the realities of Frontex's operations. At the same time, human rights advocates are requesting that Frontex is not fit to operate until accountability for violations is ensured, for both the Agency, and the national authorities in the operational areas they work.

Greece: Frontex's presence in Greece has been a noted concern by BVMN over the past few years with regards to their actions laid down in the previously mentioned OLAF report which put people on the move at risk of violence and testimonies collected by BVMN which illustrate the Agency's direct participation and compliance in pushbacks.² In February of this year, The New York Times [published](#) an article reviewing documents that demonstrate how Frontex's Fundamental Rights Officer recommended Frontex cease operation in Greece due to the fundamental rights violations present, especially at the Evros border and on Samos.

² BVMN. 2020. "YES, THIS BLUE BAND WITH THE EU FLAG!" Available from: <https://borderviolence.eu/testimonies/september-26-2020-2300-near-orestiada/>, also see BVMN. 2020. "IF YOU DON'T KNOW HOW TO SWIM, YOU DEAD". Available from: <https://borderviolence.eu/testimonies/december-21-2021-0000-neo-cheimonio-elcili/>, BVMN. 2020. "The officer asked if they knew the computer game PUBG and told him they would play it with them". Available from: <https://borderviolence.eu/testimonies/february-4-2021-0000-soufli-umurca/>

Following this publication, Frontex has [accompanied](#) authorities attending to new arrivals on Samos at least twice, despite Frontex stating earlier that land arrivals would be the jurisdiction of Greek authorities to explain why their presence was absent from Samos previously.

On June 14th, a vessel sank off the coast of Pylos, killing hundreds and most have been declared missing due to the impossibility of recovering the bodies. Frontex [published](#) drone footage of the vessel from the day before the wreck, which, along with their conduct of non-assistance, led to criticism since the footage [revealed signals](#) indicating high levels of distress that were ignored. According to [Le Monde](#), Frontex began an internal investigation regarding the Agency's conduct and is considering adhering to the obligations under Article 46 of the previously discussed Frontex Regulation and ceasing operations in Greece. At the time of writing, Frontex has not withdrawn, suspended, nor terminated operations nor funding in Greece. A proper investigation into the incident has yet to be conducted. The European Ombudsman [commenced an investigation](#) into Frontex's role in the shipwreck. The Greek Ombudsman [initiated](#) an investigation into the accountability of Greek authorities in the shipwreck, in absence of an official investigation, in November.

Italy: Frontex was involved in a situation that resulted in a shipwreck off of Calabria earlier this year. On February 25th, a [Frontex plane](#) spotted a vessel and reported that it showed no signs of distress. Some half an hour later, Frontex contacted Italian authorities with concerns about a lack of life rafts, but due to bad weather the Italian authorities could not intercept the vessel. Five hours later, emergency calls started to come in regarding the vessel, but it took another hour to get a craft out. Together with the incident in Greece, Frontex has been subjected to increasing scrutiny with regards to their operations and a lack of accountability in the Agency.

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