



Border Violence
Monitoring Network

CRIMINALISATION REPORT 2022-2023

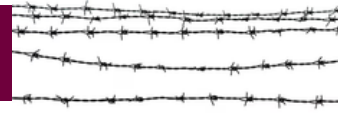
Incidents of criminalisation targeting people on the move and actors defending their rights within the scope of BVMN and its Member Organisations in 2022 and 2023





1. Contents	2
2. Glossary & Abbreviations	3
3. Context	4
4. Introduction	5
5. Definition	7
5.1. Targets of Criminalisation	8
5.2. Forms of criminalisation	9
5.3. Consequences	11
6. Criminalisation of people on the move	11
6.1. Criminalisation of people on the move during entry: Pushbacks	12
6.2. Criminalisation through criminal law	13
6.3. Criminalisation of people on the move during stay	16
6.3.1. Criminalisation within discourses and its consequences on people on the move	16
6.3.2. Verbal harassment and physical violence by non-state actors	18
6.4. Criminalisation towards removal	19
6.4.1. Evictions and removal from territory	19
6.4.2. Detention and conditions of accommodation	23
7. Criminalisation of Solidarity	25
7.1. Formal criminalisation	26
7.1.1. Legislation	26
7.1.2. Judicial Procedures	30
7.1.3. Launch of Criminal Investigations	31
7.2. Informal criminalisation	32
7.2.1. Public Defamation	32
7.2.2. Smear Campaigns	33
7.2.3. Scrutiny	34
7.2.3.1. Investigation and surveillance	34
7.2.3.2. Digital Surveillance	35
7.2.3.3. Revocation of Asylum Status	37
7.2.3.4. Bureaucratic Hurdles	38
7.2.3.5. Increased policing of operations and ID controls	39
7.2.3.6. Abuse of Stop and Search Powers	41
7.2.3.7. Restrictions on lawyer’s activities	42
7.2.4. Threats, harassment, and violence	43
8. Conclusion	45

2. GLOSSARY & ABBREVIATIONS



BiH	Bosnia and Herzegovina
CAT	UN Convention against torture
CCAC	Closed Controlled Access Centers (Greece)
CSO	Civil Society Organisation
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
ΕΦΚΑ/ΕΦΚΑ	Εθνικός Φορέας Κοινωνικής Ασφάλισης – National Social Security Agency of Greece
EYP	Greek National Intelligence Service
HRD	Human Rights Defender
ID	Identification Document
IOM	International Organisation for Migration
MoMA	Ministry of Migration and Asylum
NGO	Non-governmental organisation
PRDC	Pre- Removal Detention Centre
SOVA	Slovene Intelligence and Security Agency
WASH	<i>'Water, Sanitation and Hygiene'</i> – term used by different actors providing humanitarian support, indicating access to safe drinking water, sanitation facilities and hygiene and services aiming to establish access to the latter, as well as indicators for a sustainable community. ¹

[1] Joy, A.; Anikulmar, S. & Firoz, C.M. 2021. Wash (Water, Sanitation, and Hygiene): Infrastructure as a Measure of Sustainable Development. In: The Palgrave Encyclopedia of Urban and Regional Futures. Palgrave Macmillan, Cham. <https://doi.org/10.1007/> and European Commission. 2014. Water, hygiene and sanitation (WASH): ECHO Factsheet. Available [Online](#)

3. CONTEXT

Building on the Border Violence Monitoring Network (BVMN) 2021 report² on criminalisation of solidarity amongst its partner organisations and people carrying out BVMN work, the present report aims to provide an overview of incidents of criminalisation in 2022 and 2023. Criminalisation is examined as a practice targeting both people on the move and those who stand in solidarity with them. In the on-hand report, **formal criminalisation** is understood as incidents of criminalisation by legal means, such as legislative reforms, judicial accusations, court trials, administrative procedures, and criminal charges. **Informal criminalisation** covers all other forms of criminalisation targeting and impacting people on the move and Civil Society Organisations, such as repression, threats, surveillance, defamation, intimidation, increased policing and disruption or destruction of services.

For this report, information was gathered directly from BVMN member organisations and people carrying out its work as well as through research in BVMN Data, such as reports and publications³. The goal is to contribute to a broader understanding of the notion of criminalisation and to illustrate how it is embedded in larger tendencies of criminalisation of migration in Europe. BVMN and its member organisations observe a trend of deterioration in the situations of both people on the move and CSOs.

Criminalisation has been identified in formal and informal ways, affecting both people on the move and CSOs, and involving various actors, including governments, police and other authorities, as well as members of the public. For people on the move, this often translates into experiences such as forceful pushbacks, arbitrary detention, evictions, and removal from the territory, along with facing criminal charges. On the other hand, CSOs have encountered a different set of challenges⁴. These include but are not limited to: increased imposition of administrative barriers, extensive ID and paperwork checks; restrictive legislative changes often

[2] Border Violence Monitoring Network. 2022. *Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021*. Available [Online](#)

[3] Border Violence Monitoring Network. 2023. *Monthly Reports*. Available [Online](#)

[4] In this report '*administrative challenges*' are understood as challenges resulting from barriers introduced by governments that hinder CSOs' operations in the country. Those can result from legislative obligations concerning the registration of a CSO or obtaining required permits for volunteers and staff members. For instance, a CSO might face practical challenges to obtain work permits for their staff members. Often, the introduction of such barriers is linked to an increase in checks on the existence of specific paperwork. The lack of required paperwork might result in the inability of a CSO to establish or maintain their operations.

accompanied by government-led smear campaigns; acts of vandalism and theft; unwarranted surveillance; and general tactics of threats and harassment.

As people on the move are disproportionately targeted by the criminalisation of migration, BVMN provides a short overview of tendencies and developments contributing to or constituting criminalisation of people on the move, as observed by its Member and partner organisations and BVMN data. This is followed by an overview of incidents of criminalisation targeting BVMN member organisations and people carrying out BVMN work in 2022 and 2023.

4. INTRODUCTION



Criminalisation of migration, people on the move, and solidarity activities constitute phenomena which have to be examined in the broader context of European migration politics. This interplay is further compounded by trends of securitisation, border externalisation, and fortification.

The securitisation of migration and the criminalisation of movement has developed over the last three decades and was marked by global events which were rhetorically linked by world leaders to incoming migratory movements, and thus marked the initiation of a state of exception in handling migration.⁵ These events led to a process of rebordering across Europe through the securitisation of borders, the construction of walls and fences and the adoption of invasive border technologies both at external and internal borders. Consequently, accessing asylum has become increasingly challenging, while detention and deportation capacities have expanded, accompanied by the proliferation of criminal sanctions for '*migration offences*'.⁶ Additionally, European authorities, politicians, and media outlets increasingly use inflammatory and threat mongering rhetoric when discussing

[5] The events referred to are the attacks of September 11, 2001 in the US, and the Madrid (2004) and London (2005) bombings.

[6] Parkin, J.. 2013. The Criminalisation of Migration in Europe: A State-of-The-Art of the Academic Literature and Research. Liberty and Security in Europe Papers, No. 61. Available [Online](#); for more elaborations on the political context see also Border Violence Monitoring Network. 2022. Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021. Available [Online](#); Border Violence Monitoring Network. 2020. Shrinking Spaces: Report on Criminalisation of Solidarity in the Western Balkans. Greece. Available [Online](#); and Border Violence Monitoring Network. 2022. Islets, Interim Measures, and Illegal Pushbacks: Erosion of Rule of Law in Greece. Available [Online](#)

migration issues.⁷ This narrative has fueled the portrayal of people on the move as security threats, exacerbating their criminalisation alongside CSOs.⁸

On the political level, a relevant development was the establishment of the 'Facilitators Package' in 2002 laying down the minimum standards by which the EU Member States must legislate in the area of smuggling.⁹ Due to the Package's ambiguity and leniency towards the Member States, differences in interpretation and application of the legal EU framework resulted in the establishment of legislation that criminalises people on the move and humanitarian actors supporting them. Following criticism over the 2002 framework, an attempt was made by the Commission in November 2023 to update the existing framework by proposing a new modernised EU Framework for smuggling.¹⁰ This attempt continued the 20-year practice of viewing migration as a criminal offence, by proposing the imposition of harsh criminal sanctions on people on the move who are trying to reach safety and those supporting them. In practice, these developments have created a framework allowing for the criminalisation and arbitrary apprehension of people on the move¹¹ crossing the sea towards Europe,¹² as well as its land borders.¹³ As a secondary consequence, such narratives also lead to an increase in criminalisation of HRDs supporting people on the move by wrongfully blaming HRDs as facilitators of smuggling.

While criminalisation of migration, including aspects such as the 'Facilitators Package' first and foremost serve the purpose of deterring people from entering European territory, the criminalisation of those on the move has extended to the secondary criminalisation of HRDs. These efforts aim to deter solidarity actions and limit the scope of civil society, while discouraging others from engaging in similar

[7] Border Violence Monitoring Network. 2022. *Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021*. Available [Online](#)

[8] Vallies, V. 2021. *Europe: Open Season on Solidarity: A study on the patterns of criminalisation of solidarity through the voices of migrants' rights defenders*. The Observatory for the Protection of Human Right Defenders (OBS). Available [Online](#)

[9] Bellezza, S. & Calandrino, T. (2017). *Criminalization of Flight and Escape Aid*. *borderline-europe e.V.* Available [Online](#)

[10] European Commission. (2023). Press Release. Available [Online](#)

[11] Border Violence Monitoring Network. 2023. *In Defence of Defenders: A practical guide to legal means and advocacy tools for criminalised Human Rights Defenders in Europe*. Available [Online](#); Border Violence Monitoring Network. 2022. *Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021*. Available [Online](#)

[12] ARCI Porco Rosso & Alarm Phone. (2021). *From Sea to Prison: The Criminalization of Boat Drivers in Italy*. Available [Online](#)

[13] Winkler, J., & Mayr, L. *Borderline-Europe*. 2023. *A Legal Vacuum: The Systematic Criminalisation of Migrants for Driving a Boat or Car to Greece*. Available [Online](#)

activities. These developments are additionally linked to the phenomenon of a 'shrinking space' for civil society that, in combination with the increasing implementation of restrictive legislation for CSOs, has resulted in a limited scope of action for HRDs committed to monitoring access to asylum and documenting fundamental rights violations.¹⁴ These dynamics extend to additional groups, such as journalists reporting on related matters, lawyers representing people on the move, and activists.¹⁵

Hence, criminalisation of migration¹⁶ and solidarity has intensified in recent years, performed by various actors, through different practices yet leading to a multitude of consequences which will be elaborated in subsequent chapters.¹⁷ This report aims to delve into these practices, offering insights as reported by BVMN and its Member Organisations into the growing space of criminalisation and the respectively shrinking one for solidarity and support.

5. DEFINITION



The concept of criminalisation can be understood as a complex social and political phenomenon in which specific activities or social groups become the focus of targeting by both state and non-state actors, with the intention of either putting an end to the activity or gaining control over the group.¹⁸ It is crucial to recognise that criminalisation takes various forms and is not limited to a single occurrence; rather, it represents a systematic practice that can have profound and lasting consequences on its targets. In other words, criminalisation operates as a mechanism through which certain behaviours or communities are stigmatised, marginalised, and subjected to legal sanctions or social exclusion. It involves a web of interconnected processes involving law enforcement, legislation, public opinion,

[14] For more elaborations on the political context see also: Border Violence Monitoring Network. 2022. *Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021*. Available [Online](#); and Border Violence Monitoring Network. 2020. *Shrinking spaces: Report on Criminalisation of Solidarity in the Western Balkans. Greece*. Available [Online](#)

[15] See e.g. for the Greek context: Border Violence Monitoring Network. 2022. *Submission Rule of Law Report Greece: 2022*. Available [Online](#) and Border Violence Monitoring Network. 2022. *Islets, Interim Measures, and Illegal Pushbacks: Erosion of Rule of Law in Greece*. Available [Online](#)

[16] Border Violence Monitoring Network. 2022. *Policy Brief: Criminalization of POM*. Available [Online](#)

[17] Border Violence Monitoring Network. 2022. *Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021*. Available [Online](#)

[18] Schack, L., & Witcher, A. 2021. *Hostile Hospitality and the Criminalization of Civil Society Actors Aiding Border Crossers in Greece*. *Society and Space* 2021, 39(3) 477–495. Available [Online](#)

and societal norms, all of which play a role in perpetuating the targeted marginalisation. Criminalisation has gained particular attention in the field of migration, as “*a new approach to irregular immigration and migration control tactics*”¹⁹.

5.1. Targets of Criminalisation

Primarily, criminalisation practices either performed in an institutionalised or in a more informal way, serve the purpose of deterring people on the move of coming to States’ territory in the first place. The latter can manifest through multiple and different practices which will be elaborated upon below.

According to Parkin, criminalisation within the EU has to be defined considering that the key features of EU policy to prevent people on the move from reaching the EU external border are the criminalisation of **facilitation of unauthorised entry, transit and stay**, criminalisation **within discourses** and through **immigration detention**.²⁰

An alternative definition categorises processes of criminalisation of people on the move, which can be defined as a direct consequence of criminalisation of migration. According to Mitsilegas, criminalisation of people on the move can be categorised along the four stages of the migrant experience:

- **Before entry**, e.g. in form of securitisation and externalisation of migration management;
- **During entry**, e.g. in form of illegal pushbacks;
- **During stay**, e.g. in form of regulation of migration through criminal law;
- **Towards removal**, e.g. in the form of exclusion of people on the move both from territory and EU jurisdiction, as well as in form of detention.²¹

These actions of criminalisation stand in direct contrast to statements made by the UN Special Rapporteur on the human rights of migrants arguing that “*irregular entry or stay should never be considered criminal offences: they are not per se crimes against persons, property or national security.*”²²

[19] López-Sala, A., & Barbero, I. 2019. Solidarity Under siege: The Crimmigration of Activism(s) and Protest against Border Control in Spain. *European Journal of Criminology*, 18(5), 678-694, Available [Online](#)

[20] Parkin, J. 2013. The Criminalisation of Migration in Europe: A State-of-the-Art of the Academic Literature and Research. Available [Online](#)

[21] Mitsilegas, V. 2015. *The Criminalisation of Migration in Europe: Challenges for Human Rights and the Rule of Law*. Springer.

[22] United Nations: General Assembly. 2012. Report of the Special Rapporteur on the human rights of migrants, François Crépeau. A/HRC/20/24. Available [Online](#)

Secondarily, serving the purpose of deterring people from entering European territory, which has been at the centre of EU States migration policies, the criminalisation of those on the move has been extended to the criminalisation of Human Rights Defenders. Thus, apart from people on the move, targets of criminalisation can vary between an organisation as an entity (ex. premises, vehicles or operations) and the people carrying out the entity's work (volunteers, employees, people associated with the organisation). Criminalisation extends to even target family members of people working in an organisation and indirect supporters of their work (e.g. members of the local community renting their apartment to volunteers).²³

5.2. Forms of criminalisation

Criminalisation manifests both formally and informally, with the focus often placed only on formal forms which are perceived as more relevant. However, informal forms of criminalisation can have equally damaging consequences. In particular when recurring on a regular basis they can manifest an immense pressure on HRDs with severe effect, on a practical, operational, financial, psychological or other levels.

Formal criminalisation involves legal harassment through judicial accusations, court trials, administrative procedures, criminal charges and formal investigations.²⁴ These instances are often widely publicised.²⁵ However, it is crucial to recognise that media coverage can sometimes be misleading and unfairly impact people on the move, organisations working in the field, as well as potential volunteers and employees. Accusations are frequently disguised under charges of '*facilitating illegal border crossings*' or '*facilitating illegal or undocumented stay*', often coupled with allegations of '*migrant smuggling*'.²⁶

Informal criminalisation is the more common form experienced by individuals and organisations providing support to people on the move. It manifests through acts of repression, threats, surveillance, intimidation, interrogation, and even disruption or destruction of services dedicated to assisting those in need.²⁷ Examples of informal criminalisation, experienced by both people on the move and HRDs, can indicatively be:

[23] Border Violence Monitoring Network. 2022. Accused of Solidarity: A Report on Incidents of Criminalisation Targeting BVMN Member Organisations and their Team Members in 2021. Available [Online](#)

[24] Border Violence Monitoring Network. 2020. Shrinking Spaces: Report on Criminalisation of Solidarity in the Western Balkans. Available [Online](#)

[25] Border Violence Monitoring Network. 2022. Accused of Solidarity. Available [Online](#)

[26] Border Violence Monitoring Network. 2020. Shrinking Spaces: Report on Criminalisation of Solidarity in the Western Balkans. Available [Online](#)

[27] Ibid.

- a. **Scrutiny** by governmental actors, such as police forces. As part of that, authorities subject them to excessive administrative controls, audits, and online surveillance, which can create an atmosphere of harassment and hinder the operations of CSOs.
- b. Visa **procurement obstacles**: many organisations aiding people on the move in regions along the 'Balkan Route' and Europe's borders rely on international volunteers and employees.²⁸ Denying or withdrawing visas for these individuals makes it difficult for organisations to sustain their services, making them more susceptible to criminalisation.
- c. Increasing use of **inflammatory language**: often observed in discourse on migration issues by European authorities, and politicians, as a result of narratives of securitisation.²⁹ This has led to xenophobic and racist comments and threats against organisations operating in several countries. In some cases, harassment and defamation campaigns have forced CSOs to cease their activities entirely. Such campaigns not only undermine the credibility of CSO volunteers, depicting them as 'smugglers' or 'enablers of illegal migration', but also decrease public support and hinder access to funding. In certain instances, formal criminalisation is coupled with targeted smear campaigns orchestrated by the media.³⁰
- d. **Threats, violence, and harassment** – both verbal and physical: used as a means to restrict specific activities or social groups. These acts are perpetrated by various actors, including private entities and state authorities. Verbal violence includes yelling, insults, aggressive questioning, sexual harassment, and threats of imprisonment or expulsion, not only directed at team members but also at indirect supporters, such as local community members providing housing. Online platforms are sometimes exploited to spread hate speech, violent content, and threatening messages against organisations. While physical violence against CSOs is less common and usually targeted at people on the move, it can still impede their humanitarian efforts and reduce their visibility as well as outreach.³¹ These attacks often stem from negative narratives surrounding people on the move, perpetuated by governments, far-right groups, xenophobic and racist organisations, politicians, and individuals. The narratives often rely on biased portrayals in media discourses and smear campaigns, as previously mentioned, hereby justifying harmful actions against people on the move, organisations, and their members.

[28] Ibid.

[29] Vallies, V. 2021. Europe: Open Season on Solidarity: A study on the patterns of criminalisation of solidarity through the voices of migrants' rights defenders. The Observatory for the Protection of Human Right Defenders (OBS). Available [Online](#)

[30] Border Violence Monitoring Network. 2022. Accused of Solidarity Available [Online](#)

[31] Ibid.

5.3. Consequences

The consequences of criminalisation for HRDs and people on the move are immense. BVMN Members have reported facing growing criminalisation during the last years with a deteriorating situation in 2023, hindering their efforts to assist people on the move in accessing necessities and asserting their rights. Many CSOs are forced to change location or quit crucial support work altogether. Others have to spend considerable resources combatting criminalisation and smear campaigns. BVMN has documented instances of direct targeting, with six individuals affected in 2023, mostly by police authorities. The methods of criminalization include administrative measures, intimidation, and false accusations, causing one member organisation to suspend operations in the targeted location for a week. Such actions force many civil society organisations to change location or cease vital support work, diverting resources to combat criminalisation and defamation campaigns. As a result, some BVMN member organisations have chosen to remain anonymous to protect their support projects, and avoid being targeted due to their advocacy work. This fear is more than justified: eight of twelve of BVMN's member organisations have been targeted by criminalisation, either in formal or informal ways.³²

6. CRIMINALISATION OF PEOPLE ON THE MOVE

In recent years, securitisation discourses have shifted the framing of migration as an issue of criminality and the fight against transnational organised crime. This has, in turn, led to an increasing overlap between criminal law and migration management in the European Union (EU) which is reflected by the increase in legislation governing the movement of people. Nothing reflects this phenomenon more clearly than the cases of strategic litigation brought against people on the move (POM), and the lengthy prison sentences that accompany them.³³

Indicatively, the EU criminal law framework can be mentioned, which dates back from over twenty years ago (2002), known as the EU 'facilitators' package'³⁴ which encouraged states to provide "sanctions" in cases of facilitation. This framework has been heavily criticised for exposing both people on the move and human rights

[32] Border Violence Monitoring Network. 2024. Input by Civil Society Organisations to the EUAA Asylum Report 2024 – by Border Violence Monitoring Network. Available [Online](#)

[33] Border Violence Monitoring Network. 2022. Policy Brief: Criminalization of POM. Available [Online](#); Winkler, J., & Mayr, L. Borderline-Europe. 2023. A Legal Vacuum: The Systematic Criminalisation of Migrants for Driving a Boat or Car to Greece. Available [Online](#)

[34] Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence. Available [Online](#)

defenders supporting them to serious risk of criminalisation by Member States. As stated above, the Commission, by the time of writing, introduced a new legislative proposal that aims to modernise the current framework by establishing minimum standards for European Union Member States (EU MSs) regarding facilitation. The Proposal by defining facilitation as a criminal offence, defeats its purpose and provides EU MSs with the legal tools to further criminalise people on the move, CSOs, journalists, and other actors supporting them.³⁵ However, it is observed that the proposed criminal law instrument and the offences described therein, leaves also room for Governments to implement hostile migration policies, which criminalise migration itself rather than protecting the ones who seek safety. The above legislative provisions are usually accompanied by an increasing focus in politics and media on the prevention of smuggling. Accordingly, as analysed above (Chapter 5.1.) the process of criminalisation of people on the move can be categorised along the four stages of the migration experience.³⁶ As part of that, criminalisation can occur in formal forms, e.g. through official court proceedings, or informal forms, e.g. through discourses (inflammatory language in the media, defamation campaigns), threats, violence, or harassment.

6.1. Criminalisation of people on the move during entry: Pushbacks

Within the understanding of criminalisation of migration in the form of removal from a territory, pushbacks can be understood as the practical result of the criminalisation of migration. Indicatively, in 2022, BVMN member organisations collected testimonies of 322 pushbacks affecting 6,174 people on the move.

- Through the testimonies collected, certain trends could be identified. For instance, in Greece, pushbacks were conducted from deep inside the mainland.³⁷ People on the move were criminalised, apprehended, searched beaten and detained, before being pushed back as indicated by testimonies collected by BVMN³⁸
- Another trend observed was that people on the move were pushed back from islets in the Evros river. Many incidents occurred even though the European Court of Human Rights (ECTHR) ordered a group stranded to be saved by indicating

[35] Mitsilegas, V. (2024). Reforming EU Criminal Law on the Facilitation of Unauthorised Entry: The new Commission proposal in the light of the Kinshasa litigation. *New Journal of European Criminal Law*, 15(1), 3-11. Available [Online](#)

[36] Mitsilegas, V. 2015. *The Criminalisation of Migration in Europe: Challenges for Human Rights and the Rule of Law*. Springer.

[37] Border Violence Monitoring Network. 2022. *Illegal Pushbacks and Border Monitoring Violence Reports: March 2022: Balkan Region*. Available [Online](#)

[38] Border Violence Monitoring Network. 2022. I asked him in which police station I am and he told me "in hell". Available [Online](#)

interim measures.³⁹ This measure points further to the illegality of the pushback and the high degree of criminalisation of people on the move, stranded on those islets, faced by the Greek government.

- An additional example of criminalisation of people on the move through removal are sea-drift backs. BVMN supported a platform by Forensic Architecture⁴⁰ mapping out sea-drift backs in the Aegean Sea, including 34 incidents that occurred in 2022.⁴¹

6.2. Criminalisation through criminal law

Migration management through criminal law can be defined as formal criminalisation of people on the move. Charges against people on the move often refer to 'illegal stay' in the country when, in a number of Member States, access to asylum is restricted and there are limited, if any, options to legitimise a person's stay.⁴² Charges for the 'facilitation' or 'support of illegal entry' are frequently brought against people on the move for driving boats in the Aegean and Mediterranean, often under coercion or to avoid shipwrecks and loss of life, and are accompanied with lengthy prison sentences.

Greece

BVMN member organisations report that, on the Greek islands, for every new boat that arrives, at least one person on the move is apprehended on the allegations of being a boat driver. The decision on the person is usually made arbitrarily, for instance if they appear to be sitting close to the engine of the boat upon arrival. Following their apprehension, contrary to the European Convention on Human Rights, they are apprehended and transferred into pretrial detention where they are kept for long periods of time. Detention under Article 5 (1) ECHR is unlawful and arbitrary where it lacks a clear and accessible legal basis, clearly setting forth the

[39] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: May 2022: Balkan Region. Available [Online](#)

[40] Forensic Architecture is a research research agency, investigating human rights violations in collaboration with different civil society actors. For more information, see [Online](#)

[41] Forensic Architecture. N.d. Drift-Backs in the Aegan Sea. Available [Online](#); Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#)

[42] Spaggiari, O.. 2022. How European courts are wrongfully prosecuting asylum seekers as smugglers: 'These people are victims of the system.' The New Humanitarian. Available [Online](#); Border Violence Monitoring Network. 2022. Policy Brief: Criminalization of POM. Available [Online](#); and Bellezza, S. & Calandrino, T. 2017. Criminalization of Flight and Escape Aid. Borderline-Europe. Available [Online](#); for prominent examples of people on the move facing such charges, see e.g I Have Rights. n.d.. Free the Samos 2! The real crime is the border regime – Justice for N. & Hasan. Available [Online](#) and Free El Hiblu 3. n.d.. The El Hiblu 3. Available [Online](#)

[43] Council of Europe: European Court of Human Rights, Article 5 of the European Convention on Human Rights.

permissible grounds of detention as well as the relevant procedural guarantees and remedies available, including judicial review and access to legal advice and assistance. Accessible and effective judicial review in accordance with Article 5 (4) ECHR constitutes a safeguard against arbitrary detention and access to legal aid and advice should be taken into consideration in this regard. The prohibition of arbitrary detention is closely linked to the broader right of liberty. For a deprivation of liberty to be considered lawful, it must adhere to legal standards of domestic and international law, be non-discriminatory, and free from arbitrariness. It is widely acknowledged in international declarations and legal decisions that prolonged incommunicado detention constitutes ill-treatment.⁴⁴

Testimonies collected by BVMN highlight a systematic violation of the right to liberty and security for people on the move. According to BVMN latest data, in Greece, for irregularly arriving or staying third country nationals who wish to register an asylum claim, a mandatory period of de facto detention up to 25 days is now implemented across the islands and the mainland, with people experiencing longer periods of detention on the islands in times of high arrivals. In addition, despite EU law clearly dictating that detention should only be used as a measure of last resort, in 2021 the Greek government implemented a law that overturned this principle, leading to the systematic detention of third country nationals subject to removal. Finally, the excessive use of detention measures for asylum applicants on public order grounds has contributed to the 697% rise in asylum detention orders between 2021 and 2022.⁴⁵

In Greece, following a shipwreck in November 2020, off the shore of the Greek island of Samos, two of the surviving people on the move were facing questionable charges (case publicly known as 'Samos 3'); One of them was charged with a life sentence *"for the death of one person plus a further 10 years imprisonment per transported person, amounting to 230 years plus life imprisonment."*⁴⁶ The other one was *"charged with 'endangering the life of his child', facing up to ten years imprisonment"*.⁴⁷ In May 2022, after a couple of hours of delay, the trial of the two was held on the island of Samos. Delaying court trials is observed to be a common practice against people on the move. On a positive note, however, one of the defendant's charges were acquitted while the other one was sentenced to one year and five months of probation.⁴⁸ The judgement stands in contrast with another judgement ruled earlier in May 2022, in which in the case known as the 'Paros 3', in

[44] Border Violence Monitoring Network. 2023. K.A. and others v. Greece and Türkiye and B.A. and others v. Greece and Türkiye. Applications nos. 35090/22 and 38444/22. Available [Online](#)

[45] Border Violence Monitoring Network. 2024. Violence within State Borders: Greece. Available [Online](#)

[46] I Have Rights. n.d.. Free the Samos 2! The real crime is the border regime: Justice for N. & Hasan. Available [Online](#)

[47] Ibid.

[48] I Have Rights. n.d.. Criminalisation of Asylum Seekers: The #Samos2 trial. Available [Online](#)

which three people on the move were sentenced collectively for 439 years of prison for facilitation of illegal entry. These harsh sentences were passed despite the fact that the judges found that they were neither the smugglers, nor did they acted for profit or were responsible for the death of those impacted by the shipwreck.⁴⁹

In June 2022, the European Court of Human Rights ruled in its judgement in the case *Safi and Others v. Greece*, that Greece violated the European Convention of Human Rights during a shipwreck. Survivors of the shipwreck claimed that the Hellenic Coast Guard was responsible for the sinking of the boat in 2014, as they tied it to one of their vessels and towed it at high speed towards Turkey. This is reportedly a common practice during pushbacks.⁵⁰ However, a Syrian person on the move that was on the boat was initially found guilty by the Greek courts for the shipwreck and the drowning of twelve Afghans. He was accused of driving the vessel and was sentenced to 145 years and 3 months in prison and a fine of 570,000 euros. Following, in 2017 a Court of Appeal ruled that no person on the vessel could have prevented the fatal shipwreck, commuted the individuals' sentence to ten years and he was set to be released.⁵¹ In its ruling the ECtHR found that there had been serious flaws throughout the national proceedings, that crucial evidence had not been considered, and that the national prosecutor had failed in their duty to thoroughly investigate all aspects of the incident, leading to a violation of the procedural protections under Article 2 of the ECHR.⁵²

A report following 81 trials across Greece up until March 2023 found that for the cases where the duration of pre-trial detention could be ascertained (34), its average length was 8 months.⁵³ Besides, Borderline-europe assessed that the trials held against people on the move in Greece that are linked to anti-smuggling charges or legislation are oftentimes very short and lack basic elements of fair trials.⁵⁴

Similar cases of criminalisation of people on the move can also be observed on the Greek mainland. In September 2022, an Iranian asylum seeker was sentenced to 18

[49] CPT Aegean Migrant Solidarity. 2022. #Paros3 were sentenced to a total of 439 years for steering the boat. Available [Online](#), Border Violence Monitoring Network. 2022. *Illegal Pushbacks and Border Violence Reports: April 2022: Balkan Region*. Available [Online](#)

[50] Legal Centre Lesbos. 2020. *Collective Expulsions Documented in the Aegean Sea: March - June 2020*. Available [Online](#)

[51] Border Violence Monitoring Network. 2022. *Illegal Pushbacks and Border Violence Reports: June 2022: Balkan Region*. Available [Online](#)

[52] Border Violence Monitoring Network. 2023. *Rule of Law Report: Greece*. Available [Online](#); 2022. *ECtHR Safi and others v. Greece: Court found violations of Article 2 and Article 3 ECHR in relation to the sinking of a migrant boat*. Available [Online](#)

[53] Border Violence Monitoring Network. 2023. *Rule of Law Report: Greece*. Available [Online](#)

[54] Winkler, J. & Mayr, L. 2023. *A Legal Vacuum: The Systematic Criminalisation of Migrants for Driving a Boat or Car to Greece*. Borderline-europe. p. 26. Available [Online](#)

imprisonment in Thessaloniki on smuggling charges. The ruling was based on his arrest in mainland Greece, while found to be (forcibly) driving a vehicle with 7 other passengers inside, after spending 4 days in Greece in a forest in the Evros region, without food or water. He was arrested on the 25th of August 2021 in Thessaloniki on smuggling related charges. Homayoun Sabetara flew from Iran to Istanbul and then reached Greece with the aim to finally end his journey in Germany to reunite with his children.⁵⁵

Last, recent events, such as the Pylos Shipwreck in Greece in June 2023, exemplify the dire consequences of such criminalisation practices. Despite the allegations of direct involvement and responsibility of the Hellenic Coast Guard, nine survivors were arrested on the grounds of participating in a criminal organisation, manslaughter and causing a shipwreck. Concerns have been raised that these charges were attributed to them simply for being people on the move trying to reach safety, and are based on insubstantial evidence.⁵⁶

Turkey

Similar incidents are seen in Turkey, where in the case of a Syrian national who complained about the physical and verbal abuse of her sister in school to the police, the school accused her of such abuse, despite the existence of contradicting evidence. As a result, she was found guilty and put in custody. Despite her release, her protection status was revoked and in December 2022 she was informed of a deportation order against her to Northern Syria.⁵⁷

6.3. Criminalisation of people on the move during stay

6.3.1. Criminalisation within discourses and its consequences on people on the move

Greece

In 2022, criminalisation of migration through public discourses, targeting people on the move, could be observed in Greece. Building on years of public narratives

[55] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: September 2022: Balkan Region. Available [Online](#) for further examples of the cases of people on the move being criminalised in Greece, as well as an in depth overview about relevant national and international legislation, see: BVMN (2022) Policy Briefing: Criminalization of POM. Available [Online](#) For more information concerning the #FreeHomayounCampaign see [Online](#)

[56] Border Violence Monitoring Network. 2023. Illegal Pushbacks and Border Violence Reports June 2023. Available [Online](#); Lighthouse Reports. 2023. Drowning in Lies. June 2023. Available [Online](#); Omniatv. 2024. Ποιος φοβάται τη διερεύνηση των πραγματικών δεδομένων για την Πύλο; January 2024. Available [Online](#)

[57] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: December 2022: Balkan Region. Available [Online](#)

depicting people on the move as criminal actors, in May 2022, Civil Protection Minister Takis Theodorikakos stated: *"We won't allow anyone to enter Greece illegally either from Evros or through the islands. Let everyone realise this"*.⁵⁸ These narratives were reinforced by the Greek government in August 2022, when announcing an extension of the fence at the Greek-Turkish border and an increase in border guards. In this context, Theodorikakos announced an increase of the Greek border apparatus *"against those who weaponise migration in an attempt to blackmail Europe"*,⁵⁹ adding: *"[o]ur message is that no one crosses Evros illegally."*⁶⁰ The increasing use of public statements by politicians portraying migration as an illegal act, contributes to the criminalisation of people on the move.

Serbia

The effect narratives in public discourses can have on the criminalisation of people on the move can be seen in the aftermath of a shooting happening in July 2022 in Serbia which involved different groups of people on the move.⁶¹ After the incident, media and politicians connected it with the need for higher militarisation and securitisation in the area. This was followed by an increase in police presence and apprehension of people on the move in Subotica city centre.⁶² A similar incident occurred on a larger scale in November 2022 at the Serbian border with Hungary, leading to an increase in police operations, and resulting in searches of people on the move and apprehensions.⁶³ BVMN member organisations observed the trend of people on the move being arrested in the aftermath of the shootings and often taken to camps that are hundreds of kilometres away. Often, they were taken to Preševo, which is on the opposite side of the country, at the border with North Macedonia. Subsequently, the people affected are forced to pay hundreds of euros to return to the north where they find, most often, that their belongings, including blankets and sleeping bags, were destroyed or removed. In addition, since the incidents, the number of evictions have increased, often including elements of severe violence and destruction of belongings and shelter. Thus, people on the move are exposed to increasingly vulnerable situations which force them further away from sight and support networks and organisations.

[58] Reuters. 2022. Greece says it won't allow illegal entry of migrants by land or sea. Available [Online](#)

[59] In this context it is important to mention that public statements given in the Greek and Turkish context are often embedded in political tensions between the two countries, oftentimes leading to the instrumentalisation of people on the move. For more details see: Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: October 2022: Balkan Region. Available [Online](#)

[60] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: August 2022: Balkan Region. Available [Online](#)

[61] Radio Free Europe: Radio Liberty. 2022. Shoot-Out Among Migrants Leaves One Dead, Six Hurt In Serbia, Near Hungarian Border. Available [Online](#)

[62] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: June 2022: Balkan Region. Available [Online](#)

[63] InfoMigrants. 2022. Serbia: Man shot in border town clash between migrants and smugglers. Available [Online](#)

Underlying issues, leading to an increase of tensions, such as lack of access to asylum⁶⁴ and the overcrowded, inhumane conditions at the state centres forcing people to sleep outside were not tackled by the government. Instead, the actions taken in connection with the narratives used in public discourses, contribute to an increase of criminalisation of people on the move. In addition, the situation resulted in a lack of access to and safety in public spaces for people on the move more generally.⁶⁵ A report by Collective Aid, Medical Volunteers International (MVI) and Construct Solidarity details how after the shootings, people on the move were not being allowed by police or locals to enter into grocery stores, thus isolating them further and decreasing their ability to cover basic needs. Criminalisation through collective scaremongering narratives, has also been developed through town hall meetings and citizens' assemblies, where citizens seem to have demanded further policing and militarisation.⁶⁶

6.3.2. Verbal harassment and physical violence by non-state actors

Criminalisation of migration in public and political discourses does not only result in different acts of criminalisation through governmental actors, but also contributes to criminalisation by non-state actors, such as anti-migrant and right-wing groups. Their mobilisation against people on the move, picking up on narratives of these public discourses to mobilise against people on the move.

Bosnia and Herzegovina

In Bosnia and Herzegovina, BVMN member organisations observed a continuous destruction of premises people on the move stayed in, presumably by non-governmental actors. The observed incidents also included theft of personal belongings. As described in an internal violence report for BiH: *“As soon as people on the move leave the squat, stoves and batteries to charge phones are stolen, blankets and mattresses are burned, and the buildings themselves are destroyed in various ways: doors and window frames are torn out, window panes are smashed.”*⁶⁷ For instance, in December 2022, BVMN reported on an incident of two arson attacks in two squats presumably committed by local non-governmental actors. In one incident, people on the move were still inside the squat where it was

[64] Panara, M. 2022. Serbia: On the Hungarian border, smugglers 'control everything'. InfoMigrants. Available [Online](#)

[65] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: June 2022: Balkan Region. Available [Online](#)

[66] Collective Aid; Medical Volunteers International; & Construct Solidarity. 2023. Northern Serbia Advocacy Report: Observations and Trends in Pushbacks, Border Violence, and Conditions in Northern Serbia. Available [Online](#)

[67] Border Violence Monitoring Network. 2023. Violence Within the State Border: Bosnia-Herzegovina, p. 4. Available [Online](#)

set on fire.⁶⁸ The negative effects of such acts are reinforced by the fact that local authorities refuse to address such criminal acts. At the same time, said authorities are observed to play an active role as perpetrators, too.⁶⁹

Serbia

In Serbia, non-governmental actors, criminalising people on the move, such as right-wing groups, have grown in size and geographical scope over the last years. Through their spread of verbal and online harassment against people on the move they contribute to an increasingly hostile climate within the country. At the same time, BVMN member organisations observed them entering squats in an organised manner, destroying phones and other personal belongings. For instance, in March 2022 the far-right anti-migrant group *Narodne Patrole* (People's Patrol) searched for, chased, and verbally harassed people on the move residing in squats in Subotica.⁷⁰ Afterwards, they handed over the belongings left to the police. During the instance, police were present.⁷¹ Another example of such incidents was observed in Belgrade. In August 2022, next to a WASH centre run by BVMN member organisation Collective Aid, a neighbour was verbally aggressive and pushed multiple people on the move. In this instance, the police were present at the scene as well. However, instead of supporting the victims of violence, they themselves chased other people on the move and screamed at them.⁷²

6.4. Criminalisation towards removal

6.4.1. Evictions and removal from territory

Within the category of criminalisation of people on the move '*towards removal*', instances of evictions and '*broom operations*', are salient examples. Both can lead to apprehensions, detention and subsequent pushbacks. In 2022, such tactics were observed in several countries where BVMN member organisations are based.

[68] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: December 2022: Balkan Region. Available [Online](#)

[69] Border Violence Monitoring Network. 2023. Violence Within the State Border: Bosnia-Herzegovina. Available [Online](#)

[70] Danas. 2022. Subotica: Policija sprečila sukob između Narodnih patrola i grupe migranata. Available [Online](#)

[71] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: March 2022: Balkan Region. Available [Online](#) Border Violence Monitoring Network. 2022. Violence Within the State Border: Serbia. Available [Online](#)

[72] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: August 2022: Balkan Region. Available [Online](#)

Trends concerning evictions or '*police sweeps*' and '*broom operations*' analysed as follows can be considered as criminalisation of people on the move within the category '*towards removal*'. This is due to the fact that throughout all the examples peoples' stay in certain locations is criminalised through arbitrary policing and evictions, sometimes despite valid residence permits. At the same time, through the following removal from territory, people's on the move stay in the country is criminalised, as they are by the action defined as not staying legally on the territory.

Serbia

In Serbia, evictions reported by BVMN member organisations usually follow similar patterns. In most cases, evictions are part of a bigger police operation ineffectively aiming to tackle smuggling networks or responding to violent shootings between people belonging to those networks.⁷³ Evictions in Serbia mainly target people on the move staying in abandoned houses or sleeping rough.⁷⁴ This indiscriminately includes particularly vulnerable groups, such as women and children.⁷⁵ People are forcefully removed, with instances of verbal harassment, intimidations and physical violence.⁷⁶ In addition, it was reported that the police confiscated the personal belongings from the people evicted, such as mobile phones.⁷⁷ During or after the eviction, oftentimes the squats people on the move stay in are destroyed, including all non-concrete structures.⁷⁸ While not the main perpetrators, groups identified as far-right civilians often contribute to the destruction.⁷⁹ In most of the occasions reported, people are brought to far away locations and camps at the country's southern border.⁸⁰ This often results in people being relocated to Preševo camp, a

[73] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: January 2022: Balkan Region. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: November 2022: Balkan Region. Available [Online](#)

[74] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: January 2022: Balkan Region. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#)

[75] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: January 2022: Balkan Region. Available [Online](#)

[76] Border Violence Monitoring Network. 2022. Violence Within the State Border: Serbia. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: August 2022: Balkan Region. Available [Online](#)

[77] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: September 2022: Balkan Region. Available [Online](#)

[78] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#)

[79] Ibid.

[80] Border Violence Monitoring Network. 2022. Violence Within the State Border: Serbia. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: August 2022: Balkan Region. Available [Online](#)

closed facility in which people on the move experience restrictions on their freedom of movement.⁸¹ In one instance, it was reported that people evicted were held in detention, with limited access to communication devices or legal representation.⁸² BVMN member organisations observe that people usually return to the place they were evicted from. This is also due to the fact that there is a lack of housing options for people on the move in the country.⁸³ The events reported from Serbia in 2022 are embedded in an overall period of expansive police evictions of people on the move in squats in the region that was observed at different points of time in 2022.⁸⁴ Overall, the number of evictions reported upon from Serbia, as well as their regular repetition, following the same patterns of physical violence and destruction of personal belongings, points towards a systematic practice.

Bosnia and Herzegovina

Similar police operations were observed in BiH in 2022. In one incident which took place in June, police forces, using buses with the International Organisation for Migration (IOM) logo, violently evicted people on the move from a squat in Velika Kladuša in order to take them to the state-run structure of Lipa camp, destroying personal belongings in the process.⁸⁵ In November 2022, BVMN member organisations reported a similar incident in the Una Sana Canton whereby the police evicted people on the move from an informal squat and destroyed their personal belongings.⁸⁶ The incidents in BiH can be identified as part of a larger structure of the criminalisation of movement whereby individuals are forced into state-run camps. Not only does this mean they are under stricter surveillance measures, but it also cuts them off from solidarity and support structures that do not have access to these facilities.⁸⁷

[81] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: February 2022: Balkan Region. Available [Online](#)

[82] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: October 2022: Balkan Region. Available [Online](#)

[83] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: January 2022: Balkan Region. Available [Online](#)

[84] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: March 2022: Balkan Region. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: November 2022: Balkan Region. Available [Online](#)

[85] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: June 2022: Balkan Region. Available [Online](#)

[86] Border Violence Monitoring Network. 2023. Violence Within the State Border: Bosnia-Herzegovina. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: November 2022: Balkan Region. Available [Online](#)

[87] Border Violence Monitoring Network. 2023. Violence Within the State Border: Bosnia-Herzegovina. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: November 2022: Balkan Region. Available [Online](#)

Greece

In Greece governmental actors use the practice of ‘police sweeps’ or ‘broom operations’ to identify people on the move in urban centres. Those operations are oftentimes followed by interventions aiming to remove people from territory. In March 2022, the police in Athens began a large-scale operation whereby individuals were racially profiled for documentation checks on the streets of the city. Those unable to present their papers were then brought to Pre-Removal Detention Centres (PRDCs), where procedures for their return were initiated.⁸⁸ The same practice has been deployed in Thessaloniki since the start of 2021.⁸⁹ The number of arrests for lack of documentation are published in daily police press releases and have been reported on by official Greek news outlets.⁹⁰ In 2022, BVMN observed that these operations often result in the arrest of people on the move and subsequently their lengthy detention and, oftentimes, pushback.⁹¹ All this, in a context where the shortcomings of the Greek asylum system⁹² left people unable to register themselves as asylum seekers.⁹³ Broom operations were the cause of the penalisation of people on the move for not being able to register their asylum claims. Additionally, these operations were often carried out close to the locations of distribution sites and support structures for people on the move, thus complicating the situation and limiting their access to basic needs provision services.⁹⁴ BVMN identified the systematic nature of the practice of broom operations.⁹⁵

Turkey

In Turkey, similar police operations are deployed in urban centres like Istanbul so as to identify people on the move and place them in Removal Centres (GGM) and later

[88] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: March 2022: Balkan Region. Available [Online](#)

[89] Border Violence Monitoring Network. 2023. Persistence of Greek Police Targeting People on the Move in Thessaloniki. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#); BVMN. 2022. Illegal Pushbacks and Border Violence Reports: November 2022: Balkan Region. Available [Online](#)

[90] Alter thess. 2022. Ρατσιστικές επιχειρήσεις «σκούπα» στη δυτική Θεσσαλονίκη. Available [Online](#)

[91] Border Violence Monitoring Network. 2022. Press Release. Greek police launched operations targeting people-on-the-move in Thessaloniki. Available [Online](#)

[92] Mobile Info Team. 2022. Blocked from the System: Voices of People Excluded from the Asylum Procedure on Mainland Greece, Crete and Rhodes. Available [Online](#)

[93] Border Violence Monitoring Network. 2022. Press release. Greek police launched operations targeting people-on-the-move in Thessaloniki. Available [Online](#); Border Violence Monitoring Network. 2023. Illegal Pushbacks and Border Violence Reports: February 2023: Balkan Region. Available [Online](#)

[94] Border Violence Monitoring Network. 2023. Persistence of Greek Police Targeting People on the Move in Thessaloniki. Available [Online](#)

[95] For a list of testimonies reporting on the link between police operations and pushbacks, as well as newspapers and press releases reporting on the situation in Thessaloniki, see: Border Violence Monitoring Network. 2023. Persistence of Greek Police Targeting People on the Move in Thessaloniki. Available [Online](#)

them to returns. Operations are targeted in areas where people on the move are known to live and congregate and have resulted in the return of individuals, even with valid residence permits, to countries that cannot be deemed safe like Syria and Afghanistan.⁹⁶ Concentrating police efforts in specific localities and arbitrarily checking the documents of individuals with a view to removing them from the country constitutes a criminalisation practice that can result in severe human rights violations in relation with the right to liberty, freedom from torture, inhuman and degrading treatment and punishment, and right to non-refoulement.⁹⁷

6.4.2. Detention and conditions of accommodation

While people on the move are specifically limited in their access to services, support structures and in their liberty during detention, their placement there is also further contributing to dynamics of criminalisation of migration and people on the move themselves. In a report referring to data collected in 2022, BVMN reports on the extensive and systematic use of violence in pre-removal detention centres, that may constitute torture or inhuman and degrading treatment, as defined by the Convention Against Torture (CAT).⁹⁸

In a report from 2023, MIT reported on the proportionality and justification of holding third country nationals in centres, and the conditions uncovered in their report point towards a breach of Greek, European and international law.⁹⁹

Thinking of the definition of criminalisation of people on the move in the category '*towards removal*' further than detention, accommodation in remote places which are highly restrictive towards the people living there while not providing an adequate standard of living constitutes a form of criminalisation of people on the move. In June 2022, BVMN member organisations reported on the lack of running water in Lipa camp, Bihać, BiH during a heat wave.¹⁰⁰

[96] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: January 2022: Balkan Region. Available [Online](#); Human Rights Watch. 2022. "No One Asked Me Why I Left Afghanistan": Pushbacks and Deportations of Afghans from Turkey. Available [Online](#); Arpacık, C. 2023. Polis İstanbul'da Afgan göçmenleri yakalamak için konsolosluktan çıkanları kontrol etti; yetkililer tepki gösterince uygulama sona erdi. Available [Online](#)

[97] Erol, B. 2023. İstanbul'un 10 ilçesinde düzensiz göçmen operasyonu. Available [Online](#)

[98] For further information, see: Border Violence Monitoring Network. 2023. Dark Rooms, Degrading Treatment and Denial: The Use of Violence in Greece's Pre-Removal Detention Centres. Available [Online](#)

[99] For further information, see: Mobile Info Team. 2023. "Prison for Papers": Last Resort Measures Used as Standard Procedure: Researching Pre-Removal Detention Centres on Mainland Greece. Available [Online](#)

[100] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: June 2022: Balkan Region. Available [Online](#)

Greece

In the Greek context, newly arrived people on the move are placed in 'Closed Controlled Access Centers' (CCAC). While being a different facility than the previously mentioned pre-removal detention facilities, those centres are criticised for being *"in remote locations, where residents are heavily surveilled by the authorities, isolated and out of sight of the broader society."*¹⁰¹ The political strategy to increasingly accommodate people on the move in such facilities, which is through its prison-like structures and increasing surveillance contributing to the criminalisation of people on the move, can be observed for instance in reports of BVMN from July 2022. Indicatively, Eleonas camp in Athens, which was in a central area and well connected with surrounding communities, was announced to be evicted and people residing there being relocated to CCACs or other more remote camps.¹⁰² The last remaining residents were evicted in November 2022.¹⁰³

In addition, BVMN reported on violence used against people on the move in the CCAC of Samos, in situations such as enforced quarantine where support structures were impossible to reach and lack of access to legal representatives as newly arrived people on the move in the CCAC are in the first weeks neither allowed to leave the camp nor to access WiFi.¹⁰⁴

Since 2022, BVMN reports lack of access to medical care and support of unaccompanied minors with an appropriate amount of clothing in the Samos CCAC.¹⁰⁵ According to the latest BVMN Data, 45% of testimonies from people held in the Samos CCAC reported the denial of healthcare, shortage of medical staff, long waits to be examined and receive treatment, or not being given adequate attention by state medical actors. These testimonies are further evidence of the lack of medical care in the Samos CCAC which has been widely reported by civil society organisations. BVMN recorded a lack of psychological support within the CCAC, with many residents reporting the impact on their mental health and the risk of retraumatization.¹⁰⁶

[101] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#)

[102] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: July 2022: Balkan Region. Available [Online](#) for further developments see also BVMN. 2022. Illegal Pushbacks and Border Violence Reports: August 2022: Balkan Region. Available [Online](#)

[103] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: December 2022: Balkan Region. Available [Online](#); Tolis, D. 2022. Around 40 asylum seekers and refugees had to leave #Eleonas [picture attached]. X. Available [Online](#)

[104] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: November 2022: Balkan Region. Available [Online](#)

[105] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: December 2022: Balkan Region. Available [Online](#)

[106] Border Violence Monitoring Network. 2024. Violence Within State Borders: Greece. Available [Online](#)

Turkey

In Turkey, before their dissolution, BVMN former member organisation Josoor, together with BVMN working groups tried to support the case of an Afghan minor. The person has been registered in the Turkish system since August 2022 and has been held in three different Removal Centres since October 2022, extending the maximum allowed stay of six months in Turkish detention centres. Together with the support of volunteers from BVMN, a Rule 39 application (Interim Measures) was filed at the ECtHR.

7. CRIMINALISATION OF SOLIDARITY

The following section delves into criminalisation of solidarity within the context of migration and the criminalisation of individuals and organisations engaged in supporting people on the move. This examination draws from the experiences and insights of BVMN's Member organisations and individuals directly involved in the field across BiH, Croatia, Greece, Serbia, Slovenia, Bulgaria and Turkey. Solidarity constitutes a fundamental pillar of humanitarian work, thus playing a crucial role in providing essential assistance and upholding the rights of those facing the challenges of migration while at the same time highlighting the violations conducted by the authorities. However, the very act of expressing solidarity has increasingly come under threat, with various forms of criminalisation targeting both individuals and organisations committed to supporting people on the move.

The key challenges identified by BVMN's partner organisations, manifest both through formal and informal means and include, but are not limited to: an increasing imposition of administrative barriers, restrictive legislative changes often accompanied by government-led smear campaigns; launching of criminal investigations and judicial proceedings against human rights defenders; acts of vandalism and theft; unwarranted surveillance; scrutiny and bureaucratic hurdles by the authorities and more general tactics of threats and harassment.

As a result, the pressure laid upon organisations and individuals engaged in humanitarian action is growing, and the space for operation of humanitarian work is shrinking. These amount to both practical and psychological consequences, related with administrative struggles, financial difficulties and a constant, underlying fear of being targeted. It should be noted that two Greece-based member organisations are unable to do public advocacy work on topics such as violence and pushbacks due to fear of criminalisation.

7.1. Formal Criminalisation

7.1.1. Legislation

Greece

In Greece, BVMN has observed increasing instances of HRDs depicted as ‘smugglers’ of migrants in the media and political discourse. As far as Criminal Law is concerned, Law 4908/2022¹⁰⁷ for the formation and participation in criminal organisations, has to be mentioned.¹⁰⁸ The law was enacted in March 2022, and when coupled with the anti-smuggling provisions of law 4251/2014 raises concerns regarding the legal protection of CSOs, since penal consequences in acts such as facilitation of illegal entry have been made much stricter. Specifically, in order to qualify as a criminal organisation, a group of people should be composed of two or more people who gather with the intention of committing a crime. Under the anti-smuggling legislation which characterises facilitation of illegal entry or transit as a felony offence, CSOs operating in assistance of people on the move can be qualified as criminal organisations. The amendment introduced by Law 4908/2022, allows for the mandatory imprisonment of anyone joining other people in committing a felony offence, for at least six months and up to three years, without allowing for the suspension of the sentence, according to particular circumstances of each case, while under the previous mandate, Article 187 would allow for the suspension of prison sentences in wait for the appeal.¹⁰⁹

Moreover, the recent amendment to the Greek Criminal Code introducing Law 4855/2021, regarding the spread of “fake news”¹¹⁰ can lead to further criminalisation of HRDs. This provision amended the Criminal Code in a way that spreading fake news that is “capable of causing concern or fear to the public or undermining public confidence in the national economy, the country's defence capacity or public health,” constitutes a criminal offence. If found guilty for spreading fake news, one could face a potential sentence of up to five years in prison upon conviction.

[107] Article 72 of Law 4908/2022 amends Article 187 of the Penal Code, extending the “type” of offences that may be defined as organised crime, and removing the possibility of suspension or conversion of sentences.

[108] Government of the Hellenic Republic. 2022. Law No. 4908, Measures to Combat Fan Violence, Strengthening the Institutional Framework for the Operation of Supporters’ Clubs, Sports Volunteering, Intellectual Sport, E-Sports, Professional Sport, Other Provisions for the Modernisation of Sports Legislation and Other Provisions. Available [Online](#)

[109] Ibid. Article 178

[110] Government of the Hellenic Republic. 2021. Law no. 4855, Amendments to the Criminal Code, the Code of Criminal Procedure and Other Urgent Provisions. Available [Online](#)

This law is very vague in its definition of “fake news,” meaning that journalists and Human Rights Defenders can face lawsuits and jail time for reporting on government policies if the government simply claims their reports are false.¹¹¹ This is particularly problematic, as in recent years governmental actors have accused CSOs reporting on pushbacks of spreading ‘fake news’. Journalists and Human Rights Defenders working with people on the move or exposing governmental deficiencies concerning Greek migration and border policies, have reported incidents of surveillance by the National Intelligence Service (EYP).¹¹²

A report compiled by ASGI documented the specific impact of restrictions on the operations of CSOs following implementation of law 4662/2020,¹¹³ requiring registration with the Ministry of Migration and Asylum of all CSOs wishing to operate in asylum, immigration and social inclusion fields.¹¹⁴ Interviews with civil society organisations conducted by ASGI indicated that the impact of reforms were twofold: on the one hand CSOs on the registry are obligated to adopt an apolitical stance and refrain from criticising the government, while on the other hand organisations not included in the registry face severe restrictions on their work and risk having their operations shut down by the authorities.

Slovenia

In January 2022, the former government of the Republic of Slovenia, led by Prime Minister Janez Janša, approved a new Action Plan on Countering Terrorism and Violent Extremism.¹¹⁵ Although the specifics of the plan were classified, it was reported by the Slovene weekly magazine *Mladina*¹¹⁶ that it aimed to establish mechanisms and measures to uncover and prevent criminal groups involved in illegal border crossings, human trafficking, and people smuggling. The plan specifically targeted entities that presented themselves as cross-border or international NGOs or their branches.

Mladina's report suggested that the wording of the Action Plan, with its emphasis on “cross-border” and “international” organisations, raised concerns that NGOs suspected of engaging in alleged “criminal activity” would be subjected to surveillance, potentially involving the Slovene Intelligence and Security Agency (SOVA)

[111] Border Violence Monitoring Network. 2023. In defence of defenders: a practical guide to legal means and advocacy tools for criminalised Human Rights Defenders in Europe. Available [Online](#)

[112] Efsyn. 2021. Citizens under surveillance by the EYP. Available [Online](#)

[113] Refugee Support Aegean. 2021. Registry of NGOs working with refugees and migrants in Greece under scrutiny. Available [Online](#)

[114] ASGI. 2022. Asylum in Greece: a Pre-Announced Blockade. Available [Online](#)

[115] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: September 2022: Balkan Region. Available [Online](#)

[116] Nevladne teroristične organizacije. Mladina. 2022. Available [Online](#)

in collaboration with the police and other authorities.¹¹⁷ However, the Ministry of Interior has stated that no surveillance of NGOs has been conducted during the Action Plan's implementation, nor have any instructions been issued to other state agencies regarding such surveillance.¹¹⁸ However, the alleged non- engagement of the authorities in such surveillance based on the Action Plan, does not prohibit the ability of the government to do so at any time.

The incorporation of NGOs into the Action Plan on the pretext of their alleged association with criminal entities is a concerning development that signals a worrisome shift towards heightened surveillance and control over organisations that openly oppose state violence against people on the move.

Bulgaria

In August 2023, several amendments were introduced to the Bulgarian Penal Code, following a request of the far- right party in the Parliament. The amendments aim to put in place more severe sanctions for trafficking in human beings, migrant smuggling and assisting illegal border crossings and illegal stay, thus imposing stiffer penalties for illegal trafficking across borders, with a minimum of three years in prison and a maximum of 10 years if minors are involved.

According to the amendments, activities connected with the provision of help to enter or stay in the country illegally, are criminalised even if the criterion of financial or material benefit for the perpetrator is not met. It has to be mentioned that the financial or material benefit criterion was provided in the previous version of the law. Furthermore, apart from facilitation of illegal entry, the new amendments also criminalise facilitation of illegal stay, therefore raising questions as to which activities will be considered illegal according to the newest version of the Penal Code. The 2023 amendments indicate the purpose of the State to align with the current tendency of States to adopt legislation further criminalising people on the move and those who provide their support to them.

Turkey

In June 2022 the Minister of Internal Affairs, Süleyman Soylyu, announced a new regulation restricting neighbourhoods to have a maximum ratio of foreigners residing there (20% as of July 2022). For districts beyond this number, no new address registrations would be issued to foreigners, which are a requirement to

[117] Ibid.

[118] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: September 2022: Balkan Region. Available [Online](#)

apply for international protection or residence permits. The new regulation also included 54 neighbourhoods in Istanbul.¹¹⁹

The introduction of this regulation impacted Josoor, one of BVMN former Member Organisations which was dissolved in 2022, insofar as it increased the challenges for new staff members coming from outside Turkey to register their addresses and therefore obtain a residence permit. It further contributed to increasing difficulties in ensuring the sustainability of the project by creating uncertainty for existing staff and barriers for any potential new staff from outside of the country.

Furthermore, in June 2022, additional administrative barriers were introduced by the Turkish government for receiving residence permits: It was announced that foreigners that arrived in Turkey after 10th February 2022 would not be able to receive residence permits for tourism purposes when applying for the first time.¹²⁰ Overall, the introduced legislative changes put increasing pressure on the people carrying out Josoor's work. This has made it increasingly challenging for the organisation to engage in human rights work for people on the move both on a daily basis as well as overall. These developments along with the formal proceedings against the Organisation elaborated upon below, led to its dissolution in 2022.¹²¹

Bosnia and Herzegovina

In September 2023, the Parliament of the Republika Srpska (one of the two entities in BiH) endorsed a draft Law on the Special Registry and Publicity of Non-Profit Organisations' Activities.¹²² As of the time of this report, the law has yet to be formally adopted by the legislative body. The draft law was adopted and submitted for public review and discussion. The proposed law primarily is said to achieve the 'transparency' and 'public visibility' of non-profit organisations, irrespective of their national or foreign origins.¹²³

However, this legislation would create the space for imposing a distinct and notably harsh regulatory framework specifically targeting non-profit organisations, which

[119] Ikamet. 2022. Turkey Closes 781 Neighborhoods to Foreigners, Addresses. Available [Online](#); Settle Turkey. 2022. Neighborhood Closures to Foreigners in Turkey. Available [Online](#)

[120] Can, S.& Poyraz, F. 2022. Bakan Soylu: 1200 mahalle yabancılara ikamete kapatılacak. Hürriyet. Available [Online](#)

[121] Josoor. 2022. Announcement on the Dissolution of Josoor. Available [Online](#)

[122] Draft Law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations and Reasoning for the Draft Law. Unofficial translation published by Venice Commission / Council of Europe on 24.03.2023. Available [Online](#).

[123] OSCE and Venice Commission. 2023. Joint Opinion on the Draft Law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organisations. Page 9. Available [Online](#).

are entirely or partially financed from abroad. Under the provisions of the draft law, NGOs would be required to register with a specialised registry as "agents of foreign influence"¹²⁴ and adhere to additional administrative and financial reporting obligations.¹²⁵ Additionally, they would be prohibited from engaging in political activities. Representatives of civil society in Republika Srpska criticised these laws for creating a hostile atmosphere against civic activists, accompanied by "increasingly frequent attacks on associations and activists"¹²⁶ and creating a "negative public image of the sector."¹²⁷

7.1.2. Judicial Procedures

Greece

During 2022 and 2023 individuals working for NGOs were charged with attempted human smuggling.¹²⁸ The example of Panagiotis Dimitras and Tommy Olsen who were charged with facilitation of illegal entry¹²⁹ is illustrative of how those who publicly denounce pushbacks and related human rights violations become the target of criminalisation which detract media and public scrutiny from the government's complicity in violations at the borders.¹³⁰ In addition to these legal threats, HRDs working with people on the move faced direct physical attacks during 2022, as documented by the Racist Violence Recording Network.¹³¹

In July 2022 the European Commission noted the narrowing space in Greece for groups working with people on the move.¹³² In Greece, a criminalisation case of relevance concerns charges brought against 24 humanitarian aid workers who assisted people on the move through search and rescue operations in the Aegean Sea. The defendants, including seven Greek and 17 foreign nationals, were arrested and detained by Greek authorities in August 2018, facing charges for smuggling, facilitation of illegal entry and for forming and participating in a criminal

[124] Draft Law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organisations. Article 2, para. 1.

[125] European Center for Not-for-Profit Law. 13.12.2023. A "Foreign Agent" Law targets CSOs in Bosnia and Herzegovina. Available [Online](#); UN Country Team (UNCT) in Bosnia & Herzegovina. 02.10.2023. Draft Republika Srpska law restricting the right to freedom of association cannot be justified. Available [Online](#).

[126] Civicus. 30.09.2023. Republika Srpska moves forward with "Foreign Agents Law" despite public outcry. Available [Online](#).

[127] Ibid.

[128] ICJ. 22/04/2022. Criminalization of humanitarian and other support and assistance to migrants and the defence of their human rights in the EU. Available [Online](#).

[129] Ekathimerini. 2022. Rights activist faces criminal charges. Available [Online](#).

[130] RSA. 2022. Witch Hunt Against Defenders of Human Rights. Available [Online](#).

[131] Racist Violence Recording Network. 2022. 2022 Annual Report. Available [Online](#).

[132] European Commission. 2022. 2022 Rule of Law Report: Country Chapter on the Rule of Law Situation in Greece. Available [Online](#).

organisation. Among those on trial were a prominent Syrian human rights worker, Sarah Mardini, and volunteer Sean Binder, both of whom spent more than three months in pre-trial detention after their arrest on charges that included espionage, forgery, and unlawful use of radio frequencies.¹³³ In January 2023, the Court of Appeal of Mytilene found procedural flaws in the relevant summons and dismissed the respective case on that basis. Following the Court's decision, a Supreme Court Deputy Prosecutor appealed it, in February 2023. The hearing was set for June 2023, when the criminalisation case of the 24 activists came to an end with the prosecutors appeal being rejected due to procedural flaws. Despite the appeal being rejected, such incidents lead to the conclusion that criminalisation constitutes a constant State practice, initiated by the very same actors who are meant to protect individuals and safeguard the rule of law, such as the office of the public prosecutor itself.

7.1.3. Launch of Criminal Investigations

For the purpose of this report, individuals who were formerly associated with Josoor, former member of BVMN until its dissolution in 2022, provided insights regarding the criminalisation case involving the organisation. Josoor, which was headquartered in Turkey, conducted monitoring activities on human rights violations perpetrated by the Greek government along its borders with Turkey, primarily by interviewing survivors of pushbacks. Despite not being located within Greece, the acts of criminalization faced by the organisation originated from Greek authorities.

At the time of their dissolution, the Greek authorities had launched three criminal investigations into the organisation. Those incidents began with smear campaigns by Greek media outlets and can be seen as linked to the organisation's extensive work on documentation of human rights violations by the Greek government at the borders between Greece and Turkey. The accusations against the organisation were made, despite it working in adherence to Greek law and non-existence of evidence of the organisation engaging in any kind of illegal activity. Even though the first investigation was launched in 2020,¹³⁴ at the time of writing, the individuals accused have not yet been summoned to court. In their dissolution statement, Josoor cited the recruitment of asylum seekers by the Greek government as informants to gather information about the organisation and the surveillance of team members' devices. Criminal investigations against the organisation had an impact on their fundraising capacities, as it hindered their eligibility for different

[133] BVMN. 2023. Illegal Pushbacks and Border Violence Reports January 2023. Available [Online](#)

[134] Abdulrahim, R. 2021. Greece Clamps Down on Aid Groups That Help Migrants. The Wallstreet Journal. Available [Online](#)

grants and access to funding.¹³⁵ The combination of incidents of criminalisation targeting the organisation by the Greek authorities has had a severe impact on the mental health of those targeted.¹³⁶

In addition, throughout 2022, the organisation faced administrative barriers that made their work increasingly challenging to pursue. Such developments can be understood as part of an increasingly limited space, negatively affecting the organisation's ability to operate.¹³⁷

7.2. Informal Criminalisation

7.2.1. Public Defamation

Greece

A particularly high-profile case¹³⁸ seen at the Greek-Turkish border in 2022 saw the intensification of narratives resulting in further attempts by the Greek government to criminalise civil society actors of facilitating illegal entry. The case publicly known as Little Maria, a minor who reportedly died after being bitten by a scorpion on an islet in Evros river,¹³⁹ followed a well-established trend whereby large transit groups were stranded on small uninhabited islets in the Evros river, denied access to territory by the Greek authorities and often pushed back and forth between Greece and Turkey.¹⁴⁰

In this particular case, the transit group was forced to remain on the islet for several weeks, reporting abuse by Greek authorities, periods of detention and multiple pushbacks as well as the death of the minor. Despite interventions by CSOs, including Greek lawyers, the Greek authorities justified their non-action by disputing the sovereignty of the islet, claiming that, according to internal classified maps, the

[135] Josoor. 2022. Announcement on the Dissolution of Josoor. Available [Online](#)

[136] Ataii, T. 2022. Helping White Refugees Gets You £350. Helping Black or Brown Ones Gets You Prison Time: Solidarity is being criminalised. *Novara Media*. Available [Online](#)

[137] For further information on the limited space of civil society see Border Violence Monitoring Network. 2022. Accused of Solidarity Available [Online](#)

[138] Angelidis, D. 2022. Έγκλημα διαρκείας στον Έβρο. *Efsyn*. Available [Online](#); Spiegel. 2022. Maria, fünf Jahre, gestorben an der EU-Außengrenze. Available [Online](#); Hilsum, L. 2022. Syrian refugees stranded on Greek islet after attempting to enter country. *Channel 4 News*. Available [Online](#); Fisher, M. 2022. Turkey-Greece migrants: 38 people found stranded on tiny, unnamed island. *BBC News*. Available [Online](#)

[139] For details on the case see BVMN's briefings: Border Violence Monitoring Network. 2022. Briefing for Policymakers: Illegal pushbacks from islets in the Evros River continue. Available [Online](#) and BVMN. 2022. Urgent Update: Continuous Violation of the Rule of Law in Greece as People Still Stranded on Islets in Evros. Available [Online](#)

[140] Border Violence Monitoring Network. 2022. Islets, Interim Measures and Illegal Pushbacks: The Erosion of the Rule of Law in Greece. Available [Online](#)

islet is on Turkish territory.¹⁴¹ The territory dispute over the islet resulted in further criminalisation attempts against civil society, as it led to accusations of ‘fake news’ and the ‘spreading of false information’.

Furthermore, Greek lawyer and politician Failos Kranidiotos posted on X that he had filed a lawsuit to Greece’s Supreme Court against those who “fabricated and spread fake news about the islet in Evros, the allegedly buried little girl”, again bolstering such allegations. The disputes¹⁴² by the Headquarters of the Hellenic Police and senior government officials provoked extensive online social media attacks in the comments sections on the X accounts of Giorgos Christides,¹⁴³ the Greek Council for Refugees, Human Rights 360,¹⁴⁴ and BVMN.

When speaking in a UN side event at the end of 2022, BVMN’s policy analyst was targeted for a statement concerning people on the move and HRDs supporting them. The event had the format of a panel discussion with the name ‘Refusing to Turn Away’ and was hosted by Mary Lawlor, the UN Special Rapporteur on Human Rights Defenders.¹⁴⁵ After the BVMN policy analyst gave a statement on the situation of people on the move and HRDs supporting them, the Greece delegation responded with the following statement:

“Notwithstanding the reality on the ground, there have been multiple allegations of so-called pushbacks, regarding which, however, no credible, well-documented or verifiable information has been provided so far. [...] Obviously, their purpose is mere disinformation and the instrumentalisation of migration for political purposes.”¹⁴⁶

The incident raises concerns around how defaming statements by governmental actors can target the work provided by CSOs. This can be perceived as particularly problematic in the context of possible penalties for spreading false information and ongoing smear campaigns by Greek officials.

7.2.2 Smear Campaigns

The time period examined by the present report was marked by increased criminalisation against civil society actors in Northern Greece, specifically working on the Evros border region. In 2022, there was a respective increase in applications for interim measures at the European Court of Human Rights filed by both BVMN

[141] Kathimerini. 2022. ΕΛ.ΑΣ: Δεν είναι σε ελληνικό έδαφος οι παγιδευμένοι σε νησίδα στον Έβρο. Available [Online](#)

[142] Tolis, D. 15/08/2022. Post on X. Available [Online](#)

[143] Christides, G. 2022. Post on X. Available [Online](#)

[144] Greek Council Refugees. 2022. X. Available [Online](#)

[145] Mary Lawlor UN Special Rapporteur HRDs. 2022. Join me on Wednesday 12 October for a panel discussion. Post on X. Available [Online](#)

[146] CIVICUS: World Alliance for Citizen Participation. 2022. #UNGA event with UN Special Rapporteur on human rights defenders. Available [Online](#)

and legal NGOs in Greece on behalf of people on the move who were intentionally stranded on islets in the Evros river constituting a danger to their right to life. In connection to one particular case (described in section 7.2.1) a smear campaign was initiated by Greek media outlets implying the involvement of CSOs filing those interim measure applications in illegal smuggling activities.

These allegations follow a pattern of defamation and media smear campaigns, instigated by State agencies, depicting HRDs and members of CSOs as ‘smugglers’ who have directly acted as a ‘pull-factor’ for people on the move.

Smear campaigns and defamation consequently contribute to fear mongering and decreasing public support for HRDs thus exposing CSOs to reductions of funds, resources, and safe civil society spaces, as well as the potential for a formal investigation. The discourse conflating human rights organisations with smugglers and ‘criminal organisations’ is embedded in mainstream media discourse and continued to be prevalent in 2023.¹⁴⁷ In its 2023 report, the Greek National Intelligence Service pointed out its contribution to unrevealing the “controversial, even criminal, role of certain members of NGOs”, highlighting two “high-profile” cases, which were reproduced by national media.¹⁴⁸

7.2.3. Scrutiny

7.2.3.1. Investigation and Surveillance

Bulgaria

A BVMN member organisation based in Bulgaria, witnessed augmentation in informal criminalisation from 2022 onwards. Multiple harassment incidents have been observed, mostly performed by national authorities, by security services of the Ministry of Interior and agencies affiliated with combating organised crime.

Staff members reported that during 2022-3, the organisation has been frequently called by national agencies to provide information on ongoing investigations of cases, followed by the national agencies, which had no direct relation with the work or the members of the organisation. However, the reason behind being frequently called to provide information in such cases has been the public stance taken by the organisation, through advocacy or communications strategies. Specifically, by calling members of the organisation to testify in investigations concerning other organisations or activists, the authorities were aiming to extract internal information for the organisation’s work. Specifically, a staff member of the organisation reported being called to provide information on a formal investigation of a case, in which the

[147] National Intelligence Service. 2023. Annual Report September 2022–August 2023. Available [Online](#)

[148] Capital.gr. 2023. Μέλη ΜΚΟ σε οργανωμένο κύκλωμα διακίνησης μεταναστών στη Λέσβο: Πώς συνεργάζονταν με τους Τούρκους διακινητές, Available [Online](#)

Member Organisation had no direct involvement, apart from publishing a press release about the investigated individuals.

Lastly, as reported by a Staff Member of the BVMN Member Organisation in Bulgaria, in 2022, the work of the organisation was linked by the authorities with suspicions of having relations with smuggling channels, due to the advocacy efforts and public communications referring to the situation of people on the move in Bulgaria.

Despite no formal investigations being launched against the organisation and its members, all the above-mentioned incidents constitute an ongoing disturbing practice, which puts pressure upon the organisation. As it was reported, fear of criminalisation is created upon all staff members, such as translators, who usually are people on the move themselves, and younger practitioners, who under the fear of the ongoing situation, are accompanied by senior members of the organisation in conducting their activities.

7.2.3.2. Digital Surveillance

Digital surveillance and the use of new technologies such as illegal spyware pose an additional threat to CSOs operating in Greece. BVMN echoes concerns raised by EU and UN bodies regarding the growing use of mercenary spyware by EU Member States including Greece, which violates privacy rights, silences civil society opposition, and undermines press freedom. Following multiple surveillance scandals involving States including Hungary, Poland and Greece monitoring journalists, activists and lawyers through spyware, MEPs have called for tougher EU legislation¹⁴⁹ and established a European Parliamentary Committee, PEGA,¹⁵⁰ specifically mandated to investigate the use of illegal spyware by Member States.¹⁵¹ The issue of cyber surveillance and online harassment of HRDs defending people on the move rights was additionally highlighted by the UN Special Rapporteur on Human Rights Defenders ahead of her visit to Greece in June 2022.¹⁵²

Greece

As analysed above, the increasing instances of HRDs and CSOs being portrayed as 'smugglers' in the media and political discourse in Greece, serves as a pretext for the use of surveillance technologies against them. BVMN has also observed a concerning rise in self-censoring among its network of NGO partners across Europe,

[149] Henrik Mildebrath. 2022. Europe's PegasusGate: Countering Spyware Abuse. Available [Online](#)

[150] European Parliament. 2020. 'About PEGA.' Available [Online](#)

[151] Socialists and Democrats (EU). 2022. 'S&Ds call for EU rules on the development, sale and use of spyware technologies in order to protect citizens.' Available [Online](#)

[152] UN Special Rapporteur on Human Rights Defenders. 2021. Hearing with migrants rights defenders in Greece. Available [Online](#)

in reaction to surveillance technologies against them. public defamation and smear campaigns, including in the relation to speaking out or delivering evidence to UN treaty bodies or special procedures against State parties.

In 2020, BVMN received reports of cyber surveillance by Greek authorities from two of its member organisations at the time. The surveillance occurred in the context of a large-scale smear campaign in the Greek media, following the leaking of details regarding a case in which some of the NGOs' members were accused of criminal activities, including espionage, violation of state secrets and the facilitation of illegal entry of people into Greece.¹⁵³

BVMN is concerned by the spreading use of illegal spyware software by EU Member States to monitor CSOs activities. The software Pegasus, which is currently being used in at least 12 EU Member States,¹⁵⁴ is a highly invasive tool used to infiltrate an individual's mobile device (without their knowledge or any actions on their part)¹⁵⁵ or through a malicious app or website link, and leaves very few traces on the device.¹⁵⁶ Once installed, it allows the invader to conduct real-time surveillance, find passwords and sensitive files, track locations and plant fabricated evidence. Predator, which has been used by the Greek State, is a slightly less sophisticated version of Pegasus software, with similar capabilities.

In 2022, a wiretapping scandal that targeted journalists and HRDs in Greece reporting on the topic of migration placed CSOs under further pressure, resulting in both individuals and organisations altering or restricting their operations to avoid scrutiny.¹⁵⁷ The scandal is linked to the particularly problematic implied use of surveillance software to monitor CSOs.¹⁵⁸ The latter raises serious concerns, given that in 2021, it was revealed that the Greek National Intelligence Service (EYP) requested information on citizens that were specifically working on the rights of people on the move.¹⁵⁹

[153] Ekathimerini. 2020. Thirty-three NGO members face charges of illegally smuggling migrants into Greece. Available [Online](#)

[154] NDTV. 2022. 'Pegasus Spyware Maker NSO Group Has Contracts In 12 EU Countries: Report.' Available [Online](#)

[155] Socialists and Democrats. ND. 'Committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware.' Available [Online](#)

[156] Euro News. 2022. 'EU democracy is under attack by mercenary spyware, claims new report.' Available [Online](#)

[157] Human Rights Council. 2023. Visit to Greece: Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor: Advance Edited Version. A/HRC/52/29/Add.1. Available [Online](#)

[158] Real.gr. 2022. 4 «γκρίζεις» ΜΚΟ στέλνουν μετανάστες στον Εβρο. Available [Online](#); Marczak, B; Scott-Railton, J; Abdul Razzak, B.; Al-Jizawi, N.; Anstis, S; Berdan, K.; & Deibert, R. 2021. Pegasus vs. Predator: Dissident's Doubly-Infected iPhone Reveals Cytrox Mercenary Spyware. Available [Online](#); Dvilyanski, M.; Agranovich, D.; & Gleicher, N. 2021. Threat Report on the Surveillance-for-Hire Industry. Available [Online](#)

[159] Τερζής, Δ. 2021. Πολίτες σε καθεστώς παρακολούθησης από την ΕΥΠ. Available [Online](#)

Furthermore, it was confirmed that the spyware software Predator was used against investigative journalists reporting on topics related to people on the move. Predator has full access to a phone's data, including encrypted messages and can access the phone's microphone and camera at any point in time. The increasing use of spyware on HRDs, not only breaches the right to privacy and freedom of expression and the press, but consequently leads to increased pressure on organisations and individuals working in the country.¹⁶²

7.2.3.3. Revocation of Asylum Status

Croatia

In Croatia, the criminalisation of the work of NGOs is particularly felt by organisations and activists working in the field of protection of the human rights of refugees and other migrants. Former member and current collaborating organisation of the Network, Centre For Peace Studies (CPS), contributed with reports on incidents targeting them and their team members.

Omer Essa Mahdi is a refugee whose asylum status was revoked after he rejected the offer to be "an informant" for the secret services.^{163,164} It is important to mention that he is also the partner of migrant rights defender Tajana Tadić.¹⁶⁵ Mahdi's refugee status was revoked based on the Intelligence Service Agency's assessment that he represents a threat to national security. This arbitrarily issued decision was marked with a level of secrecy, which means that neither Mahdi nor his lawyer were able to access the information based on which he was accused of being a threat to public security. To his knowledge, Mahdi had not committed anything that could

[160] Iguru. 2022. The first confirmed case of surveillance of a Greek journalist. Available [Online](#); Solomon. 2022. Solomon's reporter Malichudis under surveillance for "national security reasons". Available [Online](#)

[161] Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies: European Parliament. 2022. Pegasus and surveillance spyware: In-depth Analysis for the PEGASUS committee. Available [Online](#)

[162] International Press institute. 2021. Greece: Answers needed over alleged state surveillance of journalist: Intelligence service leak reveals monitoring of investigative platform and journalist. Available [Online](#); Border Violence Monitoring Network. 2022. Islets, Interim Measures and Illegal Pushbacks: The Erosion of the Rule of Law in Greece. Available [Online](#)

[163] Civil Liberties Union for Europe. 2022. Liberties Rule of Law Report 2022. Available [Online](#)

[164] Centre for Peace Studies [Centar za mirovne studije] & Human Rights House Zagreb [Kuća ljudskih prava Zagreb]. 2022. Rule 9.2. Communication. In accordance with the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements in the Case of M.H. and Others v. Croatia No. 15670/18 and 43115/18 (G. measures aimed at protecting and empowering human rights defenders). Available [Online](#)

[165] Intimidation and pressure were particularly directed toward the human rights defender Tajana Tadić, the former AYS employee. Since 2018, she vocally and publicly demanded justice for M.H. and Hussiny family, as well as for the rights of refugees and other migrants in Croatia, and publicly criticised the unlawful police conduct. For that, she was questioned by the police, and police officers were sent to her parent's address.

bring about such an assessment, and he was unable to defend himself against accusations that he did not know the content of. The decision to revoke Mahdi's refugee status was made by the Security and Intelligence Agency and the Ministry of the Interior with full knowledge of the nature of his relationship with Tadić. Therefore, said decision was perceived as an attack on Tadić's activities as a human rights defender and an attempt to silence and intimidate her.¹⁶⁶ As stated, neither Mahdi nor his attorney were given access to the part of the file classified as "secret". Therefore, Mahdi could not submit a review of the documents, including numerous international expert opinions which substantiated his claims. The Ministry of the Interior also objected to hearing the witnesses suggested by the defence. On 12 January 2021, the Administrative Court of Croatia dismissed the appeal against the decision of the Ministry of Interior to revoke Mahdi's refugee status. Furthermore, he was instructed to voluntarily leave the European Economic Area (EEA) within 30 days of the decision, or face forced removal. Fearing deportation to Iraq, Mahdi had no choice but to leave Croatia. Consequently, Tadić left as well. The second-instance verdict of the High Administrative Court, delivered to Mahdi and Tadić in September 2022, was passed on an almost identical principle. In October 2022, Mahdi's lawyer, Sanja Bezbradica Jelavić, filed a Constitutional appeal, and the couple was ready to proceed to the European Court of Human Rights if necessary.¹⁶⁷

The overall picture reveals a concerning trend: the escalating criminalisation of individuals who support people on the move. Specifically, in the case of BVMN's former partner organisation, CPS, this phenomenon manifests primarily through an ongoing struggle for justice and the protection of fundamental human rights.

7.2.3.4. Bureaucratic Hurdles

Greece

BVMN Member Organisations operating in Greece have faced escalating challenges due to growing criminalisation and the ongoing hostile narratives within public discourse. The year 2023 marked a significant downturn in the situation, hindering these organisations' ability to provide crucial support and uphold the rights of people on the move. As a consequence, many have been compelled to cease vital support operations altogether, under the fear of being criminalised. Moreover, smear campaigns have caused drain on resources for numerous CSOs. Consequently, some BVMN member organisations have opted to maintain anonymity to safeguard their support projects and shield themselves from targeting resulting from their work with people on the move and their public statements through advocacy and communications efforts.

[166] Frontline Defenders. 2021. Pressure on family members of migrant rights defender Tajana Tadić. Available [Online](#)

[167] Tamara Opačić. 2022. Omer protiv države. Portal Novosti. Available [Online](#)

As reported by a coordinator of an anonymous member organisation of the Network in Greece, in 2022 they experienced informal criminalisation in the form of increasing checks of registration papers. The incident they reported concerned an unannounced visit from EFKA (Social Security Organisation of Greece) asking for registration papers, IDs and health insurance of all volunteers present on the day of the visit. As reported, EFKA sent a follow up email asking for the organisations' rental contract and licence to serve food in Greece. Even though the organisation provided the majority of documents requested they were unable to provide the registration papers for Greece.

The incident represents an increasingly restrictive context for civil society in Greece. This is due to the administrative challenges organisations face navigating the highly criticised NGO registry in Greece (Law 4662/2020).¹⁶⁸ A large number of grassroots organisations working with people on the move in Greece have been unable to register through this portal, and it has overall been assessed as having a chilling effect on civil society space in the country.¹⁶⁹ The reported visit from EFKA increased pressure and concern for the continuation of the organisation's operations as well as created a stressful environment for the work of the organisation's members.

7.2.3.5. Increased policing of operations and ID controls

Greece

A coordinator of BVMN's member organisation operating in the Greek mainland, described the situation during 2022 as increasingly concerning. Specifically, concerns about augmenting police presence through regular monitors and ID checks were expressed. Police forces regularly monitor the area where the organisation conducts its operations. Unmarked and marked police vehicles and motorbikes, frequently drive by the area or even circle the specific site of the organisation. The authorities often require the documentation of the members joining the Community Centre where the organisation operates.

[168] European Commission. 2023. Commission Staff Working Document: 2023 Rule of Law Report: Country Chapter on the rule of law situation in Greece. SWD(2023) 808 final. Available [Online](#); Human Rights Council. 2023. Visit to Greece: Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor: Advance Edited Version. A/HRC/52/29/Add.1. Available [Online](#); ECRE & ELENA. 2021. Concerning the lawfulness of Greek legislation regulating the registration of non-governmental organisations (NGOs) on the Registry of NGOs working with refugees and migrants in Greece: Expert Opinion upon request from the ELENA Coordinator in Greece. Available [Online](#).

[169] Amnesty International. 2020. Amnesty International Public Statement: Greece: Regulation of NGOs Working on Migration and Asylum Threatens Civic Space. EUR 25/2821/2020. Available [Online](#).

Such incidents create fear and hesitation upon members to visit the Community Centre and can have a long-lasting impact on the operations of the organisation. Among people visiting the Community Center some are in Legal limbo and therefore without documentation. The latter can result in increased apprehensions, which can consequently lead to detention and sometimes subsequent pushbacks.¹⁷⁰ This is particularly relevant in the context of Greece where Law 4939/2022 introduced extensive provisions on the detention of people on the move and provided a significant decrease of guarantees during detention.¹⁷¹ ID checks of community members have a severe impact on organisations' operations, as people on the move are under a well-founded fear of attempting to access services and being apprehended or subject to long-term detention.¹⁷²

While police operations were mentioned in the last report published by BVMN on criminalisation, Member organisations have observed their persistent use in urban areas over the years 2022 and 2023. These observations align with statements published by the Greek Ombudsman,¹⁷³ and press releases by the Hellenic Police detailing daily arrests and the significant amount of funding provided to the police in comparison to other Greek services.¹⁷⁴ Notably, as a consequence of the governmental measures during the Covid-19 pandemic and justified by public health concerns, the powers given to the police expanded extensively, and in parallel, so have allegations of police violence.¹⁷⁵ The impacts of this continue to be seen today, particularly in Athens and Thessaloniki.¹⁷⁶

Serbia

BVMN member organisation Collective Aid operations in Serbia were affected by increased policing regarding the organisations' activity. Collective Aid's work focused on providing signifying services that cover the main basic aid gaps in the lives of people on the move, seeking a home and safety.

[170] Border Violence Monitoring Network. 2023. Persistence of Greek Police Targeting People on the Move in Thessaloniki. Available] Border Violence Monitoring Network. 2023. Persistence of Greek Police Targeting People on the Move in Thessaloniki. Available [Online](#); Border Violence Monitoring Network. 2023. Persistence of Greek Police Targeting People on the Move in Thessaloniki. Available [Online](#); Border Violence Monitoring Network. 2020. Police raids humanitarian distribution site and push back people in need. Available [Online](#).

[171] Law 4939/2022, Ratifying the Code on reception, international protection of third-country nationals and stateless persons, and temporary protection in cases of mass influx of displaced persons. Government Gazzete 3715. 10/06/20222. Available [Online](#).

[172] Mobile Info Team. 2023. "Prison for Papers": Last Resort Measures Used as Standard Procedure: Researching Pre-Removal Detention Centres on Mainland Greece. Available [Online](#)

[173] Skai. 2021. Συνήγορος Πολίτη σε ΣΚΑΪ 100,3: Οι καταγγελίες για αστυνομική βία έχουν αυξηθεί 75%. Available [Online](#).

[174] Border Violence Monitoring Network. 2023. Twitter post. Available [Online](#).

[175] Politico. 2021. Police brutality on the rise in locked down Greece activists warn. Available [Online](#)

[176] Border Violence Monitoring Network. 2024. Balkan Regional Report – December 2023/January 2024. Available [Online](#)

According to the Organisation, incidents of unwarranted surveillance occurred in 2022, when a police car followed them to one of their distribution sites.¹⁷⁷ The police officers not only instructed them to cease their operations but also engaged in aggressive behaviour and verbally intimidated the volunteers. Collective Aid described that situations like this are common whereby distribution teams are stopped daily by police officers to check documents, permits and passports. Despite possessing the appropriate legal permits, the teams have encountered repeated instances where they have been informed that their work is illegal and have been instructed to leave the area.

Furthermore, the teams reported that the Serbian Police persistently engage in a "routine" practice, rounding up persons on the move within the city of Belgrade before forcibly expelling them to southern Serbia.¹⁷⁸ Often present in the groups¹⁷⁹ gathered are unaccompanied and separated children, sometimes as young as 11. In such cases, NGOs have attempted to advocate for their removal from the group in order to be properly attended by social workers and placed in age-appropriate accommodation. But on occasions, police have blocked CSOs working in the local context from monitoring the raids,¹⁸⁰ effectively impeding the organisation's work.

7.2.3.6. Abuse of Stop and Search Powers

Greece

As reported by BVMN operatives based in Greece, more than ten incidents of 'random searches' by the local police were observed during 2022. The operative's testimony describes being stopped twice for 'random searches' and questioned. Last, they mentioned being arbitrarily detained in the central police station for being present during civil society gatherings or events on topics of migration and the right to housing."

The partner of one of BVMN staff Members based in Greece, was subjected to police harassment for publicly speaking out against governmental practices in both media and international human rights forums. As reported, he was walking towards the van of a local NGO in the city centre of Thessaloniki when four uniformed officers on two police motorbikes stopped him. They promptly confiscated the phone and verbally attacked him. Presenting it as a routine stop and search, the police officers coerced him to accompany them to the police station, claiming they needed to verify if his phone was stolen. At the station, he was denied access to legal recourse,

[177] Border Violence Monitoring Network. 2022. Violence Within the State Border: Serbia. Available [Online](#)

[178] Ibid.

[179] Ibid.

[180] Ibid.

subjected to a strip search, threatened with violence, and detained for approximately 45 minutes. Throughout this time, he lacked access to his phone, yet it remained "Online" on WhatsApp the entire time. When he was released, and complained about his treatment, he was dismissively advised to "file a complaint" amidst laughter. Subsequently, he opted to depart from Greece. Following this incident, his partner, and BVMN staff member, also made the decision to relocate from Greece after more than four years, citing continuous pressure and the threat of reprisals.

7.2.3.7. Restrictions on lawyer's activities

Greece

A BVMN member organisation operating in the legal field has put in place measures to protect their staff given the hostile environment in Greece for lawyers. Restrictions on lawyers' activities in the fields of asylum and migration law in Article 34 of the Greek Lawyers Code guarantees unrestricted access to public facilities for lawyers upon presentation of their professional ID.¹⁸¹ A December 2022 opinion of the Bar Association of Athens clarified that lawyers are permitted free access to facilities accommodating refugees and asylum seekers without prior notification of camp management.¹⁸²

The Greek authorities, during 2022 and 2023 have barred access of lawyers to reception facilities under the administration of the Ministry of Migration and Asylum (MoMA) by requiring them to submit access requests, which have to be approved by the camp management prior to entry. This prohibition stands in direct violation of Article 34 of the Greek Lawyers Code, as stated above. Since late 2022, lawyers must provide proof of representation of applicants in order to enter facilities run by the MoMA, and in some cases have been denied access to sites on this basis. According to a report by MIT and RLS in November 2023, one lawyer had shared the denial of access to Diavata RIC by security staff, despite having in advance contacted the authorities demanding access to the facility and receiving no answer at all. The lawyer was denied access to the facility, despite presenting in the facility with their two clients, who orally expressed their authorisation to be represented by the lawyer.¹⁸³

[181] Hellenic Republic Law 4914/2013. Available [Online](#)

[182] Bar Association of Athens, Opinion No 185, 1 December 2022, 2.

[183] Mobile Info Team and Refugee Legal Support. Protection Unavailable: Dysfunctional Practices and Restrictions on the Right to Asylum Assessing the implementation of reception and identification procedures on mainland Greece. November 2023. Available [Online](#)

In June 2023, Greek authorities arrested a lawyer and an interpreter at the Thessaloniki port.¹⁸⁴ The two were accused of facilitating illegal entry, a felony under Greek law, on the sole fact that the lawyer tried to obtain an authorisation to file asylum claims for clients who had just arrived. The event prompted the intervention of the two largest Bar Associations of Athens and Thessaloniki.¹⁸⁵

7.2.4. Threats, harassment, and violence

Bosnia and Herzegovina

BVMN member organisations, Collective Aid and Blindspots, have described the situation in Bosnia and Herzegovina during 2022 as challenging, governed by informal tactics, used to impede the operational efficiency and undermine the work conducted by CSOs.¹⁸⁶ An informal practice observed in the main bus station in Sarajevo and concerns the shaping of the power dynamics between local taxi drivers, who are granted priority in approaching individuals, before CSOs. A specific incident was shared by a Collective Aid volunteer concerning the ‘intimidating taxi driver reign’. The volunteer reported the taxi- driver being in full control of the way people on the move are being approached and provided for within and around Sarajevo, by dominating the interaction everyone has with them and obstructing the approach of those requiring assistance and the dissemination of information about available services. In this context, local police or other authorities refrain from intervening.¹⁸⁷

Moreover, volunteers from member organisations operating in Velika Kladuša have been subjected to various forms of criminalisation, targeting their solidarity efforts.¹⁸⁸ The Bosnian authorities have consistently harassed volunteers, aiming to obstruct and hinder their work on the field. This harassment has taken on various forms, ranging from police checks without prior notice, where volunteers were compelled to submit their documentation and subjected to extensive searches of vehicles, to instances where they were occasionally escorted to a police station.¹⁸⁹

In the later half of 2022, Blindspot volunteers, in particular, have encountered a series of repressive actions. Their work materials were stolen, car tires were intentionally slashed, car windows were shattered, licence plates were taken, routes

[184] Amna. 28 June 2023. Δικηγόρος και διερμηνέας συνελήφθησαν για παράνομη διακίνηση μεταναστών. Available [Online](#)

[185] Bar Association of Thessaloniki, 13 July 2023. Ψήφισμα για τη σύλληψη συναδέλφου. Available [Online](#); Bar Association of Athens. 11 September 2023. Opinion No 143. Available [Online](#)

[186] Border Violence Monitoring Network. 2022. Violence Within the State Border. Bosnia-Herzegovina. Available [Online](#)

[187] Ibid.

[188] Ibid.

[189] Ibid.

were obstructed, and unidentified individuals persistently trailed and monitored them.¹⁹⁰ Simultaneously, Collective Aid has also grappled with the deliberate theft of stock from their warehouses in Bosnia. Furthermore, police officers have increasingly scrutinised the identity documents of Blindspot volunteers during what appeared to be routine traffic stops. Adding to these challenges, volunteers have faced verbal threats, including insults and threats of police involvement, as well as physical threats involving weapons and tools from members of the civilian population.¹⁹¹

The effects of this repression have been twofold. On the one hand, it has had psychosocial consequences for the volunteers, as the constant feeling of being observed has led to a diminished sense of security and imposed restrictions on their personal well-being. On the other hand, it has resulted in limitations in providing support to people on the move. Work assignments had to be cancelled or postponed as financial resources have been redirected towards repairing material damages caused by the targeted actions.

A BVMN member organisation operating in Bosnia, described the situation in 2023 as increasingly restrictive, requiring taking precautions from the members and volunteers of the Organisation to avoid being targeted and criminalised. A Staff member of the organisation stated that volunteers in particular have to take safety measures in their activity and keep a low profile in relation with the local community, since there have been local groups which were constantly sharing hateful online content concerning people who are identified as volunteers of an organisation.

In addition, the organisation also mentioned that during 2023 there have been frequent controls by the police as well as excessive controls to vehicles, such as vans used by organisations, by the Bosnian Border Police.

Serbia

In the early months of 2022 the volunteers of Collective Aid based in Subotica, faced ongoing challenges and acts of vandalism targeting their distribution van.¹⁹² The situation entailed repeated acts of violence, such as breaking the van's tires and removing its licence plates,¹⁹³ which clearly demonstrated the intent to hinder the activities provided by the group. Similarly, in July 2022, a member of the public

[190] Ibid.

[191] Ibid.

[192] Border Violence Monitoring Network. 2022. Violence Within the State Border. Serbia. Available [Online](#)

[193] Border Violence Monitoring Network. 2022. Illegal Pushbacks and Border Violence Reports: February 2022: Balkan Region. Available [Online](#)

entered the organisation's warehouse, spat on their food, and claimed the organisation was working illegally. After the incident was reported to the police by the organisation's project coordinator, several further events unfolded: the coordinator was detained following the collection of their testimony as well as having their driver's licence intentionally destroyed in front of them. Additionally, no subsequent investigation ever took place. The threats and harassment reported by Collective Aid were not limited to local citizens alone. Rather, Collective Aid has stated that employees of the Commissariat for Refugees and even police officers were among the main perpetrators.¹⁹⁴

8. CONCLUSION



In conclusion, criminalisation constitutes an evolving phenomenon which forces individuals to take evermore dangerous routes in their aim to reach safety.¹⁹⁵ Criminalisation of migration has led to frightening levels of stigmatisation and dehumanisation, as well as having a chilling effect on civil society. In a landscape where pushbacks have been systematised and violence at borders normalised, these developments, which leave thousands of people vulnerable to vicious attacks, threaten to undermine the rule of law in Europe.¹⁹⁶ These norms are further reflected in EU and national legislative frameworks which are framing migration as a crime and are leading to the further criminalisation of people on the move and those supporting them.

This report has highlighted the different ways in which both people on the move and CSOs have been increasingly criminalised with the focus on the years 2022 and 2023. Drawing from the experiences and insights of BVMN's Member organisations and individuals directly involved in the field, it is clear that this is no longer a country-specific phenomenon, but rather a European-wide trend that, in line with the EU's externalisation policies on migration in general, extends well beyond its external borders. While recognising that BVMN's Member organisations only constitute a small number of CSOs working in support of people on the move and monitoring human rights, the findings are reflective of the wider socio-political challenges faced by organisations, members and people on the move within an increasingly deteriorating environment.

[194] Border Violence Monitoring Network. 2022. Accused of Solidarity Available [Online](#)[191] Ibid.

[195] Border Violence Monitoring Network. 2023. Amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. Available [Online](#)

[196] Border Violence Monitoring Network. 2023. Statement on the European Commission's Rule of Law Reports. Available [Online](#)

The findings show that criminalisation occurs in both formal and informal ways. Notably, people on the move are the first and most targeted by efforts of criminalisation. In particular, experiences of forceful pushbacks, unwarranted detentions, evictions or removal from territory were all tendencies for people on the move. Additionally, formal criminalisation, including criminal charges and subsequent imprisonment, is often used against people on the move under the umbrella of facilitating 'illegal migration'. This narrative aligns with the broader European context of criminalising migration, perpetuating a pattern of punitive measures directed towards people on the move.

For BVMN's Member organisations, the tendencies of criminalisation centre around the imposition of administrative barriers, restrictive legislative changes often coupled with an increase in government-led smear campaigns, acts of vandalism and theft, unwarranted surveillance, as well as more general tactics of threats and harassment. Collectively, the methods constitute a concerted effort to obstruct and hinder the crucial work of CSOs, underscoring the need for robust protections and support for these organisations.

The publication of this report is particularly timely, given the escalating trend of criminalisation directed at both CSOs and people on the move, prompting to consider the potential implications of these developments on the future of solidarity movements supporting people on the move, such as BVMN. Given the deteriorating situation of criminalisation within Europe, this report in addition sheds light on the negative effect these trends have particularly for people on the move. Beyond their criminalisation and violation of human rights, these trends increasingly limit HRDs in their ability to monitor such violations and support them in accessing their rights and finding human ways of migration.



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