

Time to push back against pushbacks at the European border

Pushbacks of refugees across the Balkan Route and on the Aegean sea.

Pushbacks are not only horrible, they are illegal

“They don’t respect anyone, even a woman like me. They were searching for me and they were yelling at my little daughter and even tried to hit her. It was inhuman. Then they put us in the cell.”

- (Border Violence Monitoring Network, 2021, para. 9).

A 20-year old woman from Iraq was traveling with her 2 year old child, her husband and three other men from Turkey, via Greece to Bulgaria. The group was apprehended in the mountains by five officers, who stated that they were police officers. This Iraqi woman and the group that was with her were pushed back by these police officers, to somewhere close to Mikro Direio. During this pushback, the group had to endure abuses such as beating, kicking, sexual assault, forced undressing, threatening with guns, theft and reckless driving. This testimony was published on the 10th of March, by Border Violence Monitoring Network (Border Violence Monitoring Network, 2021).

Introduction

When searching through the testimony database provided by the Border Violence Monitoring Network - a network that reports on the human rights abuses at the borders of Europe - one quickly finds out that the above mentioned testimony does not stand alone. Currently (23-02-2022), the database counts 278 pages, with about 5 testimonies per page. Testimonies often involve multiple people: from smaller to bigger groups. In some cases, there are also minors involved, starting at the age of just a few months old.

This article aims at giving an idea of the severity of the pushbacks happening at the European border, focussing on the Balkan and Greece. To do so, this article will explain what a pushback entails and what is considered the Balkan Route. After this, three entities that are involved in the pushbacks are outlined. According to an article by Jackson (2021) on Refugees Rights Europe, testimonies show the role of the Croatian Police Force and the Hellenic Coast Guard as perpetrators of the violent pushbacks. In addition to this, Frontex, which is the European Union's border control agency, has recently been added to this list (Jackson, 2021). Because of this, three different cases are studied in this article, in order to illustrate the harshness of the pushbacks. Important to note is that the immense hurt and suffering that is caused by pushbacks can never be completely captured in one article. The aim of this article is to create more awareness about these forms of human rights violations.

What is a pushback (and why is it illegal)?

Every year, Germany chooses the 'Unwort' of the year. This is a word which is often used, however according to the jury, is quite inappropriate as it does not seem to acknowledge the reality and dimensions behind the word. In 2021, 'pushback' was chosen to be the 'Unwort' of the year because it overshadows the inhumane process that deprives people who are fleeing from their fundamental rights to ask for asylum (Roessler, 2022). According to the Oxford Learner's Dictionary, a pushback is to oppose a plan, idea or change (Oxford Learner's Dictionary, n.d.). In the context of refugees and border control, a pushback is defined by the European Council for Constitutional and Human Rights (ECCHR) as:

"A set of state measures by which refugees are forced back over a border - generally immediately after they crossed it - without consideration of their individual circumstances and without any possibility to apply for asylum or to put forward arguments against the measures taken. Push-backs violate – among other laws – the prohibition of collective expulsions stipulated in the European Convention on Human Rights" (European Council for Constitutional and Human Rights, n.d., para. 1).

Pushbacks are not only a violation of the European Convention on Human Rights, they also violate the 1951 UN Refugee Convention. This convention entails the right to seek asylum as well as the principle of non-refoulement. This principle prohibits states from returning someone, who has declared the will to apply for asylum, to a place where they are in danger of persecution (Border Violence Monitoring Network, n.d.-c). Even more so, the United Nations High Commissioner for Refugees (UNHCR) states that the principle of non-refoulement is one of the core principles of the 1951 Convention (UNHCR, n.d.). In addition, the principle of non-refoulement has also been adopted into legislation, even at EU

level. Furthermore, all EU member states are signatories of the Refugee Convention (Border Violence Monitoring Network, n.d.-c).

Due to the lack of a better term, the term 'pushback(s)' is used throughout this article. However, it is urged to keep in mind the inhumane dimension and the suffering behind this word while reading further.

The Balkan Route

One of the places where violent pushbacks regularly happen is along the Balkan route, which is a collection of different routes through the Balkan for migrants and refugees in their attempt to reach Europe (Abikova & Piotrowicz, 2021). While the Balkan route was officially 'closed' in 2016, practice turned out to be different. During the summer of 2015, the Balkan region underwent a process of reborderization, which started with a long fence created by Hungary (Abikova & Piotrowicz, 2021). In the months following, other countries also changed their border regimes. In March 2016, Balkan countries started to rapidly secure their borders, which resulted in closed borders. However, this policy of closed borders did not stop refugees from taking this route. Evenmore so, it did not close the route through the Balkan. Subsequently, more violent pushbacks have been observed since the securitization of the borders (Abikova & Piotrowicz, 2021).

Even though refugees are still coming to Europe via this route, it is not an easy journey. Along the route, people who decided to leave their homes are often confronted with harsh forms of violence by the border police and paramilitaries, who seem to take matters into their own hands.

Border Violence Monitoring Network

To make this statement more concrete, further elaboration on statistics offered by ‘The Border Violence Monitoring Network’ (BVMN) will be discussed, which is an independent network involving NGO’s associations mainly in the Balkan region. BVMN monitors the human rights violations perpetrated at the border (Border Violence Monitoring Network, n.d-a). Out of their 1337 (12-01-2022) testimonies by migrants on the pushbacks, which affected more than 22646 people, only 8.8% (!) of the cases **did not** face violence. 72.4% of the migrants had experienced beating, 39% shared that they had been kicked and 62.4% had their belongings stolen (Border Violence Monitoring Network, n.d.-e). In 2021 about 53% of pushbacks certainly involved at least one person under 18 years old (Border Violence Monitoring Network, n.d-b). These examples are not the only forms of violence used (Border Violence Monitoring Network, n.d-d). More statistics can be found [here](#).

Aegean Boat Report

Aegean Boat Report (ABR) is an Norwegian NGO with a big network of dedicated people on the ground, that gathers data on the movement of people on the Aegean Sea (Aegean Boat Report, n.d-b). In the period from 2017 until 15-02-2022, they reported that 3.750 boats arrived at the Greek Islands, carrying 130.308 people. On the other hand, 6.416 boats and 221.145 people have been stopped by the Turkish Coast Guard (Aegean Boat Report, n.d-a). ABR reports that pushbacks have increased 97.2% since the 3rd of December 2021, in comparison to the same time period in 2020 (European Council on Refugees and Exiles, 2022). According to ABR, approximately 26,000 people have been victims of illegal pushbacks since March 2020 (European Council on Refugees and Exiles, 2022). These pushbacks have also involved children. A shocking testimony shows that in January 2022 a pushback took place, involving 25 people, from which 17 were young children. These people were beaten and abused, before they were set adrift on sea from Lesbos (European Council on Refugees and Exiles, 2022).

Read their reports and findings [here](#).

The photos shown are heartbreaking and shocking.

Croatia and the Croatian Police Force

What becomes clear from the data of BVMN, is that most of the pushbacks they registered took place in Croatia (Border Violence Monitoring Network, n.d.-d). Furthermore, as mentioned before, from testimonies it can be derived that the Croatian Police Force plays a role in the perpetrators of pushbacks (Jackson, 2021). This means that this is an important element to discuss when looking at the Balkan Route. To illustrate the severity of the pushbacks at the Croatian border, one should know that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has condemned the brutal practices perpetrated by the Croatian border police (Grgurinovic, 2021). In addition to this, a report on this was written and published. This report states: “The alleged ill-treatment consisted of slaps, kicks, blows with truncheons and other hard objects (for example, butts/barrels of firearms, wooden sticks or tree branches) to various parts of the body” (Grgurinovic, 2021, para. 7).

To go even further, there is evidence of 'shadow armies' operating in Croatia. These are people wearing balaclavas and have their uniforms adjusted in such a way that they are completely unrecognizable (Christides et al., 2021). Furthermore, according to a report published in Der Spiegel, special units in Croatia (and Greece) are deployed to force asylum seekers away from their borders. The investigators were able to film 11 pushbacks. In the videos, masked men are visible. They are wearing clothes that have resembling elements with uniforms of the Intervention Police. Furthermore, the Intervention Police uses specific truncheons, which these masked men were also carrying (Beer et al., 2021; Christides et al., 2021). Even more so, six Croatian Officers believed that the men in the videos actually belonged to the Intervention Police (Christides et al., 2021).

It seems as if these pushbacks are not incidental but instead part of an infrastructure created by Croatian Officials. Satellite images show several dirt roads that happen to have dead ends. At these dead ends sleeping bags, backpacks and even baby clothes are found. These things are indicators of what happens at these places (Christides et al., 2021). A report posted on Lighthouse Reports states the following about these pushbacks in Croatia: *"Croatia uses EU funds to finance these border operations. Based on documents in the EU's tender database, we know that the costs for the jackets, accommodation and per diems for the officers are paid out of the EU's Internal Security Fund (ISF)"* (Christides et al., 2021, para. 11). The special Units in Croatia are actually paid by the citizens of Europe (Christides et al., 2021). Knowing that violence against migrants and refugees is sustained by EU funds is a concerning practice.

Frontex

Frontex is the European Union's border control agency that also plays a role in the violent pushbacks taking place along the Balkan Route. It is not the first time that Frontex is accused of violating human rights. In 2011, Human Rights Watch already stated that Frontex was perpetrating human rights abuses (Idzikowska, 2022). In addition to this, an article published by Bellingcat, stated that Frontex has been involved with maritime pushbacks at the Aegean Sea (Freudenthal, Waters & Williams, 2020).

Frontex was established in 2004, and is paid by the EU (read: by European taxpayers money). The initial task of Frontex was to monitor freedom of movement and safety in the Schengen area. However, the range of tasks has been expanded over time and in 2016 Frontex became the border and coast control agency of the EU (Idzikowska, 2022). Frontex's task range has not only expanded, their budget has also grown over time. In 2004, their budget contained around 6 million euros. In 2020, this budget had increased to approximately 460 million euros (Idzikowska, 2022). It is not completely clear what happens with this budget. Officially, since Frontex is a European agency, it has to be transparent about the spending of their budget. Nevertheless, according to the European Court of Auditors, Frontex is not communicating well enough about the results of their actions (Idzikowska, 2022). Additionally, Human Rights watch has also acknowledged and stated that Frontex is failing to protect people at the European border. Even more so, Frontex fails to properly investigate abuse against migrants at the border to Europe (Human Rights Watch, 2021).

The reason why it is difficult to hold Frontex accountable for their actions is the essence of their set-up and way of working. Frontex exists out of different states, parties, agencies and bodies. All of these factors also fall under different jurisdiction, which makes it extremely hard to allocate responsibility and wrongdoing (Flink, 2020). Furthermore, Frontex's activities are often kept secret. However, officially Frontex has to adhere to the EU Charter of Fundamental Rights which, amongst other things, guarantees rights to asylum and protection of refoulement and collective expulsions (Flink, 2020).

At a roundtable conversation at the Dutch parliament about the pushbacks, the difficulty of holding Frontex accountable is once more stressed. An investigation on how Frontex handles the reports of pushbacks and to what extent they are involved in the pushbacks was done. Some of the bottlenecks found are; the situation surrounding human rights in a country is often inadequately considered in Frontex's decisions, there are no accessible procedures to report complaints and abuses, and when complaints are filed, there is no independent research done on these reports (Strik, 2022). Furthermore, Frontex gets little to no access to information by the state they operate in, on areas where combined operations are done and areas that are at high risk of pushbacks (Strik, 2022). Watch the complete conversation on pushbacks at the European border at the Round Table [here](#).

Thus, Frontex, an agency paid by the EU, is one of the actors who are responsible for pushbacks. In addition to this, it also seems quite difficult to hold them accountable for their actions. Frontex has been held accountable for an illegal action for the first time in 2021. The EU General Court found Frontex responsible for illegally deporting a Syrian family to Turkey after arriving in Greece. Through this pushback, the family was denied their human right to seek asylum and their right to non-refoulement (Hungarian Helsinki Committee, 2021).

Greece and the Hellenic Coast Guard

Bellingcat, an international collective entailing journalists, investigators and researchers, published a disturbing article in 2020 (Bellingcat, n.d.). The article was also part of the research published and conducted by, amongst others, Lighthouse Reports and Der Spiegel, stating that masked men on a Hellenic Coast Guard boat had been involved in harassing refugees in the Aegean sea. These reports do not seem to be isolated instances. A broader pattern of maritime pushbacks seems to be identifiable, which violates national and international law (Deeb & Hadavi, 2020). Until the publishing of the article, it was not possible to know where the launches and the masked men came from. However, in video evidence, the authors may have found some answers to the questions. They investigated the RHIB that was visible in the video through tests. The vessel, which has very distinctive features, seems to suggest that the Hellenic Coast Guard was indeed involved in the incident (Deeb & Hadavi, 2020).

Furthermore, Amnesty International (2021) states that pushbacks in Greece are not solely instances, but have become policy;

“Our research shows that violent pushbacks have become the de facto Greek border control policy in the Evros region. The level of organization needed to execute these returns, which affected around 1000 people in the incidents we documented, some

numerous times and sometimes via unofficial detention sites, shows just how far Greece is going to illegally return people and cover it up” (para. 6).

The abuse does not only take place in the border regions of Greece, as people are also detained in the mainland of Greece. After this, these people are returned to the Evros region to be illegally pushed back (Amnesty International, 2021). Amnesty International did research and published a report about the pushbacks in Greece, which you can read [here](#).

European values and policies

All of this suffering is happening and sustained at the European border. What does this tell us about European values and potentially policy decisions? Linda Polman (2019), a Dutch investigative journalist, wrote a book called ‘Niemand wil ze hebben’ (translation: Nobody wants them) outlining the history of Europe’s behavior towards migrants and refugees. Not only is this book a must-read, it is also a very hard lesson that shows that not much has changed. After the Second World War, the United Nations Refugee Convention was signed. However, instead of protecting refugees, the main focus of countries was on reducing the number of displaced persons. Through Polman’s (2019) book it becomes painfully clear how little has changed over the years since the Second World War. About the observation of the Human Rights Council of the UN that Europe has developed a policy that accepts death as an effective anti-migration instrument, she writes: *“that is a sorrowful observation about a continent that promised itself ‘never again’ to be a beacon of civilization for the rest of the world”* [own translation] (Polman, 2019, p. 219).

According to Zoppi and Puleri (2021), by looking at the connection between European narratives, borders and policies, the confinement of asylum seekers and migrants can be explained based on policy responses. These policy responses are not unique to the area of the Balkan Route only. They are part of a more far-reaching attempt to normalize measures focussing on strictly controlling migration. This is done through creating spaces of exception. In these spaces people that are represented as out of the norm or seen as a threat to states, face abuse (Zoppi & Puleri, 2021).

Ever since the rebordering of the Balkans in 2015, pushbacks have been reported more frequently. These pushbacks, as mentioned before, allegedly involve Frontex officers. The zone between EU member states and the non-EU member states in the Western Balkan region has become one of the main areas of systemic violence and forced permanence (Zoppi & Puleri, 2021). The changes that have taken place in managing the migration flows across the Balkan, can be explained by looking at the pre-existing dynamics of border externalization by the EU. Here, it suggests another practice of off-shoring in the EU border policies. Through this practice, space on the European continent is performatively safeguarded. This also shows how the EU and national rules are not sufficient to deal with mass arrival (Zoppi & Puleri, 2021). Furthermore, the narratives of a ‘crisis’ have accelerated this process. Isakjee, Davies, Obradović-Wochnik & Augustová (2020) even characterize the EU’s border policy as ‘liberal violence’. They describe the border regime as *“a form of “liberal violence” that seeks to elide both its violent nature and its racial underpinnings”* (Isakjee, Davies, Obradović-Wochnik & Augustová, 2020, p.1).

Conclusion

All of these shocking and saddening revelations about the pushbacks should make us question the policies of the EU and the lack of attention for these human rights violations. **Pushbacks are not only horrible, they are illegal.** Every person has the right to seek asylum. Pushbacks physically prevent refugees from practicing this right. Furthermore, when discussing the situation of refugees at the Balkan Route, we are discussing the situation of human beings. Because in the flow of news and statistics mentioned, we should not forget that every number in those statistics has a face and a story.

This article is mainly based on published investigations or investigation websites, combined with academic literature. While this is very valuable information and amazing investigation work, it is shocking how little there is known or published besides these publications. UNCHR (2021) has already urged to investigate and to end the pushbacks. It is extremely necessary for the European Union to further investigate these human rights abuses; to make sure that the violent pushbacks are stopped and that the rights of refugees entering the European continent are protected.

It is about time that we raise awareness about the abuse at the borders of Europe; it is about time that we push back.

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