

Pushbacks on the Balkan route: a hallmark of EU border externalisation

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Illegal pushbacks – and the use of violence – on Europe’s borders have increased to unprecedented levels, raising the alarm about abuses of fundamental human rights.

As practitioners working for Josoor, the only organisation focused on supporting survivors of pushbacks from Greece and Bulgaria based in Turkey, we systematically document testimonies of survivors and other evidence of human rights violations from the European border regime. Together with our partners from the Border Violence Monitoring Network (BVMN), we monitor pushbacks across the so-called Balkan route. In 2020, we saw this practice reach unprecedented levels in terms of numbers, regularity and scale of coordination, as well as brutality. It is also spreading deeper into EU territory. Despite being an unofficial and illegal practice, pushbacks are now a hallmark of the externalisation policy employed by the EU.

The term ‘pushback’ describes the unregulated cross-border expulsion of people on the move to another country. Conducted without due process and outside any legal framework, pushbacks violate national, EU and international law, most notably the prohibition of collective expulsions (European Convention on Human Rights), the principle of *non-refoulement* and the right to apply for asylum (1951 Refugee Convention). In addition, the measures employed to carry out pushbacks, such as arbitrary detention and extreme violence (often amounting to inhuman and degrading treatment, and torture), violate many other laws and leave survivors with lasting physical and psychological trauma.

Changes in pushbacks at the EU–Turkey border

The first reports of pushbacks emerged from the militarised land border area in Greece in the 1990s. Following the so-called closure of the Balkan route in 2016, these ad hoc policies and practices have greatly increased,

becoming a core practice of the European border regime.¹ In the case of pushbacks from Greece, the authorities have made use of (and continue to make use of) arbitrary detention and violence amounting to torture in multiple police stations and detention sites from the borderlands to deep inside the mainland, as well as on board vessels belonging to the Hellenic Coastguard and Frontex, the EU’s Border and Coastguard Agency.

In response to and under the pretext of the failure of the 2016 EU–Turkey Agreement, the Greek government accelerated the systematisation of pushbacks in 2020, illegally suspending asylum applications for one month and deploying additional forces at the land border with Turkey. This has seen the average number of groups pushed back over the Greece–Turkey border more than double from 2019 to mid-2021. Eighty-nine percent of pushbacks from Greece recorded by BVMN in 2020 contained one or more forms of violence and abuse such as beatings, forced undressings and the use of firearms.²

On the mainland, pushbacks no longer only occur in the immediate border area: in the last year, the practice has expanded to locations deep inside Greek territory, including pushbacks from refugee camps. For example, people have been apprehended in Igoumenitsa, a city 773km from Edirne, the nearest Turkish city to the Greece–Turkey border; there have also been multiple instances of groups of up to 110 asylum seekers being taken by Greek officers from Diavata camp, located over 400km from Edirne, before being detained and then pushed back across the land border to Turkey.³

One such case occurred in Diavata camp in September 2020. The person who shared his story with us was without shoes and only dressed in a t-shirt and shorts when he was



An inflatable boat left behind on the Turkish shore of the Evros/Meriç river, either after crossing or after a pushback.

forced inside a van by police. “They didn’t explain [...] They pushed us inside the vans and they kicked us,” he told us. People who refused to enter the vans were beaten by the police. The group consisted of people from Syria, Afghanistan, Algeria, Morocco and Tunisia. The testimony respondent also reportedly witnessed police “throw away” the identification papers of one person.

This accords with multiple reports collected by BVMN in which police destroyed legal documents of people on the move.

2020 has also seen the Hellenic Coast Guard (HCG) employ new tactics in their pushbacks in the Aegean Sea. Until 2017, the HCG was conducting rescues at sea rather than pushbacks. However, in the years leading up to 2020, the HCG began intercepting small boats in Greek territorial waters in order to disable or remove their engines, before using Coastguard ships to make waves to push the dinghies towards Turkish waters. Since 2020, the HCG additionally began taking people from such boats aboard their ships, driving towards Turkish waters and then forcing the migrants onto unmanoeuvrable inflatable life rafts that quickly deflate, and abandoning them at sea.

There is also a worrying and unprecedented trend in which people are being apprehended on land on the Aegean islands, usually at night and with no registration and identification procedure followed, before being taken back to sea and abandoned on life rafts. Hundreds of these cases have been recorded from at least six different Greek islands, indicating the coordinated nature of this practice. In one incident in July 2020, a group containing children and other vulnerable people was detained after arriving in Rhodes and then forced back onto life rafts:

The whole group of people were put onto a boat. There were 25 people, 15 of them children. One 11-year-old boy was blind. After three and a half hours, the group was transferred onto a floating platform. The blind child almost fell into the water ... but luckily one man managed to get hold of him, preventing him from falling into the sea. None of the officers reacted. [The mother of the blind 11-year-old said:] “My son yelled at the Greek soldiers, begging them for mercy and humanity, convinced we would die in that moment.” After the group had been transferred onto the platform, they were abandoned at sea. They were drifting for five hours until 4am. Water was coming in and they had to constantly bail it out with their hands in high seas.

People of a wide variety of nationalities, including Turkish citizens fleeing persecution, are pushed back to Turkey. Fifty-two percent of groups subjected to torture or inhuman and degrading treatment by Greek authorities in the pushbacks recorded by BVMN contained children and minors. Dozens of cases included registered asylum seekers with valid residence permits in Greece. Several cases also included people with refugee status with valid residence permits and travel documents from other EU countries, who were in Greece to visit relatives or search for missing loved ones.⁴

Pushbacks as a pillar of the EU’s border regime

Pushbacks are not confined to Greece. They occur in many EU Member States and frequently across several countries in

succession, in what is known as a 'chain pushback'. In 2020, we recorded the cases of over 400 people, between the ages of one and 50, who were pushed back from Bulgaria via Greece to Turkey, back from Turkey to Greece and then back again to Turkey.

The systematic nature of pushbacks as an integral part of the EU border regime, encompassing many different Member States, is evidenced in the *Black Book of Pushbacks*, released by BVMN in December 2020.⁵ The book presents 892 testimonies detailing the experiences of 12,654 people pushed back at the EU's borders, including from Austria, Italy, Slovenia, Croatia, Hungary, Greece and Bulgaria. All across the region, we have seen increases in the violence used in pushbacks. Ninety percent of all these testimonies referenced one or more forms of violence, 44% included forced undressings, 15% referenced the use of firearms in some capacity, and 10% included the use of electric discharge weapons. Particularly grave incidents include police spray-painting people's heads with crosses, police dogs ordered to attack people who have been apprehended, and Muslims being forced to burn the Qu'ran during their ordeal.

After four years of BVMN partners documenting border violence along the Balkan route, the lessons learned are grim. While some investigations into Frontex⁶ have been started, there have been absolutely no consequences for EU Member States and their agencies. In the meantime, the EU continues to fund securitisation operations and the military equipment used in pushbacks, even using the EU-Turkey border area to test unpiloted military devices. The EU's deep involvement with illegal pushback practices appears to demonstrate a tacit approval and even encouragement of fundamental rights violations against people seeking protection and a safe place to live.

There has been a recent change in the way that Frontex and Member State governments defend themselves when confronted with evidence of pushbacks; while they have previously denied all allegations, they are now shifting to

justifying their actions on questionable legal grounds. This development is frightening given the fear among human rights defenders that the EU will move towards legalising the practice of pushbacks, particularly since a European Court of Human Rights ruling in early 2020 which stated that, under specific circumstances, Spain had the right to push back two claimants.

Working as we do in a network of organisations across the Balkan route, we have seen that the EU is far from learning the lesson that externalisation simply does not work. We have seen first-hand that repressive policies do not stop people from attempting to reach Europe; such policies only force people to use more dangerous routes. And organisations such as ours can only do so much to support the colossal human suffering this creates. The only humane solution in accordance with international law and the EU's own founding principles is to rescue those in distress at sea, and to provide safe and legal passage to people seeking protection.

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2. BVMN (2020) *Annual Torture Report 2020*
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3. For details of this and subsequent cases referenced here, see BVMN Violence Reports
www.borderviolence.eu/category/monthly-report/.
Quotes are taken from these reports or the BVMN database.

4. Schade E (2020) 'Absurdity of Pushback Practices', Josoor
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5. www.borderviolence.eu/launch-event-the-black-book-of-pushbacks/

6. Frontex is the EU's agency tasked with managing the EU's external borders, with a main part of its mandate to secure fundamental rights.