INTRODUCTION

“Respect for human dignity, freedom, equality, rule of law, human rights – these values are at the core of our European Union. We must live by these values, protect and defend them,” stated Commissioner Johansson in her speech before the European Parliament on 19 January 2021. The beginning of 2021, however, did not give much hope to people stranded at the EU’s external borders that protection of their rights would take priority over protection of borders. While borders are protected, people seeking protection continue being deprived of their basic rights. With almost non-existent legal pathways for onward movement, living in dire conditions and facing uncertainty, they are left with no other option than to use clandestine routes, risking their lives and safety.

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On January 11, the Council of Europe Commissioner for Human Rights published written observations to the European Court of Human Rights on summary returns of migrants from Croatia to Bosnia and Herzegovina, stressing that all the information available to the Commissioner points to the existence of an established practice of collective returns of migrants from Croatia to Bosnia and Herzegovina, widespread ill-treatment of migrants by Croatian law enforcement officers in the context of collective returns, and a lack of prompt, effective and independent investigations of such treatment. The Danish Refugee Council continued collecting similar reports throughout January and February 2021, including two reports of gender-based violence (see below for testimonies).

Whether they involve violence or not, pushbacks constitute a violation of the EU asylum, migration and Schengen acquis – yet they are reported daily at the EU’s external borders. And not just at the EU’s external borders – reports of chain pushbacks (from Italy and Slovenia through Croatia) collected on a monthly basis indicate organized and coordinated practices among EU Member States.

Despite repeated statements by the European Commission that a border monitoring mechanism is being discussed and prepared with Croatian authorities, it is to date not clear how this mechanism would ensure independence or accountability, nor how it would be implemented across the EU’s external borders. Furthermore, it remains unclear what measures would be taken should Member States fail to comply with their obligations under the mechanism.

**BIMONTHLY SNAPSHOT JANUARY – FEBRUARY 2021**

In January and February 2021, a total of 547 persons reported being pushed back from Croatia (213 and 334 pushbacks respectively), including 45 persons reporting chain pushbacks. Five persons reported chain pushbacks all the way from Italy, through Slovenia and Croatia, to BiH, and an additional 40 persons reported chain pushbacks from Slovenia, through Croatia, to BiH. The significantly lower numbers of pushbacks recorded at the beginning of 2021 do not unfortunately suggest changes in practices. Furthermore, the decrease in the number of pushbacks reflects the reduced number of attempted border crossings due to harsh weather conditions – a trend that was also observed in the first months of 2020.

Compared to previous months, significantly higher numbers of pushbacks have been reported by families and unaccompanied and separated children (UASCs). This trend is connected with the increased number of families that spend the winter months in dire conditions, living in squats and makeshift camps in Una-Sana Canton, close to the border, to attempt to cross the border on a daily basis. About 11% of the total number of persons reporting pushbacks in January and February were women (two times higher than men).

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compared to December 2020), while more than 24% were children (more than three times higher than in December 2020).

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<thead>
<tr>
<th>Country of Origin</th>
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**Chain pushbacks**

On January 4, a DRC Protection Team interviewed five persons from Pakistan, including an unaccompanied child, reporting a chain pushback from Italy, through Slovenia and Croatia, to BiH, that reportedly happened on 10 December 2020:
On December 10, we arrived to the border area in Italy, traveling through BiH, Croatia and Slovenia. Around 20 kilometers from the city of Trieste, Italy, we saw five police officers and an army officer. The police ordered us to stop moving. After searching us, the police brought us to the nearby police station, about 30 minutes driving. When we arrived at the police station, our fingerprints were taken (five fingers of the left hand), we signed five papers, and our photographs were taken. We spent one night there. There was no bed, we slept on the floor. The police gave us blankets, food and water (two times). The day after, at around 9am, the police drove us to the Slovenian border (about 30 minutes driving). The Italian police handed us over to Slovenian police. At the Slovenian border, a bus was waiting to take us to the Croatian border. Before departing, our thumb fingerprints were taken. On the way to Croatia, the driver stopped at a few other police stations to pick up another 30 persons, and placed them on the bus.

When we arrived at the Croatian police station at the border, the Slovenian police handed us over to Croatian police. The Slovenian police gave us readmission papers. After the Slovenian police left, the Croatian police tore up those papers in front of us. Police then took pictures of our faces. Our fingerprints were not taken and we didn’t sign any papers. The police hit some of the people with a long black stick. Then the police took all our money, bags, shoes, mobile phones, jacket, etc. We remained with only one layer of clothes and shorts. The police placed us in a police van and dropped us at the border area.

It took about five hours driving from the Croatian police station to the border. On the way, almost all us vomited because the van didn’t have any windows, it was dark and the driver drove violently. Some people couldn’t breathe well and vomited frequently.

Arriving at the border area (forest), the police set all of our belongings (bags, shoes, etc.) on fire, except for money – which the police put in their own pockets. The police gave us an order to leave Croatia. We walked about three hours to reach the Lipa camp. We walked without shoes and jackets."

On January 14, a DRC Protection Team interviewed three persons from Morocco reporting a chain pushback from Slovenia, through Croatia, to BiH:

“We entered the territory of Croatia on December 25 from the area of Bihac. After several days of walking, we arrived in Slovenia on January 1 and entered the camp in Ljubljana. There were staff of some organizations in the camp but there were no migrants, we only saw one Pakistani. An organization gave us food. The next day some people came to pick us up and took us to the entrance of the camp where the police were waiting for us with a car. They took us to court, where we gave a statement of where we were from and why we came. The court had an interpreter for our language. We sought asylum but were told we had no right to it. After that, the police locked us in a room in the same building. After 5-6 hours they came to pick us up again and put us in a police van. After 2-3 hours of driving, they handed us over to the Croatian border police. The Croatian police put us in a van and drove us to a police station where we spent 12-13 hours. After that, two policemen put us in a van again and took us to the border with BiH. We didn’t know where we were because it all happened at night. There were four more police officers at the border, three men and one woman, and a small fire near them. They took our money, mobile phones and backpacks. Then they took our jackets, pants and shoes and set them on fire in front of us. Two policemen beat us with wooden batons and forced us to go to the territory of BiH. One of us suffered a broken arm. We arrived in Velika Kladusa on January 4 early in the morning.”

Out of 45 persons reporting chain pushbacks, only three persons reported experiencing physical violence by the Slovenian police; only seven persons reported not experiencing any violence (in either Slovenia or Croatia). A total of 16 persons reported not being registered in Slovenia. One person was pushed back from Slovenia through Croatia to BiH, although he had not been in BiH before: this person reported being directly transported to the BiH border, without going through any form of registration.
Theft and destruction of property, abusive and degrading treatment, physical violence

Despite the lower number of pushback cases reported to DRC teams during the first two months of 2021, the rates of rights violations remain at similar levels to those reported during 2020:

| # OF PERSONS REPORTING SPECIFIC TYPE OF VIOLENCE DURING PUSHBACK INCIDENT |
|-------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Arbitrary arrest or detention                    | Denial of access to asylum procedure | Physical abuse/assault | Abusive/degrading treatment | Theft, extortion or destruction of property |
| 10%                                              | 33%                                         | 32%                                         | 35%                                         | 45%                                         |

Asylum was explicitly sought by, and denied for, **181 persons**, including for three persons that reported denial of access to asylum in both Croatia and Slovenia.

**Theft, extortion and destruction of property** was reported by a total of 247 persons. Interviewees provided testimonies on their private belongings (mainly clothes and footwear) being taken away and often set on fire. On the other hand, valuables, such as money or phones, would be confiscated. A total of **five interviewees reported that their personal documents were retained or destroyed**.

**Abusive and degrading treatment** was reported by a total of 191 interviewees, including forced river crossings (reported by 12 interviewees), being stripped of clothes in the open (reported by 71 persons, including four interviewees reporting being stripped to their underwear). 40 persons reported their shoes and shoelaces being taken away before being ordered to walk to BiH. In two separate incidents (end of January and beginning of February) two different groups of interviewees reported similar practices of being forced to lie on the ground and keep their heads in the snow for almost an hour.

On January 26, DRC Protection Teams interviewed a group of three persons from Morocco – one adult man and two unaccompanied boys:

> On January 24, we were approximately 10 kilometers away from Petrinja [Croatia]. Around 9pm, while we were walking on the road to Petrinja, five police officers in blue uniforms intercepted us. The police ordered us to move a bit from the road and searched us. They took our phones and put them in their pockets. During the search the police officers were rude and were making fun of us. After the search was finished, the police officers ordered us to take off our jackets and to lie on the ground face down. They were kicking us to force us to lie down. One of the boys told them that he was a minor, but the police officers started hitting him more. When we were on the ground, one police officer stayed with us and the rest went to a van. We were there for about an hour, lying on the ground with our faces down. It was cold, and we were freezing.

> After one hour, the police officers placed us in the van, and opened the sunroof. They were driving for about an hour until they reached the border area with BiH, near Glinica. There were three police officers in black uniforms, wearing black balaclavas on their heads. They opened the back door of the van, and told us to leave the van. When we were all outside the van, the police officers told us to go to BiH. We walked until we reached an old house where we spent the night [in BiH]."

Throughout the interview, the interviewees kept repeating how cold they were.
Physical violence was reported by 176 persons. Among the interviewed persons reporting consequences of physical violence by law enforcement personnel, one person suffered a broken nose, and one person reported a broken hand and other minor injuries.

On January 27, DRC teams interviewed three families (12 persons) from Afghanistan, including two men, five women and five children:

The families crossed the border through Velika Kladusa, and walked through the territory of Croatia for about an hour. They were caught by the police at 00:30 on January 27: two male police officers in blue uniforms, who called three more police officers who arrived in black suits and with balaclavas on their heads.

They put all 12 people in a deportation vehicle and drove them back to the border with BiH. According to the statements, the policemen first told the women and children to get out of the vehicle. The women said that police officers searched them over the clothes, although they begged them not to do so because they did not have female police officers on the field. The police confiscated seven phones and 700 euros.

After their belongings were confiscated, a police officer pushed the woman so hard that she fell and injured her arm. Based on the medical diagnosis she received at the hospital in Bihac, it was an injury of the clavicle bone and the right shoulder girdle. The other woman was also pushed by another police officer, and she fell and suffered a hand contusion.

After searching the women, the police officers told the men to get out of the vehicle. First, two boys came out, and the police officers started beating them with their hands, feet, and batons; this treatment lasted for 10 minutes, after which one of them was reportedly unconscious for about 10 minutes.

Then the men were taken out of the vehicle, and the police officers did the same to them – they beat them in different ways. Based on a medical diagnosis from the hospital in Bihac, one of the two men suffered injuries to the left side of his chest and left upper arm.

The police told them to cross into the territory of BiH. The women helped the men to walk because of the difficulty of movement due to the violence suffered.

Two gender based violence incidents were reported to DRC teams. The first was recorded on February 2, while the incident reportedly occurred on 20 December 2020; the second was recorded on February 23, for an incident that reportedly took place on February 15.

Note: the following content may be disturbing to some readers.

Only some elements of the first report are included here, out of respect for the privacy of the survivor:

[...] One police officer took the man out and beat him. The other officer, very tall and of about 32-35 years of age, approached her [the man’s partner] inside the van and started touching and forcefully kissing her. She described being frozen to death from fear, so much so that she couldn’t scream for help. He touched her breasts and put his hand in her pants. It lasted for about 5-6 minutes before the other policeman approached the van, which made the perpetrator stop. Having been interrupted, the tall police officer then took her out of the van and started beating her with his fists for a few minutes. She had bruising of her spine and her face started bleeding, which scared the other police officer who told his colleague to stop [...]

The second incident was reported by a woman from Afghanistan, who provided written consent for sharing of the following testimony:

"On February 15, at around 9:30pm, we tried to cross the border with Croatia. There were four of us in the group. We tried to cross the border near Velika Kladusa. Two children were with me, their mother is already in a camp in Zagreb, and so are the wife and the daughter of the elderly man that was with us."
We came to an area where we saw a street that was lit by street lights. From the hill, we saw a police vehicle (a white police car with police markings on the side and rotating lights on the roof) with three police officers next to it. We were hiding for some time, waiting for them to move. After they moved, we went down the hill. Some 15 minutes later, we were approached by one of the police officers that we recognized from before. He ran to us and pointed a rifle at us and told us to stop and sit. We did. Soon after that, another officer showed up and he was holding binoculars. Only after the second police officer showed up did the first officer lower his weapon. Soon after that, the police vehicle that we had seen earlier showed up, with one police officer driving. One police officer was skinny, with blond hair and blue eyes, the other one was a bit older and of medium build, while the third one was tall and of strong constitution.

The children that were with me and the elderly man showed papers that their families are in the Zagreb camp, and we all asked to be accommodated there. We specifically asked for asylum. The blue-eyed officer took the papers and tore them apart in front of us. The people that were with me asked the officer to take them to the camp so that they could be with their families. He laughed and insulted them while they were asking him to have understanding.

The blue-eyed officer slapped the elderly man who was with us and told him not to ask about the Zagreb camp anymore. Then they asked us to give our phones and money. I had two mobile phones with me and around 150 Euros, one of the phones belonged to the elderly man. The police officers told us to empty our pockets and show them our bags. They searched the children’s bags first. The officer found playing cards in the bag and then gave one of the children a hard slap in the face. The elderly man that was with us had clothes in his bag that belong to his daughter that is in the Zagreb camp. The officer asked him ‘Who does this belong to?’. I answered that he is my brother and that the clothes belong to my sister who is in the camp. We both received a slap in the face from the officer. They asked us again if we had any mobile phones with us. We said ‘no’, during the search the officer found a phone charger and started screaming at us. He took me aside and started to search me. I insisted that he should not be touching me. He asked me why. I told him because I am a woman and a Muslim and it’s haram. The officer slapped me over the head and told me: ‘If you are Muslim, why did you come to Croatia, why didn’t you stay in Bosnia with Muslims?’.

He proceeded with the search, removing my headscarf and jacket. After he removed my jacket he started to touch my breasts and I started to cry. I told the elderly man that was with me: ‘I will give them the phone, I don’t want him to continue touching me’. I gave them his phone that I was hiding, I had the other one in my t-shirt. I gave the police officer 50 Euros that I had in my pocket, hoping that he would stop touching me. I had 6 t-shirts on me. The officer ordered me to remove all my shirts and I refused. He continued to touch me on my breasts and behind and I cried a lot. The officer told me to stop crying, while gesticulating that he would strangle me if I continued. I was scared but I stopped crying. The officer found my other phone and the 150 euros that I had. He put them in his pocket.

Some 15 minutes later, a police van arrived (white van with barred windows and police markings) with one officer inside, in a dark blue uniform. We were ordered to board the van. The ride took around 20 minutes. After we arrived we were waiting in the van for another 30 minutes. We could hear screams and hits outside. Soon an officer showed up with a flashlight strapped on his forehead and told us to leave the van. There were three officers there. It was impossible to see any details of their uniforms.

When we left the van they asked me where my husband is, and I told them that I was with my brother, hoping that it would help me. They started slapping and punching the children, then they ordered them to walk down into the forest.

They separated me and the man I had said was my brother. They ordered my “brother” to empty our bags on the ground. Then they ordered him to strip naked. They stripped him completely naked, even his underwear. It
was so humiliating. They made me translate to my naked elderly friend. It was shocking and sad. They asked again about the mobile phones and money, and we replied that the previous group of officers had taken them from us. They gave a blanket to my “brother” and told him to wait aside.

Then the officer ordered me to strip naked, to which I objected. I was slapped hard in the face and told: ‘Strip naked’. I had six t-shirts and three pairs of pants on me. I removed all but one shirt and trousers and I covered myself with a blanket. An officer approached me and started to touch me over the blanket. He felt my clothes and slapped me saying I needed to remove everything, even underwear. The officer started to search and touch me while I was naked. He then asked me if I loved him. He told me: ‘I love you, do you love me? Do you want me to take you somewhere to be with me?’ I was scared and in tears. He asked to take me to the forest and asked me if I understood what he meant. I gesticulated to him that I didn’t understand. I did.

The officer then grabbed my shoulder and pushed me in the direction of another officer. They both had flashlights on the forehead and I couldn’t see well. The officer that had touched me pulled out a knife and put it on my throat. He told me that if I ever said anything to anyone he would kill me, and if I ever came back to Croatia I would meet my end in the forest under him. The officer asked me again which one was my brother. When I pointed, he started to hit me in the face and on the head saying: ‘I am hitting you in front of your brother, translate that to him’.

Then they took us down the hill, where I saw the two children lying on the ground. The officer told them to get up and strip naked. They were hitting them with police batons while they were stripping naked. They told me to sit on the ground next to them. I didn’t understand, and the officer hit me on my legs. One of the officers slapped my “brother” hard. He was an elderly man and it made him fall down.

Then the officer gave me a nylon bag and ordered me to pick up the garbage that was littered around. He was hitting me over my head the whole time while I was collecting garbage.

When I was done, they told us to walk to Bosnia. The whole time we were walking they were hitting us with police batons over our back and legs. The children got it the worst. After we arrived in Bosnia, I fainted. I am not sure how long I was out. My friends gave me water and chocolate and I felt a bit better. We went to Miral camp after that.”

DRC Protection and Medical Teams continue providing immediate assistance to persons experiencing pushbacks to BiH. In January and February 2020, DRC teams assisted 111 persons experiencing pushbacks with distribution of food and 71 persons with non-food items. Additionally, 32 persons were provided with medical first aid by mobile teams, and 38 persons were referred to DRC infirmaries for follow-up medical care. When it comes to other services, 7 persons were referred to legal aid, 12 persons were referred to the Center for Social Welfare, and 64 persons were referred to reception centers for accommodation.
OVERALL TRENDS 2020 - 2021

Migration flows and pushbacks were significantly affected by the COVID-19 crisis as of March 2020. As a result, figures for March 2020 do not necessarily reflect overall trends. Furthermore, harsh weather conditions during winter months have a significant impact on the overall number of attempted border crossings, and the number of pushback incidents.

Note: DRC began systematizing data collection (incident reports) related to pushbacks in the course of 2019, with the progressive deployment of outreach teams in BiH since May 2019; this ensures accurate recording following daily coverage in all areas where asylum seekers and migrants report pushbacks to BiH.

In response to the COVID-19 crisis, DRC has significantly scaled up the humanitarian health response for refugees and migrants in BiH. DRC has developed preparedness and response planning, in coordination with the BiH health authorities and other agencies, including:

- establishment of isolation areas for COVID-19 prevention in migrant reception centers;
- information dissemination on prevention of COVID-19;
- procurement of personal protective equipment for humanitarian staff and healthcare workers;
- support to healthcare facilities through provision of essential medical equipment;
- development of protocols for screening, identification and referral to healthcare of COVID-19 cases within the refugee and migrant community.

DRC strongly advocates for equitable access to primary and secondary healthcare for asylum-seekers, refugees and migrants affected by COVID-19. As of 25 March 2021, there have been 104 cases of COVID-19 identified in reception centers in BiH. DRC publishes weekly Situation Reports on COVID-19 preparedness and response: DRC BiH COVID-19 Situation Reports.
The number of persons reporting pushbacks does not necessarily represent the number of unique individuals, as the same individual(s) may experience repeated pushbacks to BiH. However, repeated cases represent distinct instances of pushbacks. Each pushback is recorded as a separate case.

Border Protection Monitoring (BPM) is an integral part of the Danish Refugee Council’s humanitarian assistance to asylum seekers and migrants in out-of-site locations in BiH. DRC operates outreach protection teams and mobile medical teams – in partnership with the Red Cross (RC) of the Federation of Bosnia and Herzegovina – in Una-Sana, Sarajevo, Herzegovina-Neretva and Tuzla Cantons, and in Republika Srpska. In addition to border protection monitoring, the DRC and RC outreach teams ensure identification, profiling and referral of vulnerable individuals and groups, provision of medical first aid, and immediate assistance (food and other essential items such as winter clothing) for asylum seekers and migrants without access to formal accommodation and essential services. The outreach response complements the DRC health and protection program implemented in all reception facilities in BiH.

For additional information, please contact Nicola Bay, Country Director, nicola.bay@drc.ngo.

Photo credit: DRC, Graphic depiction of one of the reported chain pushbacks drawn during interview with pushback victim, December 2020.