

Pushbacks at the EU's external border”

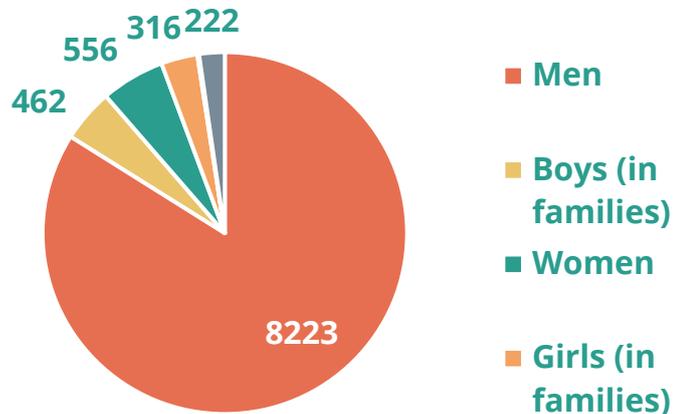
Most recent pushback figures

In order to provide you with the most recent update on the situation on the ground, we have collected inputs from partners of the Protection Rights At Borders (PRAB) initiative. The following data were collected, **from 1 January 2021 until 30 September 2021**, by the Danish Refugee Council in Bosnia-and Herzegovina (BiH), CSD Diaconia Valdese Italy, the Greek Council for Refugees (GRC), HCIT in Serbia and MYLA, the Macedonian Young Lawyers Association in North Macedonia.

In total **9794 people** reported a pushback, of those **8779 were adults (90%)**, while **778 were children in the company of a family member (8%)** and **237 unaccompanied girls (15) and boys (222) (2%)**. These data reflect pushbacks at the EU’s external borders,

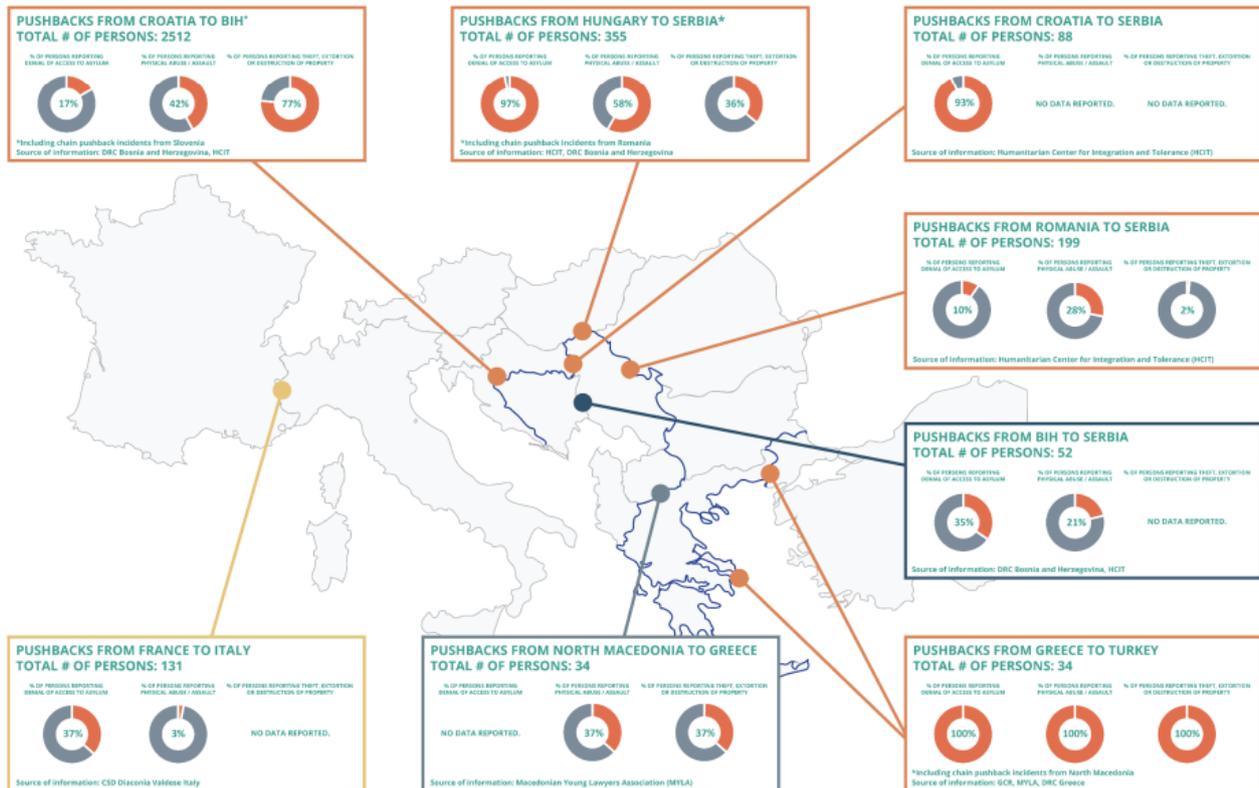
namely the borders of Croatia- BiH, Greece-Turkey, and Serbia – Hungary, Slovenia and Croatia; but also it’s internal border between Italy and France. Note that these are merely pushbacks recorded by DRC and partners, while the total number is consequently likely to be much higher.

The victims also reported their CoO, while 34% of them reported to come from Afghanistan, 31% reported to come from Pakistan and 10% came from Syria, over the entire 9 months of recording. Note that since 15 August, when the Taliban took control of Kabul, until end September 2021 743 Afghans were affected by pushbacks at the Croatian-Bosnian border.



Pushbacks further go accompanied with other rights violations. We are still processing the data from July onwards, for these detailed overview of rights violations, but can still re-share this overview of rights violations accross borders as reported in our [PRAB II](#), which included data from April to July 2021 when . There is unfortunately no indication that violations have decreased since the summer, and % of rights violations are likely to be similar – and have been similar over the past couple of years.

OVERVIEW OF PREVAILING RIGHTS VIOLATIONS ACROSS BORDERS



Key asks / recommendations

- Pushbacks and border violence are **not isolated cases** at the EU’s external borders. Pushbacks are a form of deterrence, a practice systematically used to deny people’s access to request international protection. Pushbacks are further often accompanied with other rights violations, such as arbitrary arrest or detention, physical abuse or assault, abusive or degrading treatment, and theft, extortion or destruction of property.
- The only way to end these violations of EU and international law, is to effectively change the practice of border management and stop the illegal practices of pushbacks.
 - With regards to the continuing border violations, we recommend the European Parliament to keep the spotlight on these rights violations and to continue requesting Member States to stop the atrocities at the EU’s borders. Further we also recommended MEPs to visit the border areas and to call on the European Commission to uphold its role as the guardian of the EU acquis and its obligation to safeguard EU law.
- Further, a well-functioning independent border monitoring mechanism is required to ensure accountability and to end perpetrator’s impunity. While the wheel should not be re-invited, the term **‘independent border monitoring mechanism’** can only be used for a mechanism that complies with the following criteria:
 - It requires the involvement of **independent national authorities** and civil society organisations and support them through EU funding;
 - The **scope of the monitoring to apply to all alleged fundamental rights violations** by national border management authorities or during border control activities;

- It is established how Member States should **investigate allegations** to put an end to abuse, guarantee access to justice and ensure transparency;
- Finally, build in political and financial **costs if Member State governments fail to cooperate** with the mechanism, do not set it up or ignore its findings
- Croatia's recently announced border monitoring mechanism, meant to provide for independent human rights monitoring of border operations, falls short of the standards needed to ensure its effectiveness and success.
 - Independence is not guaranteed, as the mechanism's actors are financially dependent on the Croatian authorities, more precisely the one they monitor;
 - The mechanism's mandate is limited to announced visits to police stations around the border, border crossing points, and detention centers. As the vast majority of documented unlawful practices take place outside Croatia's official border crossings, or police facilities, bypassing formal procedures, and often deep inside of the country's territory, any geographic or procedural limitations on border monitoring creates blind spots and enables violations to continue;
 - There is no clarity in how incident reports – if identified through the mechanism or actors on the ground monitoring the border – can be submitted to the relevant authorities and will be investigated. Paths to accountability and transparency have remained closed, likely purposefully;
 - Finally, while the mechanism is funded by the European Commission (under the EMAS funding, 400.000 out of the allocated 14 million), there are no conditionality clauses with regards to human rights compliance and the criteria for determining its success are absent.

One can therefore doubt whether the set-up mechanism is genuinely designed to record pushbacks, investigate them, and hold perpetrators accountable, and whether it is just another tick-the-box exercise. The money provided by the Commission for the mechanism is – to say it bluntly – a Blanco cheque without human rights conditionality or without any safeguards to improve the rights violations faced by thousands of migrants and asylum seekers over the past and, without any doubt, the coming months.

Further, DRC's data collection does not show any change in the pattern of systematic pushbacks or the widespread use of violence by Croatian law enforcement personnel that since early June 2021, when the funding to the mechanism has been granted and the mechanism officially being set up. [Note that: while the numbers of recorded pushbacks are comparatively lower in 2021 (in 2020 approximated 1400-1600 cases per month were recorded, and 1000-1300 cases in 2021), the % of people that report rights violations during the pushbacks - e.g. prevention of access to asylum, arbitrary detentions, theft, and physical abuse - remains nevertheless the same.]

More information

- [PRAB I](#) and [PRAB II](#): regional reports covering testimonies of cases of pushbacks at the borders between France and Italy, Italy and Greece, Croatia and BiH, Croatia and Serbia, Hungary and Serbia, Romania and Serbia, Northern Macedonia and Greece, as well as at the Greece-Turkey border, respectively from January – April, and from April – June. (Note that the third PRAB Report comes out in December 2021).
- [Monthly Border Monitoring Factsheets](#), from March 2021 on the border between Croatia and Bosnia.
- [Monthly Border Monitoring Snapshots](#), from December 2019 until February 2021, on the border between Croatia and Bosnia.
- Key recommendations for a functioning Independent Border Monitoring Mechanism: [DRC | New monitoring mechanism at European borders should ensure fundamental rights and accountability](#)
- Initial assessment of Croatia's mechanism [DRC | Croatia/EU Border Monitoring System: Effective Mechanism Needed - Independent, Broad Mandate, Adequate Resources](#)