



Input by civil society organisations to the Asylum Report 2023

Dear Colleagues,

The production of the *Asylum Report 2023* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2022 (and early 2023) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2022 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2023 by **Friday, 3 February 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- ✓ New developments and improvements in 2022 and new or remaining challenges; and
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2022.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Between January and November 2022, BVMN collected 293 pushback testimonies at the EU's external borders affecting approximately 5,137 people-on-the-move. Pushbacks *ipso facto* deny people access to territory and violate the principle of *non-refoulement*. Pushbacks always result in a procedural violation of the principle of *non-refoulement* as people are denied their right to have their circumstances individually assessed, usurping their right to claim international protection through access to asylum.

During 40% of all pushbacks recorded by BVMN in 2022, the intention to ask for asylum was expressed by the respondents and ignored by the authorities. However, this figure does not sufficiently represent the scale of the systematic procedural violation of *non-refoulement* as many transit groups cannot or will not come forth to report incidences of border violence and pushbacks they experienced due to fear, lack of awareness or the inability to access the reporting procedures provided by organisations like BVMN.

Pushbacks often result in substantive violations of the principle of *non-refoulement* as authorities frequently return people to places where they face a risk in line with Article 4 EU Charter. BVMN has recorded cases of chain-pushbacks where persons are expelled to the country they travelled through, then pushed back again until they are excluded from the EU





territory. At times, the countries they are returned to are the country of persecution such as in the case of Turkish nationals being chain-refouled to Türkiye.¹

Vulnerable groups are systematically denied referrals to procedures that would safeguard their rights, including vulnerable groups such as (unaccompanied) minors, pregnant women, and people in need of medical care. In 2022, 42% of the pushback testimonies recorded by BVMN included minors. This leads to the conclusion that governmental authorities either lack sufficient training or are deliberately acting contrary to the law. According to settled case-law, a person does not have to explicitly say the word “*asylum*” in order to be protected from *refoulement* and the simple expression of fear of persecution or need for protection suffices.²

More so, it is important to stress that the pushbacks often substantively violate the principle of the prohibition of torture and of inhuman and degrading treatment as they are perpetrated with violence in 91% of cases, as recorded in BVMN reports.³

In a statement issued on April 7th 2022, Dunja Mijatović, the Council of Europe Commissioner for Human Rights, urged EU member states to stop pushbacks at their borders: “*The war in Ukraine has caused death and destruction and has forced more than 4 million people to leave the country in search of safety elsewhere in Europe. The immediate response of European countries shows that it is possible to put the protection of human dignity and the observance of international obligations at the centre of state action.*”⁴

Greece

In 2022, BVMN reported 35 pushbacks from Greece to Türkiye affecting approximately 2,006 people-on-the-move, a figure which accounts for only a fraction of the violent daily removals at the border that BVMN confirms to constitute a systematic practice. The Hellenic Police reported that more than 230,000 people were “*prevented*” from entering Greece from January to October 2022.⁵

In more than 30% of the testimonies of Greek pushbacks collected in 2022, the intention to ask for asylum was actively expressed by the respondents and deliberately ignored by Greek authorities. In May 2022 BVMN recorded a pushback testimony from Greece to Türkiye of a 35 year-old respondent that recounted how when asked for asylum upon his apprehension the “*The officer hit me with the plastic baton on my back and laughed*”.⁶ Turkish nationals

¹ Border Violence Monitoring Network. 2022. June Monthly Report. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-june-2022/#more-20658>.

² UNHCR. Determination of Refugee Status.1989. “*A person does not become a refugee because of recognition, but is recognised because he or she is a refugee.*” [Online]. [Accessed 28/11/2022]. Available from: <https://www.refworld.org/pdfid/3ae6b35c0.pdf>.

³ Border Violence Monitoring Network. 2022. *Internal Violence Greece*. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Internal-Violence-Greece-2022.pdf>.

⁴ Border Violence Monitoring Network. 2022. *April Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-april-2022/#more-20326>.

⁵ Hellenic Parliament. 2020.[Online]. [Accessed 28/11/2022]. Available from: <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/12143688.pdf>

⁶ Border Violence Monitoring Network. 2022. “*VIOLENT PUSHBACK OF 100 PEOPLE, INCLUDING WOMEN AND MINORS: “ONE OF THE BLOWS STRUCK MY HEAD SO HARD THAT I LOST CONTACT WITH THE WORLD FOR A*





who are pushed back to Türkiye are often directly returned to their persecutors.⁷ Non-Turkish nationals are often returned to inhuman and degrading treatment. For example, they risk being detained in inhumane conditions as a result of having left the country illegally, have their residence status revoked, and are exposed to the risk of chain-refoulement from Turkey.⁸

In early February 2022, 19 people were found frozen to death in the Evros region on the Turkish side of the border. Despite the cold weather, those who died were found minimally dressed, without winter jackets, clothes, or shoes; this corresponds with several testimonies from pushback survivors recounting how their clothes and belongings were stolen by authorities at the border during pushbacks; this further aligns with the report of 92 naked people-on-the-move discovered at the Greek/Turkish border.⁹ The days on which the bodies were found and the pushback likely happened fell during a particularly cold spell, with temperatures falling below zero. The Greek Minister for Migration and Asylum, Notis Mitarachi, called the responsibility of Greek authorities in the death “*false propaganda*”, adding: “*These migrants never made it to the border. Any suggestion they did, or indeed were pushed back into Turkey is utter nonsense.*”¹⁰

In August 2022, after continued pushbacks between Türkiye and Greece, a group of 40 people-on-the-move were left stranded on an islet in Evros resulting in the death of a seven-year-old child.¹¹ The Greek State’s systematic orchestration of pushbacks and their continued hollow denial in perpetuating pushbacks despite years of documentation and evidence proving otherwise,¹² continuously results in foreseeable preventable deaths and the severe physical and mental abuse of people-on-the-move along Greek borders.

Necessity for International Intervention

The modus operandi of pushbacks through the intentional stranding of people on islets by Greek authorities has been recorded by BVMN since November 2020, which constitutes an ongoing practice until the publication of this report. In April 2022, due to the refusal to engage in search and rescue, an application of interim measures to the European Court of Human Rights was submitted on behalf of 34 persons stranded on an islet in Evros.¹³ The application

MOMENT AND THOUGHT I'M GOING TO DIE. [THE OFFICERS] KNOW THE WAR IN LIBYA, BUT THEY DON'T CARE AND NEVER CARE. AND THEIR WAY OF SEARCHING WOMEN - IT WAS NASTY. AND THEY WERE CRYING. AND WE WERE COMPLETELY NAKED THE WHOLE TIME.” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/may-17-2022-1800-rigjo-greece-to-saclimusellim-turkey/>.

⁷ BVMN. 2022. *Press Release: Interim Measures Granted for 49 Turkish and Syrian Asylum Seekers on a Greek Islet in the Evros River. Greece Yet to Comply.* [Online]. [Accessed 28/11/2022]. Available from: <https://www.borderviolence.eu/20759-2/>.

⁸ Border Violence Monitoring Network. 2022. *July Monthly Report.* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/july/>.

⁹ EuroMedRights. 2022. *Migrants and Refugees in Greece.* [Online]. [Accessed 1/12/2022]. Available from: <https://euomedrights.org/migrants-and-refugees-in-greece/>.

¹⁰ Border Violence Monitoring Network. 2022. *February Monthly Report.* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-february-2022/#more-19866>.

¹¹ Greek Reporter. 2022. *Migrants Stranded on Islet in Evros River Abandoned to Die.* [Online]. [Accessed 1/12/2022]. Available from: <https://greekreporter.com/2022/08/14/migrants-evros-abandoned-die/>.

¹² Border Violence Monitoring Network. 2022. *Testimony Database.* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports>.

¹³ Border Violence Monitoring Network. 2022. *March Monthly Report.* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-march-2022/#more-20102>.





was granted and the Court requested the “*applicants be provided with food, water, clothing, temporary shelter and adequate medical care until 14 April 2022*”.¹⁴ On April 1st, the group was rescued by authorities and transferred to Fylakio Reception and Identification Centre. Regardless of the efforts of several Civil Society Organisations to immediately contact Frontex, The Office of the Greek Ombudsman, The Greek National Commission on Human Rights and other relevant actors for intervention in cases of people being stranded on islets in the Evros, their efforts are futile in almost all cases. The authorities frequently actively stand by or fail to intervene until the loss of life has occurred.¹⁵

Accessing the territory and lodging an asylum application in Greece has become largely unattainable. For this reason, asylum seekers supported by legal aid organisations look increasingly to international bodies like the European Court of Human Rights for remedies to oblige Greece to comply with its human rights obligations. For example, in March 2022, the European Court of Human Rights issued the first decision of its kind, ordering that a pushback from the Greek islands should not take place following a request of a Civil Society Organisation.¹⁶ This illustrates that protection from pushbacks and legal avenues for access to asylum without the support of a court has become near to impossible. The Minister for Civil Protection, Panagiotis Theodorikakos, stated in August 2022 that there will be an increase in border security to deter people from crossing the border irregularly, “*our message is that that no one crosses Evros illegally; we will not allow it.*”¹⁷

Also in August, plans to expand and enhance the already existing border surveillance systems along the Evros border were announced. The deployment of another 250 officers at the Evros region to assist in border enforcement through the “*Akritas project*” is also projected.¹⁸

Moreover, the release of a detailed contingency plan with changes to how police monitor and regulate border controls in Evros outlined intentions to deploy more officers in the area; relocate water cannons, unmanned aerial vehicles, tear gas and stun grenades to the region; all of which will be executed in conjunction with the already available materials at the police directorates in Orestiada and Alexandroupolis.¹⁹

As there is virtually no reasonably accessible or safe legal avenue to claim asylum in Greece due to poor asylum procedures and heavy border security presence, these threatening developments are extremely concerning for people-on-the-move who will be forced to turn to more dangerous and risky means of accessing Greek territory to merely have the possibility to register their asylum claims.

¹⁴ Ibid.

¹⁵ Border Violence Monitoring Network. 2022. *Testimony Database*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports>.

¹⁶ EuroMedRights. 2022. *Migrants and Refugees in Greece*. [Online]. [Accessed 1/12/2022]. Available from: <https://euomedrights.org/migrants-and-refugees-in-greece/>.

¹⁷ Border Violence Monitoring Network. 2022. *August Monthly Report*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/balkan-regional-report-august-2022/#more-20915>.

¹⁸ Ibid.

¹⁹ Ibid.





FRONTEX Presence Along the Border

According to Frontex regulations, the agency's responsibility lies in actively safeguarding and protecting the respect of fundamental rights in their operational areas. This obligation translates into the duty of officers to abide by the code of conduct and ensure people-on-the-move can exercise their right to international protection through the application for asylum, and the referral of vulnerable persons to the proper institutions.²⁰

BVMN has been collecting testimonies of pushbacks in Frontex operational areas since the closure of the formalised corridor along the Balkan Route, and throughout the documentation, BVMN has recorded multiple accounts of Frontex officers in potential breach of their obligations.²¹ BVMN has also recorded potential breaches of personal data rights where respondents reported that Frontex officers photographed them with their personal mobile phones;²² victims of pushbacks have mentioned on numerous occasions that they were photographed by law enforcement officers during the pushback.²³

Reports of Frontex officers lending their armbands and insignias to civilians is another potential breach of conduct.²⁴ BVMN notified the Fundamental Rights Officer and requested the initiation of an inquiry into this matter but no confirmation that the individual complaints submitted are being investigated has been communicated to date.

Frontex requires the disclosure of identification for individual complaints despite recommendations from the European Ombudsman for a reform.²⁵ People-on-the-move are often reluctant to submit complaints under their name out of fear that it will impact their asylum decisions. The agency insists that all human rights violations at the borders are reported to human rights officials, yet this year, only one case has been reported in Evros irrespective of the heavy proof that illegal deportations are a common occurrence.²⁶

On the 19th of September 2022, a delegation of MEPs from the Greens/European Free Alliance group visited the region of Evros to investigate illegal migrant pushbacks. In an exchange between MEPs and the operational officer in Greece for Frontex, Indra Medina Kano, seemed minimally proactive in providing aid to people in need of help along the border. In response to MEP accusations that Frontex has knowledge and even accommodates illegal push backs along the Greek border, Kano replied, *"We act under the command of the Greek authorities, and we are deployed where they need us...If the Greeks insist that it is on Turkish*

²⁰ Border Violence Monitoring Network.2022.*BVMN Submission to the Evaluation of the Frontex Regulation*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/bvmn-submission-to-the-evaluation-of-frontex-regulation/>.

²¹ Ibid.

²² Border Violence Monitoring Network. 2022. *Testimony Database*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports>.

²³ Border Violence Monitoring Network. 2022. *August Monthly Report*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/violence-reports/august-17-2022-0500-roszke-hungary/>.

²⁴ Border Violence Monitoring Network.2022.*BVMN Submission to the Evaluation of the Frontex Regulation*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/bvmn-submission-to-the-evaluation-of-frontex-regulation/>.

²⁵ Ibid.

²⁶ Border Violence Monitoring Network. 2022. *September Monthly Report*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/balkan-regional-report-september-2022/#more-21121>.





territory, we believe them".²⁷ The Green MEPs called for a freeze on funds for countries like Greece that carry out illegal expulsions of POM.

The aforementioned evidence that Frontex is present along the Greek border indicates that the agency is witnessing and facilitating violations of EU law in its operational areas, and contributing to the prevention of people-on-the-move to access territory and in turn, asylum procedures.

Migration and Asylum Statistics in Greece

In 2022, the Greek Ministry of Migration and Asylum published figures depicting that the number of refugee and migrant populations in Greece has more than halved since last year despite UNHCR data showing an increase of arrivals to Greece in the same period.²⁸ Compared to 2021 figures, Government statistics present a 56% decrease in the total migrant population across both the islands and mainland, with 16% of people located on the islands and 84% on the mainland.²⁹ However, UNHCR reported in August that there have already been 10,651 arrivals to Greece in 2022, higher than last year's official total of 9,157.³⁰

Migration Minister Mitarachi also claimed that an additional 154,000 people were prevented from entering Greece since January this year.³¹ It is likely that the discrepancy between the reported decrease in migrant population and the increase in arrivals can be explained by the severe lack of access to asylum registration procedures, as well as the increasingly systematic practice of illegal pushbacks which BVMN continues to monitor. Mitarachi's statement that the Ministry of Migration is making "every effort to effectively manage migration" obscures the ineffective, informal and illegal means of 'management' being implemented by the Greek state.³²

On Monday the 19th of September, a delegation of MEPs from the Greens/European Free Alliance group visited the region of Evros to investigate illegal migrant pushbacks. They were met with "deliberate silences", an "oppressive atmosphere" and were prohibited from accessing certain areas or people.³³ The German MEP Erik Marquardt reported that Greece is "trying to build a different reality" and to erect a "wall of lies" to deny the systematic pushback of people at its borders. A request by the MEPs for an interview with Greek border guards was denied, and the delegation was not permitted to visit the Evros river.³⁴

Furthermore, European Parliament member Tineke Strik accused Greek Prime Minister, Kyriakos Mitsotakis, of covering up evidence of refugee pushbacks in Mediterranean waters during a speech in a session of the European Parliament, stating: "*When asylum seekers try to enter Europe from your country, these people's rights are ruthlessly violated and [they are] pushed back to Turkish soil...[of which] evidence is recorded by UN bodies, NGOs and*

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.





*investigative journalists. European judges refuse to accept a reality that violates core EU values.*³⁵

The Greek state continues to blatantly deny that pushbacks are being carried out systematically as part of their border security and surveillance policies in spite of various organisations, political institutions and social actors continuously condemning the evidence of Greece's involvement in violent violations of human rights law. Push backs and border violence routinely prevent people from accessing safe territory and availing of the international protection systems which they are entitled to by law.

Croatia

In 2022, BVMN alone recorded 120 pushback testimonies from Croatia, affecting over 1,088 people, including pregnant women and children (44% of pushbacks attest to the presence of minors),³⁶ illustrating still that pushbacks continue to occur on a daily basis. Yet, due to the imminent accession of Croatia to the Schengen zone, BVMN has observed a shift in the *modus operandi* of Croatian pushbacks as it seems that authorities are more 'careful' in hiding their involvement in pushbacks.³⁷ Multiple testimonies recount officials taking care not to leave injuries from physical violence visible on people-on-the-move,³⁸ as well as concealing insignias and patches from their uniforms during pushbacks.³⁹

Despite the slight decrease in violence reported, the continuation of subjecting people-on-the-move to insults, humiliation, verbal abuse, confinement in vehicles without enough air and windows, destruction or theft of personal property, and strategically abandoning persons in desolate locations demonstrates that officials' attitudes towards people-on-the move has not changed, only evaded.⁴⁰

On the 4th of April 2022, Croatia's request for a reconsideration of the *Little Madina* case was rejected by the Grand Chamber of the European Court of Human Rights. It renders the verdict that Croatia was guilty of violating the provisions of the International Convention on Human

³⁵ Border Violence Monitoring Network. 2022. *June Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-june-2022/#more-20658>

³⁶ Border Violence Monitoring Network. 2022. *Testimony Database*. [Online]. [Accessed 17/02/2022]. Available from: <https://www.borderviolence.eu/violence-reports/>

³⁷ Border Violence Monitoring Network. 2021. *December Monthly Report*. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-december/#more-19444> .

³⁸ Border Violence Monitoring Network. 2021. *They beat them so cleverly, [...] beat them on the chest, the belly, the private area; it will not show, the wound or injury, but the man will have so much pain, inside*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/november-6-2021-0000-according-to-the-respondent-the-green-border-with-a-knee-high-river-running-through-it-around-25-kilometer-of-walking-from-the-bosnian-city-of-velika-kladusa-which-he>.

³⁹ Border Violence Monitoring Network. 2021. *I was thinking like, today is Monday. How is the camp not working? It was a surprise for me...* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/november-28-2021-0945-about-2-km-northwest-of-the-bosnian-border-town-of-sturlic-exact-coordinates-45-072046-15-761673/>.

⁴⁰ Border Violence Monitoring Network. 2022. *September Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-september-2022/#more-21121>





Rights including the right to life of little Madina and the prohibition of inhuman and degrading treatment, final.⁴¹

Furthermore, in April 2022, the Administrative Jurisdiction Division of the Council of State decided that the Dublin transfer of people that applied for asylum in the Netherlands to Croatia should be re-considered in light of the risks of deportation contrary to Article 4 Charter of Fundamental Rights and Article 3 ECHR. The Court stated that the returns to Croatia constitute a fundamental flaw in the Dutch asylum procedure especially considering that Croatia does not respect the right to apply for asylum within its territory and routinely pushes back people-on-the-move to third countries; Bosnia and Herzegovina and Serbia.⁴²

In Croatian territory, a negligible amount of fuel and human resources are invested into the transportation of people-on-the-move during long distance pushbacks. For example, in the case of a Kurdish family, the actual pushback location was about 100 kilometres south of the location of apprehension.⁴³

Bosnia and Herzegovina

On the 31st of July 2022, the forced deportation of people from Pakistan commenced under the Readmission Agreement signed in 2020.⁴⁴ BVMN found evidence of people being intercepted by police and subsequently being pushed back great distances from their initial apprehension point. In these cases, survivors of pushbacks are subjected to great exhaustion and, depending on the weather conditions, illnesses from exposure to freezing temperatures. Furthermore, the unpredictability of the pushback locations is an enormous psychological burden.

In March 2022, Una Sana Canton police systematically stopped buses and racially profiled passengers before forcing people without papers to get off. While the overall number of people-on-the-move staying in Una Sana is significantly lower than previous years, people continue to be stopped at the Velečevo Checkpoint every day, through the first half of the year. It is one of many measures that restrict the freedom of movement of people-on-the-move.⁴⁵

⁴¹ M.H. and Others v Croatia. 2022. [Online]. [Accessed 30/11/2022]. Available from: <https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22%3A%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22%3A%22001-213213%22%7D>.

⁴² Rad van State. 2022. [Online]. [Accessed 30/11/2022]. Available from: <https://www.raadvanstate.nl/uitspraken/@130732/202102939-1-v3/>.

⁴³ Border Violence Monitoring Network. 2022. *February Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/BVMN-Monthly-Report-February-2022.pdf-1.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.

⁴⁴ Border Violence Monitoring Network. 2022. *July Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/MonthlyReportJuly2022.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.

⁴⁵ Border Violence Monitoring Network. 2022. *March Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/MonthlyReportMarch2022-1.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.





Italy

In 2022, BVMN recorded 5 testimonies of pushbacks from Italy, affecting an estimated 5 people, representing only a fraction of the total number of people who have been pushed back by Italian authorities. Again, in more than half of documented pushbacks by BVMN, the intention to claim asylum was expressed and knowingly ignored by authorities.⁴⁶

Bulgaria

BVMN noted an increasingly high number of severely violent pushbacks from Bulgaria to Turkey. In February 2022, six testimonies were documented with consistent patterns of apprehension and excessive violence across all cases.⁴⁷ In particular, the use of dogs to inflict fear and pain onto people-on-the-move is becoming more and more synonymous with the modus operandi of pushbacks by Bulgarian authorities. In a testimony collected by BVMN in May, the respondent reported that before being pushed back, he was beaten by officers and attacked and bitten “*everywhere*” by a police dog that was set on him by the Bulgarian police.⁴⁸ This tactic is a pattern continuously observed in the local context and has been recorded in 25% of Bulgarian pushbacks since November 2020, as well as being condemned by Human Rights Watch already in 2014. Despite the ongoing documentation and appeal to intervene and stop the facilitation of extreme violence towards people-on-the-move, it continues to occur every day along their borders.⁴⁹

Chain Pushbacks

Chain pushbacks are a routine fixture of the EU border regime, where people-on-the-move are violently *refouled* through several countries, constituting 21% of all pushbacks recorded by BVMN.⁵⁰ Common chain pushback routes include: (1) from Bulgaria to Greece and then subsequently to Türkiye and (2) from Italy or Austria to/or Slovenia to Croatia and then to BiH and Serbia. It is reported that chain-pushbacks can last multiple days, include detention under poor conditions, provision of little to no water or food, and scant access to legal support.⁵¹

On February 16, 2022 the Landesverwaltungsgericht Steiermark (Regional Administrative Court of Styria, Austria) issued its second verdict against chain pushbacks initiated in Austria. It was the first Austrian court decision to recognise a chain pushback involving an unaccompanied minor as a violation of his human rights: “*The refoulement of the complainant*

⁴⁶ BVMN. 2022. *Statistics about reports*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/statistics/>.

⁴⁷ Border Violence Monitoring Network. 2022. *February Monthly Report*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/balkan-regional-report-february-2022/#more-19866>.

⁴⁸ Border Violence Monitoring Network. 2022. “*PUSHED BACK AFTER SERIOUS DOG ATTACK: “NOTHING BUT BEATING AND HUMILIATION - THAT’S ALL WHAT WE GOT”*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/may-12-2022-1115-strandzha-bg-to-malkoclar-tr/>.

⁴⁹ Border Violence Monitoring Network. 2022. *February Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/BVMN-Monthly-Report-February-2022.pdf-1.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.

⁵⁰ Border Violence Monitoring Network. 2022. *Details about push-backs*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/statistics/push-backs/>.

⁵¹ Ibid.





to Slovenia on July 25, 2021 (...) was therefore unlawful and in gross disregard of the de facto protection against deportation (§ 12 (1) of the Asylum Act”.⁵²

Drift-backs

On 15 July 2022, Forensic Architecture, partnered with Forensis, published an interactive cartographic platform which documents, verifies and maps a months-long investigation into drift-backs in the Aegean Sea. The term “*drift-back*” refers to the practice of abandoning people-on-the-move at sea, specifically through the weaponization of geographical elements of the Aegean sea, for example ocean currents etc., to illegally expel people back to Türkiye. Boats are intercepted within Greek territorial waters or people are arrested upon arrival at Greek shores. They are then beaten, stripped of their possessions, and forcefully loaded onto life rafts with no engine and left to drift back to the Turkish coast. The platform can be accessed at { <https://aegean.forensic-architecture.org/>}.

The platform archives 1,018 drift-backs involving 27,464 people since 28 February 2020. Of these cases, 26 were recorded where people were thrown directly into the sea by the Hellenic Coast Guard and Frontex was found to have been directly involved in 122 cases, as well as being aware of at least 417 cases.

The official documentation and publication of the so-called “*drift-back*” operations further highlights the mass scale and incredulous lengths state authorities go to when it comes to border violence. Despite knowledge that maritime pushbacks are a routine occurrence, to quote the Pope during his visit to Lesvos in December 2021, “[t]oday our sea, the Mediterranean, is a great cemetery”,⁵³ their scale and severity is blatantly continuing to worsen and manifest itself in new detrimental ways, with Greece and Türkiye leading the way.⁵⁴

Border surveillance and drones

One of the tools increasingly deployed to increase border surveillance at the external borders to the EU are drones, frequently implemented to detect POM in remote border areas.⁵⁵ Several member states have increased their investment in border mechanisms; Croatia, for example, has deployed several drones, which have been used to detect POM.⁵⁶ In Greece, the Migration Minister, Notis Mitarakis, announced the €3.7m EU-funded project aimed at

⁵² Ibid.

⁵³ Border Violence Monitoring Network. 2022. *January Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/january-29-2022-0900-neo-cheimenio-elcili/>.

⁵⁴ Further information can be found at: <https://www.borderviolence.eu/feedback-to-the-update-of-the-european-union-maritime-security-strategy-eumss/>.

⁵⁵ Statewatch. 2021. *EU: Draft border proposals: "drones and motion sensors, as well as mobile units to prevent unauthorised border crossings"*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.statewatch.org/news/2021/december/eu-draft-border-proposals-drones-and-motion-sensors-as-well-as-mobile-units-to-prevent-unauthorised-border-crossings/>; see also Loukinas, P. 2017. *Surveillance and Drones at Greek Borderzones. Challenging Human Rights and Democracy*. *Surveillance & Society* 15(3/4), 439-446. [Online]. [Accessed 1/12/2022]. Available from: <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/6613/6427>.

⁵⁶ Border Violence Monitoring Network. 2021. *March Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/BVMN-Monthly-Report-March-21.pdf>.





installing drones along the Greek border to “*automatically identify defined targets of interest*”, which will predominantly consist of asylum seekers.⁵⁷ Drone data is frequently used to apprehend and later pushback POM.⁵⁸ Since 2022, BVMN recorded 35 pushback testimonies involving drones which affected 1,016 people.⁵⁹ In March 2022, BVMN recorded an account of a 28-year-old Syrian man who had been spotted and observed by a drone in a Bulgarian forest preceding his ambush and apprehension 20 minutes later.⁶⁰ BVMN is greatly concerned that increased surveillance, in particular the use of drones, at EU borders is being used to facilitate pushbacks and prevent access to territory and asylum, as well as violating the privacy rights of people-on-the-move.

Expansion of Border Wall at Greek-Turkish Border

At the end of August 2022, the Greek Council for Foreign Affairs and Defence (KYSEA) convened and announced that the Evros fence with Türkiye should run the entire length of the Greek/Turkish border.⁶¹ Later in the same month, during a visit to the region, the Minister for Civil Protection Theodoridakos reaffirmed the statement by declaring that the border would be expanded by 140 kilometres.⁶² BVMN is concerned that this development will limit access to asylum and increase the risk of death and injury at the borders of Greece; an already dangerous route for people-on-the-move seeking sanctuary within the territory.

2. Access to information and legal assistance (including counselling and representation)

Access to information is widely understood as being fundamental to the fulfilment of guaranteeing access to asylum procedures and international protection.⁶³ Yet, in several EU states, access to information is routinely denied. This denial is perhaps most acute during pushbacks where asylum seekers are denied the right to seek asylum and prevented from receiving legal assistance. In most cases, they often remain on a territory for minimal time, while at the same time being highly criminalised and experiencing violence, torture and

⁵⁷ Border Violence Monitoring Network. 2022. *September Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-september-2022/#more-21121>.

⁵⁸ Kaamil, A., & Tondo, L. 2021. *Fortress Europe: the millions spent on military-grade tech to deter refugees*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.theguardian.com/global-development/2021/dec/06/fortress-europe-the-millions-spent-on-military-grade-tech-to-deter-refugee>.

⁵⁹ Border Violence Monitoring Network. 2022. *Testimony Database*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/>.

⁶⁰ Border Violence Monitoring Network. 2022. “*WE COULDN’T SLEEP... WE WERE SO COLD AND BAREFOOT... WE DIDN’T THINK WE COULD STAY ALIVE UNTIL THE MORNING.*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/march-10-2022-0300-from-malko-tarnovo-bg-to-sukrupasa-tr/>.

⁶¹ Border Violence Monitoring Network. 2022. *August Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-august-2022/#more-20915>.

⁶² Ibid.

⁶³ ENNHRI. 2019. *Migrants’ access to information on their rights. Recommendations to bridge theory and practice*. [Online]. [Accessed 1/12/2022]. Available from: http://ennhri.org/wp-content/uploads/2019/10/ennhri_report_migrants_rights.pdf.





inhuman and degrading treatment.⁶⁴ Pushbacks, by design, do not allow people to access informational, legal assistance or protection mechanisms.

In 2022, NHRIs identified a general trend of insufficient availability or poor quality of information provided to people-on-the-move by state authorities. This includes both information on the right to seek international protection and the right to seek redress where their rights have been breached.⁶⁵

New Online Platform for Asylum Applications in Greece

On 13 July 2022, The Ministry of Migration and Asylum published a new online platform for the electronic registration of asylum seekers in Greece. In theory, people wishing to claim asylum must apply online for an interview date held at one of the two Reception and Identification Centers (RIC) on mainland Greece: Diavata or Malakasa. Once they receive a date, they are expected to wait until the interview to actively commence the asylum procedure. In practice, from the day it was launched, the online platform has failed to facilitate an effective and appropriate space for individuals to claim asylum and has left people in a perpetuating limbo state of irregular presence and the inability to remedy their situation due insufficient interview spaces and the non-existence of accommodation for vulnerable groups.⁶⁶

Moreover, the RIC in Fylakio located in the Evros region is used to register people-on-the-move who have been apprehended by the police. Situated only 20 kilometres from the Evros border where 71% pushback groups in Greece were apprehended in 2021, it is a hotspot for illegal apprehensions and deportations and BVMN has taken multiple testimonies from individuals who have been illegally pushed back from Fylakio as a direct result of requesting access to asylum procedures; for example, in January 2022, a Cuban couple was instructed to apply for asylum in Fylakio and when they arrived at the RIC, they were pushed back to Türkiye.⁶⁷ Thus, the mere concept of registering for asylum in the RIC in Fylakio cannot be safely put into practice as it places individuals at risk of being pushed back, subject to police violence and detention.

Police Notes in Greece

Alternatively, individuals, if they do not have one of ten vulnerabilities according to Greek asylum law (Article 11c of Law 4939/2022) which they are able to evidence, are left with the option to register their asylum claims via a police note. A police note is a document issued to

⁶⁴ Border Violence Monitoring Network. 2021. *Annual Torture Report 2020*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf>.

⁶⁵ ENNHRI. 2022. *Strengthening Human Rights Accountability at Borders*. [Online]. [Accessed 1/12/2022]. Available from: https://ennhri.org/wp-content/uploads/2022/07/ENNHRI_Strengthening_Accountability-at-Borders_Report_final.pdf

⁶⁶ Mobile Info Team. 2022. Press Release: *New Aylum Registration Procedure Begins Today and is Already at Capacity: People will be Forced to Remain Undocumented for 14 Months as They Wait for an Appointment in Diavata or Malakasa* [Online]. [Accessed 1/12/2022]. Available from: https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/6311a89f2c24fe46a877870f/1662101665157/MIT_statement_registration2022.pdf

⁶⁷ Border Violence Monitoring Network. 2022. *“THEY ONLY UNDERSTOOD THE THE WORDS “MALAKA” AND “CUBAN’S MALAKA”: AN ILLEGAL EXPULSION OF CUBANS WHO HAD NEVER STEPPED FOOT IN TURKEY BEFORE”* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/january-29-2022-0900-neo-cheimenio-elcili/>





third country nationals who have no legal basis for their stay in Greece. It designates a timeframe of up to 25 days for an individual to voluntarily leave the country, following a period of detention for the identity of the person to be checked. Individuals seeking international protection should therefore present themselves to the authorities in order to obtain a police note, which they can subsequently register at a Regional Asylum Office (RAO).⁶⁸ In practice, police notes are distributed inconsistently, and people live in well-founded fear of Greek authorities due to the prevalence of pushbacks, detention and police violence. Even when people have been issued with a police note, RAOs operate differently across regions of the country, resulting in the majority of emails and in-person requests to register being left unanswered.

Furthermore, up-to-date information regarding the asylum procedure is difficult to find, and there are several discrepancies amongst actors which leads to confusion and extensive delays in access to protection.

In March 2022, volunteers of one of BVMN's anonymous partner organisations collected a testimony where the respondent recounted their apprehension in Greece and subsequent pushbacks from the Evros/Meriç River border.⁶⁹ Their testimony disclosed that police interception and pushbacks are occurring from deep inside mainland Greece and also affect people-on-the-move who have already been granted asylum; the respondent in this testimony had received asylum in 2017 and had been working in Greece for five years before he was illegally pushed back.

No Access to the Asylum Procedure Greece

As a result of the issues aforementioned, the majority of people seeking international protection on mainland Greece are left undocumented, without access to basic food, accommodation or medical care. This leads to a high prevalence of homelessness, destitution, exploitation including sexual and gender-based violence (SGBV), ill-health and poor living conditions. Denying people who express the wish to apply for international protection access to the asylum procedure is a breach of European legislation (Recital 27 of APD). The evidenced lack of safe and efficient routes to the asylum procedure in Greece forces people to find alternative ways to enter international protection systems.

Croatia

In Croatia, *"foreigners arriving at the borders generally did not have access to information about the procedure"*.⁷⁰ In Croatia, people have to register for an asylum application at the

⁶⁸ Border Violence Monitoring Network. 2022. *ISLETS, INTERIM MEASURES, AND ILLEGAL PUSHBACKS: EROSION OF THE RULE OF LAW IN GREECE*. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/category/special-reports/page/2/>.

⁶⁹ Border Violence Monitoring Network. 2022. *"I ASKED HIM IN WHICH POLICE STATION I AM AND HE TOLD ME "IN HELL"*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/march-2-2022-0000-kissari-gr-karayusufllu-tr/>.

⁷⁰ Asylum Information Database (AIDA); & European Council on Refugees and Exiles (ECRE). 2021.





police, which is particularly problematic, as they are the perpetrators of pushbacks.⁷¹ In addition, when being approached at the border, police officers in practice do not actively give information on the relevant asylum procedures.⁷²

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Croatia

Since the beginning of 2022, Croatian police have begun issuing documents declaring return decisions from the Republic of Croatia.⁷³ The document states that because the respondent is residing illegally on Croatian territory, they are obliged to leave the European Economic Area within 7 days from when the decision note is issued. The document also states that in the event that a third-country national does not leave the territory voluntarily, they will be forcibly removed from Croatia. The expulsion decision further describes that no appeal is permitted, but an administrative dispute can be initiated within 30 days from the date of delivery of the document.

Many people-on-the-move have extremely limited time to initiate an administrative dispute, and even when they manage to do so, the wait time can be months or years. The interception of legal administrative procedures forces people to leave Croatian territory and return to Bosnia before their administrative dispute date causing many attempts to cross back into Croatia and reside there irregularly until their given date. BVMN field reporters

⁷¹ Border Violence Monitoring Network. 2021. *Annual Torture Report 2020*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf>.

⁷² Asylum Information Database (AIDA) & European Council on Refugees and Exiles (ECRE). 2021.

⁷³ Border Violence Monitoring Network. 2022. *February Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/BVMN-Monthly-Report-February-2022.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>





interviewed several people-on-the-move who claimed to have been pushed back to Bosnia despite carrying this document issued at the police station in Croatia.⁷⁴

Organised “Broom Sweeps” Across the Greek mainland

Broom sweeps in targeted areas of cities across Greece carried out from April to July 2022 were organised by authorities that raided and arrested groups of people unable to provide legal documentation.⁷⁵ This particularly affected undocumented people-on-the-move that are victims of inadequate access to asylum procedures (as elaborated on below) and poor reception system in Greece. Many members of the community and service users of Civil Society Organisations providing humanitarian aid, who are at increased risk of pushback if apprehended, were consequently discouraged from going and availing of basic humanitarian aid such as food, sleeping bags, blankets, clothing, hygiene items, and medical assistance; exacerbating conditions of destitution.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Closed Controlled Access Centre in Samos

Following the protest of Somali camp residents in the Closed Controlled Access Centre (C.C.A.C.) in Samos, a self-organised Committee of individuals from the country on the Horn of Africa, have been speaking out against their current situation on the island. In their letter to the European Commission, the Committee highlighted multiple concerns regarding their situation and future. Their message put particular emphasis on the admissibility procedure in the Greek asylum procedure- referred to as the “*Turkish interview*”. As stipulated in the EU-Türkiye Deal in 2016 and the Joint Ministerial decision in 2021, Türkiye is supposedly a “*safe country*” for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia.⁷⁶

In their letter, the Somali Committee stressed that Türkiye cannot be deemed a “*safe country*” for them by highlighting the potential violence legal set backs, discriminatory treatment and health-related issues they face. They also pointed to problems related to everyday life in the CCAC, as well as underscoring the resulting long-term health issues of residents stemming from the lack of medical care available to them due to lengthy waiting periods and the absence of specialised doctors on the island.⁷⁷

Fires in Lesvos Camp

⁷⁴ Ibid.

⁷⁵ Border Violence Monitoring Network. 2022. *April Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-april-2022/#more-20326>

⁷⁶ Border Violence Monitoring Network. 2022. *February Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-february-2022/#more-19866>.

⁷⁷ Ibid.





On two separate occasions, the 14th of January and a week later on the 28th 2022, two large fires hit the so-called "Yellow Zone" in Mavrovouni camp on Lesbos, where single men are accommodated. This area is made up of a total of fourteen large structures formed by three-metre high tents that extend over a grid of roofless "rooms". Inside these "rooms", up to four people are accommodated, most of the time without autonomous access to lighting, heating, or electricity. In total, about 100 residents were left uninjured but distressed, with all their belongings having been destroyed by the flames. The cause of the fires was likely related to the scarce or absent access to heating, during seasonal temperatures steadily close to zero, that residents might have tried to remedy via handmade and unsafe electrical connections.⁷⁸

On the 4th of July 2022, the Athens Municipal Council decided to proceed with the evacuation of Eleonas Refugee Camp. The decision came after months of resistance from residents against efforts to empty the camp. The closure of Eleonas is significant given broader changes to the camp system in Greece, and in some ways is enigmatic of these changes: from a system of "open" camps located close to urban centres where residents had at least limited access to social support services and possibilities for work and social integration, to one of CCACs in remote locations, where residents are heavily surveilled by the authorities, isolated and out of sight of the broader society. Eleonas was one of the few urban camps left, as in the last years most similar camps have been closed and replaced with CCACs. BVMN views the resistance against the eviction of Eleonas as one of the last struggles against the segregation of people-on-the-move in Greece.⁷⁹

Croatia

In January 2022, the conditions in the temporary reception centres Lipa and Borici were so precarious that people-on-the-move willingly opted to stay outside rather than within the camps.⁸⁰ The food at both camps is reported to be inadequate and of poor quality.⁸¹ In Borici a significantly restrictive curfew, initially imposed due to the Covid-19 pandemic, remained in place until January 2022 without any justification.⁸²

Bosnia and Herzegovina

Lipa accommodates over 1,500 people, but in reality, European Union funding for the construction and use of the site mainly facilitates the isolation of people in remote areas as the camp is about 20 kilometres (six hours walking) away from the nearest town, Bihać.⁸³ During

⁷⁸ Border Violence Monitoring Network. 2022. *January Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-january-2022/#more-19693>.

⁷⁹ Border Violence Monitoring Network. 2022. *July Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/july/#more-20775>.

⁸⁰ Border Violence Monitoring Network. 2022. *January Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/BVMN-Monthly-Report-January-2022.pdf_2.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Border Violence Monitoring Network. 2022. *April Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/MonthlyReportApril.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.





the late June heatwave many people here were left without water to flush toilets or shower and rationed drinking water. They suffered from intestinal problems and haemorrhoids; further depicting the degrading living conditions forced on residents of the camp. Additionally, the prison-like setting of Lipa is reinforced through the climate of discipline and punishment enforced by authorities as acts of physical violence against residents are in fact a frequent occurrence. One testimony details an incident where a mentally disabled person was slapped by police in front of everyone in the camp while queuing for food.⁸⁴ The tension and terror is heightened by the use of extensive surveillance mechanisms and restrictive mobility rules (10 p.m. curfews) continues to be enforced by camp authorities to impress forms of discipline and social control on residents.⁸⁵

In June 2022, BVMN was informed that Bosnian police violently evicted people-on-the-move from their dwellings in the city. The police destroyed the infrastructure and broke mobile phones and verbally abused and beat residents.⁸⁶

Italy

In the summer of 2022, an increase of people-on-the-move passed through Piazza Libertá in Trieste where they were met with insufficient and ineffective provisions forcing people, including families with children, to sleep in the streets.⁸⁷ Instead of improving the reception facilities or discussing policies for better reception systems for asylum seekers, the local authority deployed police forces to the areas where people were resting and harassed them until they left, sometimes even fining them for setting up camp or “*improperly occupying benches*”. The city’s mayor Roberto Diapiazza exemplified the xenophobic attitude of the authorities by expressing his desire to “*chase away*” people-on-the-move and to “*fence off the square*”.⁸⁸

⁸⁴ Border Violence Monitoring Network. 2022. *June Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=wp-content/uploads/June-report-2022.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Border Violence Monitoring Network. 2022. *September Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=wp-content/uploads/MonthlyReportSep2022vA..pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.

⁸⁸ Melting Pot Europa, Stefano Bleggi & John Marena. 2022. “*Trieste - The strategy to remove migrant people and associations from Piazza della Libertá*”. [Online]. [Accessed 30.11.2022]. Available at: <https://www.meltingpot.org/2022/07/trieste-la-strategia-per-allontanare-le-persone-migranti-e-le-associazioni-da-piazza-della-liberta/>.





7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

According to EU law, use of detention during an asylum application should only be granted in very specific cases.⁸⁹ Despite national Greek law mirroring this requirement, asylum seekers are “likely to find themselves in detention, regardless of their individual circumstances.”⁹⁰ Through the International Protection Act (IPA; 2020), national legislation was amended to permit Greek authorities to impose detention orders without the obligation to examine alternative measures. This makes detention of POM in Greece “the rule rather than the exception.”⁹¹ This legal amendment likely violates the EU Return Directive which only permits detention in cases where less coercive measures cannot effectively be applied.⁹² In the new CCAC on Samos, approximately 1 in 5 people are detained for two months, even though a Greek court declared in December that the *de facto* detention of asylum seekers is illegal.⁹³ As it is reasonable to assume there are less restrictive measures that can be applied in this context, Samos is a prime example of how the Greek state abuses and exploits international law in order to facilitate mass incarceration and detention schemes.

In addition to the arbitrary nature of detention, conditions of detention in Greece, especially in PRDCs, are substandard.⁹⁴ The overall conditions of detention are carceral and of a “prison-like design”, seriously lacking sufficient hygiene and non-food items, including clothing and clean mattresses/blankets. Facilities are overcrowded and lack the presence of recreational activities⁹⁵, as well as there being extremely limited access to medical, legal or psychological help, despite being required by law.⁹⁶ BVMN has published multiple testimonies attesting to the dire facilities of detention sites; in May 2022, a respondent outlined a pushback in which around 60 people-on-the-move, including women and children, were confined in a small,

⁸⁹ Articles 8–11 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) ; Article 28 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013.

⁹⁰ Greek Council for Refugees & Oxfam International. 2021. *Detention as the default*. p.8. [Accessed 1/12/2022]. Available from: <https://policy-practice.oxfam.org/resources/detention-as-the-default-how-greece-with-the-support-of-the-eu-is-generalizing-621307/>.

⁹¹ Ibid. p.9.

⁹² Ibid. ; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 15 (1). See The Return Directive 2008/115/EC. European Implementation Assessment, p.3. [Online]. [Accessed 1/12/2022]. Available from: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642840/EPRS_STU\(2020\)642840_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642840/EPRS_STU(2020)642840_EN.pdf).

⁹³ Border Violence Monitoring Network. 2022. *September Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-march-2022/#more-20102>.

⁹⁴ European Council on Refugees and Exiles. 2022. *Conditions in detention facilities: Greece*. [Online]. [Accessed 1/12/2022]. Available from: <https://asylumineurope.org/reports/country/greece/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/>.

⁹⁵ Ibid.

⁹⁶ Ibid.; see also Article 47 (7) Greek International Protection Act (Περί Διεθνούς Προστασίας και άλλες διατάξεις).





mixed-gender cell, without mattresses or functioning facilities before being violently pushed back from Greece to Türkiye.⁹⁷

“BVMN is concerned about the use of unofficial detention sites and the growing use of incommunicado detention. Numerous testimonies from both Greece and Croatia indicate the widespread and frequent use of barns, garages or abandoned buildings being used to detain, house or process POM. [60] We assert that the continued and unnecessary use of informal detention sites serves as a mechanism allowing police to escape legal or administrative oversight whilst conducting pushbacks.”⁹⁸

“The detention of POM has become an intrinsic part of the European pushback process. Testimonies collected by BVMN regularly indicated that whilst in these detention facilities, such as police stations or PRDCs, POM are regularly withheld access to medical assistance, translators, access to information and effective remedy, washroom facilities or food and water. Consistently, testimonies describe dilapidated detention conditions without proper sleeping or bathroom facilities with people often being held in overcrowded rooms.”⁹⁹

On the 28th of April 2022, the CCAC on Samos commenced a new policy preventing new arrivals from leaving the camp until they receive their asylum applicant card. Many of the new arrivals on Samos have been there for at least a month and still do not have a card, thus being subjected to detention for inhumane periods of time. BVMN and other organisations based on the island are concerned that the practice will be extended to other demographics without ID cards and may extend to other CCACs in Greece.¹⁰⁰

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

In Greece, the abrupt closure of the Skype pre-registration system in November 2021 presented new and pressing concerns regarding access to the asylum procedure at first instance.¹⁰¹ After eight months of nearly no access to asylum, a new online platform was

⁹⁷ Border Violence Monitoring Network. 2022. *YOU KNOW THE PROCEDURE, THEY TAKE ALL OF YOUR CLOTHES OFF AND THEY SEARCH ALL OF YOUR BODY...DOESN'T MATTER IF YOU AGREE...* [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/may-29-2022-1030-orestiada/>.

⁹⁸ Border Violence Monitoring Network. 2020. *Annual Torture Report*. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf>.

⁹⁹ Ibid.

¹⁰⁰ Border Violence Monitoring Network. 2022. *April Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-april-2022/#more-20326>.

¹⁰¹ Mobile Info Team. 2021. *Press Release: Response to recent changes to asylum registration*. [Online]. [Accessed 17/02/2022]. Available from: <https://www.mobileinfoteam.org/skypestopped>.





launched for asylum applicants, providing the possibility to either register in the RIC in Fylakio or via the online platform.¹⁰²

On 13 July 2022, the Ministry of Migration and Asylum published a new online platform that applies to all third country nationals arriving in Greece wishing to claim asylum, as well as for those already residing in Greece who have not yet been through reception and identification procedures.¹⁰³ The platform is available in nine languages however the lack of French translation has already proved a barrier for many people, particularly applicants from the Democratic Republic of the Congo and Cameroon. The platform instructs applicants to fill in a short electronic form, detailing personal information including whether the applicant already has a police note or passport, though these are not mandatory requirements. After applicants have provided the information, they are asked to choose one of two registration facilities; Diavata (Thessaloniki) or Malakasa (Attica). Once the application is finalised, a registration appointment will be assigned to the applicant and communicated via email. The appointment process mandates an up to 25-day detention period in order for the procedure to be completed.¹⁰⁴

Other than a public social media announcement on Twitter and on the Facebook page of the Ministry for Migration and Asylum, the new electronic registration form has been poorly communicated among applicants and actors in Greece. It is telling that the Mobile Info Team platform has not been published on the Ministry's English Facebook account where information for people-on-the-move in Greece is normally provided. There have already been multiple reports of exploitation due to this lack of official information, whereby lawyers charged up to 150 euros to help people navigate the platform and fill in the application form, which can be completed in 5 to 10 minutes.¹⁰⁵

Mobile Info Team stated on September 1st 2022, that there are already major issues established with the updated electronic asylum registration system that leave people at risk of abuse, illegal deportation and exploitation. It was reported that individuals are faced with irregular distribution and extensive delay of appointment dates, with several appointments being assigned as late as November 2023. Additionally, it was found that some individuals are unable to find any appointments at all, reporting that they were instead presented with a notification stating that there '*are no dates available for this location*'. This raises serious concerns over the utter lack of capacity of the facilities, and without official documentation or legal status, people will already be forced to remain undocumented for over a year. As a

¹⁰² Efsyn. 2021. *Μόνο σε νησιά και Έβρο τα νέα αιτήματα ασύλου*. [Online]. [Accessed 1/12/2022]. Available from: https://www.efsyn.gr/ellada/dikaiomata/320537_mono-se-nisia-kai-ebro-ta-nea-aitimata-asyloy; see also Disaster Research & Information Hub. 2021. *Greece: Excessive Use of Detention, Shortcomings in Asylum Procedures, Food Crisis Develops as Assistance to Refugees and Asylum Seekers Halted*. [Online]. [Accessed 1/12/2022]. Available from: <http://123.255.65.80/news-and-info/greece-excessive-use-detention-shortcomings-asylum-procedures-food-crisis-develops>.

¹⁰³ Mobile Info Team. 2022. *Press Release: New Aylum Registration Procedure Begins Today and is Already at Capacity: People will be Forced to Remain Undocumented for 14 Months as They Wait for an Appointment in Diavata or Malakasa* [Online]. [Accessed 1/12/2022]. Available from: https://static1.squarespace.com/static/597473fe9de4bb2cc35c376a/t/6311a89f2c24fe46a877870f/1662101665157/MIT_statement_registration2022.pdf.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.





result, the issues that existed under the Skype pre-registration system persist, where people are forced into legal limbo and remain unsupported by appropriate structures to provide for their essential needs.¹⁰⁶

There is no officially recognised documentation that individuals can carry to prove their expression of willingness to claim asylum or the registration of their appointment if requested to show documentation to the Greek authorities. This puts people at high risk of police apprehension and subsequent detention, or pushbacks. Many individuals attempting to avail of the new platform have expressed fear of the authorities, specifically enquiring whether the confirmation email from the application form will *'protect them from the police'*. In addition, due to the lack of official documentation, the question remains as to whether people will be forced to live without access to material reception conditions whilst they await their appointments, risking homelessness, destitution and physical and mental ill-health.¹⁰⁷

Whilst a maximum detention period of 25 days has been a part of reception and identification procedures prior to the publication of the new electronic platform, this continued mandatory detention period reinforces the de facto status of detention in asylum procedures in Greece. According to the EU Reception Conditions Directive (RCD), Member States “shall not hold a person in detention for the sole reason that he or she is an applicant for international protection” (Article 8). Article 8 (3) proceeds by stating six reasons under which Member States may detain asylum seekers, including for the verification of their identity, yet a state must still establish that there are ‘less coercive measures’ available. The new platform utilises detention as the status quo for the registration of an asylum application, violating the RCD’s conditions of exceptional implementation.

Despite the benefit of the new application form being relatively easy to use and understand, there are concerns that its oversimplified format removes the possibility for specific and complex cases to be examined or fast-tracked. In particular, there is no possibility to attach evidence of an applicant’s vulnerabilities, resulting in their applications being examined with delay, likely worsening their situation. As no prioritisation of vulnerable applicants is currently possible and waiting times for an appointment can be more than one year, vulnerable individuals will likely risk being forced to live in poor conditions, posing direct threats to their mental and physical health. Additionally no screening for Dublin cases is embedded in the platform, which can result in third country nationals losing their opportunity to go through family reunification procedures under the Dublin regulation.¹⁰⁸

It is the applicant's responsibility to make their way to the assigned Reception and Identification Centre, Malakasa or Diavata, including financial costs. This can lead to an increased risk for certain individuals of missing their registration appointments and consequently their access to international protection.¹⁰⁹

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.





The facilities which are responsible for the procedures on the mainland¹¹⁰ lack the capacity to hold the number of POM accessing Greek territory at the corresponding land border. Therefore, POM on mainland Greece effectively do not have access to the asylum system.¹¹¹ The alternative on the mainland to registering in the RICs or the online platform is to approach the police, which can lead to being placed in detention.¹¹² This is particularly concerning as BVMN recorded an increase in the number of pushbacks from detention facilities, often including involvement of police officers.¹¹³

Concerning access to procedures for first instance asylum applications on the islands, Legal Centre Lesvos (LCL) stated, in January 2022, that *“in Lesvos, during the COVID-19 pandemic, the Greek authorities’ disproportionate and discriminatory use of quarantine measures resulted in vulnerable applicants being denied access to registration and asylum procedures for up to two months and held in effective detention”*.¹¹⁴

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

The very nature of pushbacks makes it challenging for POM to access procedures at second instance. This is of concern to BVMN as, in 2022, there was an increase of pushback testimonies, where people were apprehended and subsequently pushed back from deep inside the mainland.¹¹⁵ In addition, several testimonies refer to the destruction of ID documents like valid asylum documents and resident permits stolen and destroyed during pushbacks.¹¹⁶

In Greece, appeals against asylum decisions have to be filed in the *“form of an administrative appeal (ενδικοφανής προσφυγή) before the Independent Appeals Committees Ανεξάρτητες Επιτροπές Προσφυγών) of the Appeals Authority under the Ministry of Migration and*

¹¹⁰ Astraparis. 2021. *Μάζεψε άρον άρον την εγκύκλιο του ασύλου για τα νησιά ο Μηταράκης*. [Online]. [Accessed 1/12/2022]. Available from: <https://astraparis.gr/mazepse-aron-aron-tin-egkyklio-toy-asyloy-gia-ta-nisia-o-mitarakis/>.

¹¹¹ Mobile Info Team. 2021. *Press Release: Response to recent changes to asylum registration*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.mobileinfoteam.org/skypestopped>.

¹¹² European Council on Refugees and Exiles (ECRE). 2022. *Greece: People on the Move Caught in Deadly Greek-Turkish Stand-off, Government Attempts to Hide Lack of Access to Asylum Procedures, EU-Funded “Prison Structures” Face Local Opposition*. [Online]. [Accessed 1/12/2022]. Available from: <https://ecre.org/greece-people-on-the-move-caught-in-deadly-greek-turkish-stand-off-government-attempts-to-hide-lack-of-access-to-asylum-procedures-eu-funded-prison-structures-face-local-oppositio/>.

¹¹³ Are You Syrious?. 2021. *AYS Special: Can I claim asylum in Greece?*. [Online]. [Accessed 1/12/2022]. Available from: <https://medium.com/are-you-syrious/ays-special-can-i-claim-asylum-in-greece-e0d4ea0b9467>.

¹¹⁴ Legal Centre Lesvos (LCL). 2022. *Legal Centre Lesvos Quarterly Report: October – December 2021*. [Online]. [Accessed 1/12/2022]. Available from: <https://legalcentresvos.org/2022/01/24/legal-centre-lesvos-quarterly-report-october-december-2021/#continuedwork>.

¹¹⁵ Border Violence Monitoring Network; WAVE; & Mobile Info Team. 2020. *Press Release: Collective Expulsion from Greek Centres*. [Online]. [Accessed 1/12/2022]. Available from: https://www.borderviolence.eu/wp-content/uploads/Press-Release_Greek-Pushbacks.pdf.

¹¹⁶ Border Violence Monitoring Network. 2022. *Testimony Database*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/>.





Asylum”.¹¹⁷ Following the reform of the judicial review process in 2020, Refugee Support Aegean (RSA) articulated serious concerns about the independence and impartiality of these bodies. This is due to the incorporated rules of review, according to which judges on a lower level review the decisions of those on a higher level.¹¹⁸

Additionally, there are considerable delays in proceedings before first instance Administrative Courts, as well as the Council of State, both responsible for appeal procedures. Many appeal proceedings last up to several years due to repeated postponement of hearings. For example, the appeal cases AK255/2020, from the beginning of 2020 at the Administrative Court of Athens, as well as E1686/2018, from 2018 in front of the Council of State, are still pending.¹¹⁹

In addition, BVMN has concerns about whether remedies are effective, as the rate of positive decision on the merits of appeal was as low as 6% in the first half of 2022.¹²⁰ As for judicial review, only 2.72% of Administrative Court decisions were positive from January to July 2022.¹²¹ This has proven to be a continuous issue; these statistics aligned with the number of successful second instance decisions from January until June 2022. Out of 10,041 decisions by the Appeals Committees, only 574 cases (5.7%) refugee or subsidiary protection status was granted.¹²²

The low availment of legal provisions for people-on-the-move is particularly concerning as appeals have to be filed in Greek in order to avoid being rejected as inadmissible.¹²³ In 2022, according to Ministry of Migration and Asylum data, out of 8,302 cases, only 3,872 appellants requested free legal assistance through the Registry of Lawyers managed by the Asylum Service. Filing an appeal without legal aid amounts to a significant obstacle, which in practice “means that applicants [...] will not be able to appeal against their decision legally and admissibly, as their right to free legal aid in the second instance has not been guaranteed.”¹²⁴ The low numbers of people availing of legal aid services is likely due to lack of awareness and knowledge of the resources available, resulting in an impediment to access to asylum.

¹¹⁷ Refugee Support Aegean (RSA). 2022. *RSA Submission to the European Commission on the 2022 Rule of Law Report*. [Online]. [Accessed 1/12/2022]. Available from:

https://refugeeobservatory.aegean.gr/sites/default/files/RSA_RoL2022_Submission.pdf.

¹¹⁸ Ibid.

¹¹⁹ Refugee Support Aegean (RSA). 2021. *Asylum and the rule of law: Deficiencies in adjudication and law-making, doubling down on shrinking civil society space*. [Online]. [Accessed 1/12/2022]. Available from:

<https://rsaeegean.org/en/asylum-and-the-rule-of-law/>.

¹²⁰ Refugee Support Aegean. 2022. *The Greek asylum procedure in the first half of 2022: High recognition rates, rise in subsequent applications due to generalised “safe third country” policy*. [Online]. [Accessed 30/11/2022].

Available at: https://rsaeegean.org/wp-content/uploads/2022/09/RSA_HalfYear_2022_EN.pdf.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Greek Council for Refugees. 2021. *Legal actors express serious concerns regarding the lack of state free legal aid for asylum applicants in Lesbos*. [Online]. [Accessed 1/12/2022]. Available from:

<https://www.gcr.gr/en/news/press-releases-announcements/item/1591-legal-actors-express-serious-concerns-regarding-the-lack-of-state-free-legal-aid-for-asylum-applicants-in-lesvos>.

¹²⁴ Greek Council for Refugees. 2021. *Legal actors express serious concerns regarding the lack of state free legal aid for asylum applicants in Lesbos*. [Online]. [Accessed 1/12/2022]. Available from:

<https://www.gcr.gr/en/news/press-releases-announcements/item/1591-legal-actors-express-serious-concerns-regarding-the-lack-of-state-free-legal-aid-for-asylum-applicants-in-lesvos>.





A sharp rise was noted in the number of appeals rejected as manifestly unfounded under Article 102 (2) of the Asylum Code due to failure of the appellant to appear in person or to non-timely submission of a certificate of residence in a reception facility – even though this is often attributed to the authorities. Appeals Committees rejected 892 appeals based on this provision in the first half 2022.¹²⁵ They had issued 532 such decisions during the entire year 2021.

Even though asylum seekers at the appeal stage have the right to free legal aid, LCL regard the provision of legal aid as insufficient, with people-on-the-move having “*reported difficulties or impossibility in contacting their state appointed lawyers. Those that have met with their lawyers, are in some cases not informed of all the reasons for their rejection, and are not provided with a translation of the Greek decision, so often are not able to provide information or evidence that could support their asylum claims.*”¹²⁶ Hence “*among other restrictions, legislative reforms have undermined judicial protection of refugees by restricting access to the Appeals Committees and pose undue constraints on the scope and quality of the asylum appeal procedure.*”¹²⁷

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

85% of pushbacks recorded by BVMN contain “*one or more features of torture, inhuman or degrading treatment*”.¹²⁸ Considering that Article 20(3) of the Asylum Qualification Directive defines survivors of torture as vulnerable people,¹²⁹ pushbacks therefore *create* vulnerable

¹²⁵ Ibid.

¹²⁶ Legal Centre Lesbos (LCL). 2021. *Legal Centre Lesbos Quarterly Newsletter: April – June 2021*. [Online]. [Accessed 1/12/2022]. Available from: <https://legalcentrelesvos.org/2021/08/13/legal-centre-lesvos-quarterly-newsletter-april-june-2021/#asylumprocedures>.

¹²⁷ Refugee Support Aegean (RSA). 2021. *Asylum and the rule of law: Deficiencies in adjudication and law-making, doubling down on shrinking civil society space*. [Online]. [Accessed 17/02/2022]. Available from: <https://rsaagean.org/en/asylum-and-the-rule-of-law/>.

¹²⁸ Border Violence Monitoring Network. 2020. *Annual Torture Report*. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf>

¹²⁹ Article 20 (3) of the *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*.





people. This is particularly concerning as pushbacks often include persons with pre-existing vulnerabilities; in April 2022, a respondent disclosed to BVMN that immediately prior to being pushed back, he was experiencing severe symptoms of poisoning including vomiting, and at one point, he “*feared for his life*”.¹³⁰ The authorities refused to call the ambulance or provide him with medical attention and after the pushback, he was admitted to a Turkish hospital where his health was determined “*critical*”.

The new access to asylum online platform fails to provide special procedures for vulnerable categories of groups, placing them even more at risk than already perceived.

Minors

Of the 293 pushbacks from EU countries recorded by BVMN in 2022, minors were affected in at least 124 cases. The prevalence of minors involved in push backs across Europe was underscored by figures published by Protecting Rights at Borders, where they found that during the first three months of 2022, of the 1,911 individuals pushed back, 10 in every 100 were minors.¹³¹ Therefore, pushback practices exposes minors to torture, inhuman or degrading treatment and extralegal detention.¹³² In October 2022, BVMN published a testimony reporting that two minors aged four and eleven were “*hit*” by officers during the pushback from Hungary to Serbia.¹³³

Greece

In Greece, a total of 35 testimonies were collected by BVMN in 2022, of which 28 involved minors (80%). A respondent attested to witnessing the severe beating of a naked minor while being pushed back from Greece to Turkey, “*The minor – only fifteen – reportedly had his head slammed against the wall over and over by the men in uniform.*”¹³⁴ The frequent involvement of minors in pushbacks exposes children to extreme levels of abuse, torture and humiliation, causing them to suffer from trauma and long term psychological damaged.

Croatia

In Croatia, minors were involved in 52 of the 120 pushback cases recorded by BVMN in 2022 (43%). In November 2022, BVMN documented a violent pushback consisting of 25 people-on-the-move from Croatia to Bosnia involving a child as young as two years-old.

¹³⁰ Border Violence Monitoring Network. 2022. “*YOU KNOW THE PROCEDURE, THEY TAKE ALL OF YOUR CLOTHES OFF AND THEY SEARCH ALL OF YOUR BODY...DOESN'T MATTER IF YOU AGREE...*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/may-29-2022-1030-orestiada/>.

¹³¹ Border Violence Monitoring Network. 2022. *January Monthly Report*. [Online]. [Accessed 1/12/2022] Available from: https://pro.drc.ngo/media/aifcps1m/prab-report-january-to-march-2022_final.pdf.

¹³² Border Violence Monitoring Network. 2021. *Submission to the UN Committee on the Rights of the Child. 2021 Day of General Discussion Children's Rights and Alternative Care*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Submission-to-the-UN-Committee-on-the-Rights-of-the-Child.pdf>.

¹³³ Border Violence Monitoring Network. 2022. “*WE ARE NOT DOGS, WE ARE HUMANS, IN OUR COUNTRY WE DON'T HAVE MONEY, WE DON'T HAVE ANYTHING*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/october-26-2022-2200-horgos/>.

¹³⁴ Border Violence Monitoring Network. 2022. “*THE MINOR - ONLY 15 - HAD HIS HEAD SLAMMED AGAINST THE WALL OVER AND OVER BY THE MEN IN SAGE GREEN UNIFORMS. THE VIOLENCE LASTED AROUND 15 MINUTES.*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/april-11-2022-2230-from-didymeticho-gr-to-qemici-tr/>.





BVMN attests that pushbacks often result in unnecessary separation of children from their families. Moreover, when children are already unavoidably separated, as is the case with unaccompanied minors, pushbacks systematically and by design, deny children the right to access procedures, thus hindering their access to family reunification processes, protection systems and deny them their right to “*be provided with alternative care*”.¹³⁵

BVMN’s reports of minors being pushed back are confirmed by UNICEF findings.¹³⁶

Women

BVMN collected several testimonies of women who experienced pushbacks in 2022.¹³⁷

Women are categorised as vulnerable groups as they are often more at risk of sexual abuse and exploitation. In multiple accounts gathered by BVMN in 2022, it was found that women were subjected to sexual harassment, sexual assault and crude and threatening comments while being pushed back. For example, in a testimony collected by BVMN of a pushback from Greece to Turkey, the respondent described witnessing a woman subjected to sexual assault, “*He [the uniformed man] was nasty. He kept moving his hands all over her [the woman’s] body*”.¹³⁸ In another account taken in May during a pushback from Greece to Turkey, the respondent attested to witnessing Greek authorities sexually assault a woman while she was detained in a detention site, “*[The uniformed man] kept moving his hands all over her sensitive places and when she pushed his hand he would push her hand away and act like he was searching. [The woman] was crying...he screamed at her,*”.¹³⁹ These are only two examples of many instances of pushbacks and violence inflicted on women during pushbacks perpetuated by EU member states.

Pregnant women are also put at risk through the practice of pushbacks along the border. In March 2022, a heavily pregnant woman seeking asylum lost her baby while being detained at a CCAC in Samos.¹⁴⁰ She was part of a transit group that landed on the island a few days

¹³⁵ Border Violence Monitoring Network. 2021. *Submission to the UN Committee on the Rights of the Child. 2021 Day of General Discussion Children’s Rights and Alternative Care*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/uploads/Submission-to-the-UN-Committee-on-the-Rights-of-the-Child.pdf>.

¹³⁶ UNICEF. 2021. *Pushback Practices and their Impact on the Human Rights of Migrants UNICEF Submission to the Thematic Report of the United Nations Special Rapporteur on the Human Rights of Migrants*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.ohchr.org/Documents/Issues/Migration/pushback/UNICEFSubmission.pdf>.

¹³⁷ Border Violence Monitoring Network. 2022. *Testimony Database*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports>.

¹³⁸ Border Violence Monitoring Network. 2022. “*DETAINED FOR 18 HOURS AND PUSHED BACK VIA THE EVROS RIVER: ‘I THOUGHT WE WERE GOING TO DIE BECAUSE WE WERE HUNGRY AND SO THIRSTY’*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/may-10-2022-2200-palea-sagini-gr-to-karakasim-tr/>.

¹³⁹ Border Violence Monitoring Network. 2022. “*VIOLENT PUSHBACK OF 100 PEOPLE, INCLUDING WOMEN AND MINORS: ‘ONE OF THE BLOWS STRUCK MY HEAD SO HARD THAT I LOST CONTACT WITH THE WORLD FOR A MOMENT AND THOUGHT I’M GOING TO DIE. [THE OFFICERS] KNOW THE WAR IN LIBYA, BUT THEY DON’T CARE AND NEVER CARE. AND THEIR WAY OF SEARCHING WOMEN - IT WAS NASTY. AND THEY WERE CRYING. AND WE WERE COMPLETELY NAKED THE WHOLE TIME.*” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/may-17-2022-1800-rigio-greece-to-saclimusellim-turkey/>.

¹⁴⁰ Border Violence Monitoring Network. 2022. *June Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp->





earlier and initially hid from competent authorities for fear of being pushed back to Türkiye. When an ambulance was finally called by locals who found her, it never arrived. Following this she went to the CCAC where doctors had to remove the foetus to save her life. While the risk of being subjected to violence and pushbacks at the border is real, the fear and anxiety of encountering such aggression also plays a part in preventing people-on-the-move from availing of crucial services like medical care while also deterring them from seeking asylum in Greek territory.

Border violence and systematic patterns of push backs along EU borders perpetuated against women and children contribute largely to the prevention of vulnerable groups of people-on-the-move access territory and receiving international protection from European countries.

12. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

13. Return of former applicants for international protection

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

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15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

Greece

Pursuant to the obligation of the state to provide special reception conditions to vulnerable asylum seekers under EU and domestic law, in September 2020, the Greek Government took control from UNHCR of the EU-funded ESTIA II program. By February 2022, the Ministry of Migration and Asylum announced the restriction on the capacity of ESTIA II, reducing the places from 25,000 to 10,000 places by April 2022, an aim to be completed by the end of the year despite the lack of provision for the asylum seekers currently accommodated there. The hundreds of people and families already evicted and relocated to camps were not provided with a formal notice nor a decision of their eviction, with many being given only 24 hours to leave their homes. Despite NGOs contacting local authorities and political bodies like the Greek Ombudsperson, the Ministry of Migration and Asylum, and the Governor of Reception and Identification Services to intervene in the violations of law being committed, there has been no response and the evictions continue to occur.¹⁴¹

Bosnia and Herzegovina

On the 28th of April, due to the closure of the Miral camp, residents were forced to board buses headed to the camp in Lipa, while at the same time, special unit officers in black VW buses evicted several squats occupied by people-on-the-move in the neighbourhood. Referring to testimonies from the affected people, they were abruptly awakened by officers in the early hours of the morning, had to pack up their belongings and leave. On the same day police in Bihać rounded up around 40 people within the city centre and forced them onto a bus which brought them to the Lipa camp.¹⁴²

16. National jurisprudence on international protection in 2022 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

Greece

Victims of pushbacks do not have reliable access to criminal proceedings. After victims bring the crime of torture to the attention of the public prosecutor, proceedings are at the prosecutor's discretion.¹⁴³ So far no perpetrators have been charged with crimes in relation to pushbacks.¹⁴⁴ Instead, Greek prosecutors have found the claims of Greek authorities practising pushbacks “*manifestly ill-founded in substance*”, despite the existence of reliable evidence proving

¹⁴¹ Border Violence Monitoring Network. 2022. *July Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/july/#more-20775>.

¹⁴² Border Violence Monitoring Network. 2022. *March Monthly Report*. [Online]. [Accessed 1/12/2022] Available from: <https://www.borderviolence.eu/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/MonthlyReportMarch2022-1.pdf&dButton=true&pButton=true&oButton=false&sButton=true#zoom=auto&pagemode=none>.

¹⁴³ Article 51 4620/2019 Greek Code of Criminal Procedure (GCCP).

¹⁴⁴ Human Rights 360. 2021. *Communication to the United Nations Human Rights Committee. In the case of FAJ against Greece*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.humanrights360.org/wp-content/uploads/2021/09/Communication-to-the-United-Nations-Human-Rights-Committee-in-the-case-of-Faj-against-Greece.pdf>, §§112-121.





otherwise.¹⁴⁵ Since 2019, the Greek Council for Refugees has filed several complaints on behalf of pushback victims before the responsible Public Prosecutor, all of which were dismissed due to a lack of evidence. Submitting a written statement in support of the accusation, did not result in better consideration of the submitted evidence.

On the 7th of July 2022, The European Court of Human Rights (ECtHR) ruled that Greece violated the European Convention of Human Rights (ECHR) over the sinking of a migrant boat in 2014 in which 11 asylum seekers, among them eight children, lost their lives (*Safi and Others v. Greece*). The 16 survivors argued that the Greek coast guard sank their boat when they towed it at high speed towards Türkiye. A 21-year-old Syrian refugee was initially found guilty by the Greek courts for the shipwreck and the drowning of the 12 Afghan nationals. He was sentenced to 145 years in prison and a fine of 570,000 euros. In its ruling, the ECtHR held that Greek Authorities had violated Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the ECHR.¹⁴⁶

On the 26th of September, 58 year-old H. Sabetara stood trial in Thessaloniki for driving a car transporting undocumented people. The Iranian national, who has already spent a year in a pre-trial detention centre, was sentenced to 18 years in prison for the crime of smuggling. Sabetara's lawyer immediately appealed against the sentence, but as the process will not begin before Christmas 2023, Sabetara is to remain imprisoned in Greece until next December.¹⁴⁷

The extremely excessive criminalisation of people-on-the-move often occurs as a direct result of the monumental border surveillance and violence that deters people from safely and legally availing of access to asylum in Greece.

17. Other important developments in 2022

Criminalisation

Serving the purpose of deterring people from entering European territory, the criminalisation of those on the move has been extended to the secondary criminalisation of Human Rights Defenders (HRDs) in order to deter those working in solidarity with people-on-the-move from continuing their support work, while discouraging others from engaging in similar activities. BVMN member organisations have been increasingly criminalised during the last years and have faced real struggles in persisting with their work to support people-on-the-move in accessing basic needs and exercising their rights.

¹⁴⁵ Greek Council for Refugees. 2022. *Briefing on the Investigation into the Farmakonisi Boat Wreck of 20.1.2014*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.gcr.gr/en/ekdoseis-media/echr-cases/echr-cases-decisions/item/413-farmakonisi-breafing-latest>.

¹⁴⁶ Border Violence Monitoring Network. 2022. *June Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-june-2022/#more-20658>.

¹⁴⁷ Border Violence Monitoring Network. 2022. *September Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-september-2022/#more-21121>.





Civil Society Organisations (CSO) reporting on pushbacks have been framed as spreading “fake news” by governmental actors in Greece.¹⁴⁸ This is particularly problematic, should their actions be considered in the light of the recent establishment of the criminal act on fake news which makes sharing ‘fake news’, which is vaguely defined, a criminal offence.¹⁴⁹

In other cases, anti-terror charges such as ‘espionage’ and ‘violation of state secrets’ have also been used against HRDs.¹⁵⁰ BVMN members Mare Liberum and Josoor have been accused of these charges in Greece¹⁵¹ for documenting and reporting on pushbacks in the Aegean Sea. While, until this day, no court trial has taken place, the incident has created increasing pressure on the accused individuals, and initiated negative media coverage and defamation of the Civil Society Organisations (CSOs) involved.

The consequences of criminalisation for HRDs and people-on-the-move are immense. Many CSOs are forced to change location or quit crucial support work altogether, others have to spend considerable resources combatting criminalisation and smear campaigns. Some BVMN member organisations have chosen to remain anonymous in order to protect their support projects, and avoid being targeted due to their advocacy work. This fear is more than justified: 8 of 12 of BVMN’s member organisations have been targeted by criminalisation, either in a formal or informal way.

Since the beginning of 2021, the criminalisation of CSOs and NGOs has only led to the withdrawal of funding for one member organisation,¹⁵² but has severely impacted their operations: in February 2022, BVMN member Mare Liberum “had to halt [their] operations at sea due to a change in Greek law”,¹⁵³ resulting in the non-existence of independent monitoring activities in the Aegean Sea.¹⁵⁴ In addition, in 2022, BVMN member Josoor was forced to dissolve, in part due to a series of criminalization attempts. This occurred against a backdrop of new laws and changes which made Josoor’s operations in Turkey impossible.¹⁵⁵

¹⁴⁸ Telesur. 2021. *Greece Carries Out Illegal Summary Deportations, NGOs Denounce*. [Online]. [Accessed 17/02/2022]. Available from: <https://www.telesurenglish.net/news/Greece-Carries-Out-Illegal-Summary-Deportations-NGOs-Denounce-20210330-0010.html>.

¹⁴⁹ For more information on content and potential dangers of the act introduced in November 2021, see: Human Rights Watch. 2021. *Greece: Alleged ‘Fake News’ Made a Crime. New Law Could Lead to Journalists Being Jailed*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.hrw.org/news/2021/11/17/greece-alleged-fake-news-made-crime>.

¹⁵⁰ Border Violence Monitoring Network. 2022. *BVMN Proposed Amendments to the EU Guidelines on Human Rights Defenders*. [Online]. [Accessed 1/12/2022]. Available at: <https://www.borderviolence.eu/bvmn-proposed-amendments-to-the-eu-guidelines-on-human-rights-defenders/>.

¹⁵¹ The Wall Street Journal. Abdurahman, Raja. 2021., *Greece Clamps Down on Aid Groups That Help Migrants*. [Online]. [Accessed 1/12/2022]. Available at: <https://www.wsj.com/articles/greece-clamps-down-on-aid-groups-that-help-migrants-11628842722>.

¹⁵² 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 at: <https://www.borderviolence.eu/wp-content/uploads/Criminalisation.pdf>.

¹⁵³ Mare Liberum. 2022. *Crackdown on solidarity in Greece: We are developing new modes of operation*. Facebook. [Online]. [Accessed 1/12/2022]. Available at: <https://www.facebook.com/155759941819584/photos/a.198832504178994/1019346958794207/>.

¹⁵⁴ Border Violence Monitoring Network. 2022. *Feedback to the Update of the European Union Maritime Security Strategy (EUMSS)*. [Online]. [Accessed 1/12/2022]. Available at: <https://www.borderviolence.eu/feedback-to-the-update-of-the-european-union-maritime-security-strategy-eumss/>.

¹⁵⁵ Josoor. 2022. *Announcement on the Dissolution of Josoor*. [Online]. [Accessed 1/12/2022]. Available at: <https://www.josoor.net/post/announcement-on-the-dissolution-of-josoor>.





The intensification of criminalisation has mainly impacted people-on-the-move, by limiting their access to essential services and fundamental rights as provided for and monitored by CSOs. Through the criminalisation of CSOs, people-on-the-move are often left without the provision of crucial support and direct aid that governments are not supplying them with, while at the same time stifling monitoring activities around access to and violation of fundamental rights.

Third Country Nationals (TCNs) Forced to Facilitate Pushbacks

Testimonies from 2022 mentioned in several cases TCNs forced to work with Greek authorities to facilitate pushbacks.¹⁵⁶ This trend has been observed in reports since 2020; TCNs assisting in perpetrating pushbacks are promised legal documentation in Greece or other compensation for their actions.¹⁵⁷

For instance, a testimony collected by BVMN in April 2022 described a group of 70 people-on-the-move pushed back with the help of “two men in civilian clothes wearing balaclavas speaking Arabic, the Syrian dialect” driving the boat for Greek authorities from the Greek to the Turkish side of the river.¹⁵⁸ By July 2022, BVMN recorded a total of 7 pushbacks, impacting 60 people-on-the move.

In every testimony recorded in June, respondents mentioned the presence of third country nationals (TCN) working with the police in pushing people back to Turkey. Respondents elaborate that these TCNs, often present at the pushback point wearing balaclavas and camouflage clothes, “are working with the police...they work with them and they are responsible” and “if you want to stay in Greece, you have to tell to policeman ‘I want to work with you. After working for 6 months, he gives you like an ID to stay in Greece.’”¹⁵⁹ The ID mentioned is likely a police note, a document issued by the police to TCNs who have irregularly entered Greece, often after being arrested prior to registering an application for asylum. The consistent involvement of TCNs assisting Greek authorities in perpetrating pushbacks in the Evros Region has been documented by the BVMN since late 2020.

In June 2022, a report was published entailing a breakthrough investigation detailing this practice and identifying for the first time six people who had been coerced into doing this work. The men, some of whom referred to themselves as slaves, were kept locked up between operations and forced to assist in driving the boats used to push people back to Türkiye. Some had been forcibly recruited after crossing the border. In return for their “work”, they received papers allowing them to stay in Greece for 25 days.¹⁶⁰

¹⁵⁶ Border Violence Monitoring Network. 2021. «You are muslim and we are Christian why come to use go to a muslim country”. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/september-3-2021-1100-dilofos-3-4km-from-yenikadin/>.

¹⁵⁷ Border Violence Monitoring Network. 2021. *September Monthly Report*. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-region-report-september-2021/>.

¹⁵⁸ Border Violence Monitoring Network. 2022. “MANY THEY KEPT KICKING THEM AND BEATING THEM JUST FOR NO REASON TO SCARE US AND SOME THEY UNDRRESSED THEM TOTALLY.” [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/violence-reports/april-6-2022-2200-nea-vyssa/>.

¹⁵⁹ Border Violence Monitoring Network. 2022. *June Monthly Report*. [Online]. [Accessed 1/12/2022]. Available from: <https://www.borderviolence.eu/balkan-regional-report-june-2022/#more-20658>.

¹⁶⁰ Ibid.





The aforementioned testimonies, together with the journalistic investigation, show how systemic pushbacks and other forms of violent practices that violate human rights along the Greek/Turkish border have become entrenched in the Greek State's response to migration and border control.

References and sources

18. Please provide links to references and sources or upload any related material in PDF format

19. Feedback or suggestions about the process or format for submissions to the Asylum Report

Contact details

Name of organisation:

Border Violence Monitoring Network (BVMN; <https://www.borderviolence.eu/>) is an independent network of NGOs and collectives based on the so-called Balkan migration route, Greece, and Turkey, monitoring human rights violations at the borders of the European Union and advocating an end to the violence exerted against people-on-the-move¹⁶¹. BVMN came into existence in 2016, with the closure of the Balkan Route and the signing of the EU-Turkey Agreement, when several grassroots organisations started reporting on violent pushbacks along the Balkans and Greece and began to document such cases. The Network has developed a common methodology for the recording of testimonials and supporting evidence which, after going through a process of fact-checking, are published on our website (see our [database](#)).

¹⁶¹ The term “people-on-the-move”, includes all people who, for various reasons, leave their country of origin and flee from circumstances there. It seeks to broaden the definition of refugees taking into account the dramatic impacts of climate change, economic and social inequality, political authoritarianism, terrorism and organized crime. Furthermore, the term specifically recognizes people in the process of fleeing who are in transit or stranded. Looking specifically at the situation in the Western Balkans, a majority of people having fled their country of origin, seek to continue their journey to seek safety in the European Union.





Abbreviations:

AYS - Are You Syrious?

BVMN - Border Violence Monitoring Network

CPS - Center for Peace Studies

CCAC - Closed Control Access Centres

CSO - Civil Society Organisation

ESTIA - Emergency Support to Integration and Accommodation

JMD - Joint Ministerial Decision

LCL - Legal Center Lesvos

PRDC - Pre-Removal Detention Center

MIT - Mobile Info Team

POM - People-on-the-move

RIC - Reception and Identification Centre

RSA - Refugee Support Aegean

PRAB - Protecting Rights at Borders

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

