



# ILLEGALITY WITHOUT BORDERS

## PUSHBACK REPORT 2023

11.11.11 – Koepel van  
Internationale Solidariteit  
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## Preface

**The number of pushbacks on Europe's external borders has increased alarmingly in recent years, to the point where they have become a structural part of EU migration policy.<sup>1</sup>**

**Pushbacks are practices whereby refugees are stopped at the border and sent back without having the chance to ask for protection. This is in complete violation of international and European law (see box). Moreover, pushbacks are often accompanied by violence and the destruction or confiscation of personal belongings. The ongoing reports of pushbacks indicate a systematic failure on behalf of the EU to enforce respect for one of the most fundamental human rights.**

**This report maps out the number of pushbacks in 2023 in the various member states. Subsequently we take a closer look at a few important evolutions. We conclude this report with recommendations for Belgium - who currently chair the Council of the European Union - and the EU.**

### **PUSHBACKS PROHIBITED UNDER INTERNATIONAL AND EUROPEAN LAW**

The right to seek asylum is anchored in international and European law. The European Convention on Human Rights (ECHR) explicitly prohibits collective expulsion. The principle of non-refoulement, which prohibits expulsion from individuals to countries where their safety may be at risk, is anchored in the UN Refugee Convention, the EU Charter of Fundamental Rights and the ECHR. This ensures that prior to every decision a specific examination takes place and that no general expulsion measures can be taken. The EU Schengen Border Code, which regulates entries on the external borders of the Schengen Zone, also stipulates that EU member states must act in accordance with European law and 'the obligations concerning access to international protection and, more specifically, the principle of non-refoulement'. All EU member states are bound by these treaties. This means that people must have the opportunity to seek international protection in the EU. Prior to any expulsion an individual assessment must be made of the potential safety risks for the individual in question.



## METHODOLOGY

For the purpose of this report, 11.11.11 collected all available data on pushbacks from EU member states to third countries for the year 2023. This concerns data from NGO reports, human rights organisations, UN organisations and government services. This information was supplemented with interviews with human rights organisations that are active in Hungary, Latvia Lithuania, Greece and Bulgaria. The data can be verified through the source citation that accompanies every figure. In this report the pushbacks of individual refugees are added up. People are often sent back in groups. In this case the number of people in the group is added up to calculate the number of individual pushbacks. For instance, when 40 people are returned in a single pushback operation, this counts as 40 pushbacks.

Many people are pushed back on multiple occasions at different moments, sometimes over an extended period of time. However, it is impossible - and not desirable - to filter these data in the tally. When a single person is illegally pushed back on three separate occasions, these effectively count as three pushbacks.

In most cases of pushbacks to Libya, it is the Libyan coast guard themselves who intercept people and return them to Libya. However, the support from Italy and the EU in these pushbacks is so direct and extensive (monitoring and coordination of interceptions from the air, financial and material support to the coast guard, training...) that these actions are also counted as pushbacks by EU member states.

## 1. FIGURES: NORMALISATION OF PUSHBACKS ON ALL EXTERNAL BORDERS

### Bulgaria

In Bulgaria widespread pushbacks to Turkey were reported in 2023. From January to the end of October, the Bulgarian Border Police reported the "prevention" of 170,000 "illegal" border crossings on the Bulgarian-Turkish border.<sup>2</sup> Local aid organizations confirmed that the vast majority of these 'preventions' actually involved pushbacks from individuals who were already on Bulgarian territory.<sup>3</sup> They witnessed a sharp increase in the number of pushbacks over the past two years.<sup>4</sup>

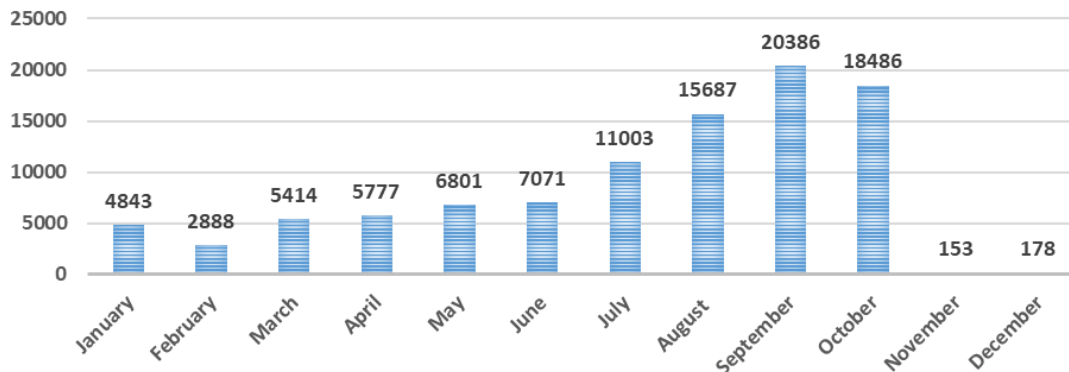
Frontex also points to the use of illegal pushbacks by the Bulgarian authorities. A Frontex report accessed by AFP media reports: "Pushbacks regularly occur in the operational area with Frontex staff deliberately kept away when they happen. They occur through shallow areas of the river and even when water levels are high, when migrants are forced to swim regardless of their ability or strength to do so." The "absence of credible operational reporting" by Bulgarian border police "can signal shortcomings in the reporting mechanism, or, even more worryingly, existence of a tacit policy of non-reporting of actions severely endangering fundamental rights of migrants" Frontex concluded.<sup>5</sup>

In these pushbacks, physical violence is reported on a regular basis. People are stripped, robbed of personal belongings, beaten with police batons, intimidated by police dogs and illegally detained. Women are at greater risk of sexual violence. Local NGOs collected testimonies of sexual harassment and rape.<sup>6</sup> In December 2022, Lighthouse Reports documented how migrants were held for days in a "cage-like" old dog kennel near a police station 40 km from the border. Migrants testified that they received no food or water. On several occasions, Lighthouse Reports photographed the presence of Frontex vehicles a few meters from the cage.<sup>7</sup>

### Hungary

In **Hungary 98,687 pushbacks** were recorded in 2023. These figures were published by the Hungarian government. The credibility of these figures was confirmed in conversations between 11.11.11 and local human rights organisations in Hungary. Striking in this regard is that hardly any pushbacks were reported in November and December. The reason for this is violence between rival smugglers in Serbia and the fact that the Serbian authorities removed people from the squats in the border area and transported them to camps further away.<sup>8</sup>

## PUSH-BACK MEASURES 2023



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In July 2016 Hungary adopted a law explicitly allowing police to send people back to Serbia without individually assessing their requests for asylum. The Hungarian policy effectively makes it impossible to submit an asylum application in the country. **Throughout 2023 thirty people requested asylum in the country.**<sup>10</sup> As long ago as 2020, the European Court of Justice ruled that this law constitutes a violation of European law.<sup>11</sup> In 2023 the European Court of Justice again ruled that Hungary violates European asylum law by impeding access to asylum. Nevertheless pushbacks remain everyday practice.

During these pushbacks **the use of violence such as beatings with sticks, attacks with dogs and confiscation of belongings** was frequently reported.<sup>12</sup>

### Greece

In the **Aegean Sea** between Greece and Turkey **25,855 pushbacks** were reported in 2023.<sup>13</sup> Systematic pushbacks were also documented at the **country's border** with Turkey, along the Evros river. Over the period March-December 2023, the Greek Council Refugees requested provisional measures from the European Court of Human Rights (ECtHR) for facts related to **pushbacks of 176 individuals**, including unaccompanied minors and families with children. In all these cases the Court imposed the requested measures.<sup>14</sup>

A November 2023 report by Doctors Without Borders documents how these pushbacks **systematically involve physical violence** including kicks, truncheon blows, administering electric shocks, humiliating body searches, binding of wrists and ankles, and the confiscation of belongings.<sup>15</sup> At sea the Greek coast guard disables the engines of migrant vessels, or they are moved to life rafts and subsequently left afloat outside Greek territorial waters. Mobile phones are thrown into the sea to prevent the migrants from calling for help.<sup>16</sup>

An investigation by **Forensic Architecture** revealed how these so-called driftbacks are deployed on a large scale. Over a three-year period (February 2020 to February 2023) the organisation collected



evidence of 2,010 of these driftbacks, involving a total of 55,445 people. 32 cases were recorded where the Greek coast guard actively threw people into the sea, without any flotation device. In three of these cases the victims were found handcuffed. According to the organisation 24 people were killed during driftbacks and at least 17 others went missing.<sup>17</sup>

In May 2023 **The New York Times** published a **video** documenting how the Greek authorities on the island of Lesbos pushed back a group of 12 people, including young children and a six-month-old infant. First the people are bundled into a delivery van that takes them to the coast. Subsequently an outboard dinghy takes them to a vessel of the Greek coast guard, who then sets them adrift on a raft in the middle of the Aegean Sea.<sup>18</sup> “What appears to be in these videos is a deportation”, said European Commissioner for Migration Ylva Johansson in a reaction. “If this turns out to be accurate, and the videos strongly suggest this is the case, then this is absolutely unacceptable.”<sup>19</sup> However, no action was taken.

In an interview with CNN, **Greek prime minister Mitsotakis** called his border policy ‘tough but fair’.<sup>20</sup>

In March 2023 an investigation by *El País* brought to light that in the course of the last six years the Greek authorities have stolen more than **2.2 million euros’ worth in cash and belongings** from migrants during pushbacks.<sup>21</sup>

On 14 June 2023 the actions of the Greek coast guard had **deadly consequences** when a vessel carrying an estimated 750 passengers sank before the coast of Pylos. Hundreds of people lost their lives, including many women and children who were in the boat’s hold. Just 104 people survived the tragedy, which was the worst shipping disaster in the Mediterranean in almost ten years. Everything indicates that the boat capsized during a pushback operation when the Greek coast guard attempted to tow the boat from Greek waters with a rope.<sup>22</sup>

## Poland

In Poland pushbacks continue along the border with Belarus (**9,531 pushbacks in 2023**)<sup>23</sup> and the border with Ukraine (**4,051 pushbacks between May and August 2023**).<sup>24</sup>

Violence was used on a large scale in these pushbacks. There were reports of **physical violence**, insults and the destruction of property such as clothing and mobile phones. People were denied access to toilets, water and nutrition and were forced to strip naked. Tear gas was deployed, including against minors.<sup>25</sup>

During the first five months of 2023, 45 people were killed along the border between Poland and Belarus.<sup>26</sup> Local organizations link many of these deaths to Poland’s border policy and illegal pushbacks.<sup>27</sup>

## Croatia

In 2023 large-scale pushbacks were carried out in Croatia as well. The Danish Refugee Council reported **3,331 violent pushbacks from Croatia to Bosnia**<sup>28</sup>

In April 2023 Human Rights Watch published a report concluding that the country has a long history of using pushbacks as a standard modus operandi, including the **systematic use of violence**. These



violent acts include parents being beaten with sticks in front of their children, people tied to trees, people thrown into the river, the administering of electric shocks, aiming guns at refugees and threatening to shoot them, dragging people over the ground, people forced to take off their shoes or even all their clothes and then being forced to cross the border barefoot. Mobile phones, medication, ID documents and food are destroyed or confiscated.<sup>29</sup>

## Libya

The International Organisation for Migration (IOM) claims that in the sea between **Libya and Italy 17,190 people** were intercepted by the Libyan coast guard and returned to Libya.<sup>30</sup> Since 2017, Italy and the EU have financed and trained the Libyan coast guard and provided them with equipment such as ships. The EU coordinates the interceptions by the coast guard with drones and planes<sup>31</sup> despite the fact that the UN has stated that Libya is not a safe return country.

This is because migrants in Libya fall victim to a **“systematic cycle of violence, with direct involvement of high-ranking officials”**. The violence is so widespread that the UN states they amount to crimes against humanity. The practices include torture, sexual violence, extortion, starvation and slavery of men, women and children.<sup>32</sup> In March 2023 a UN Fact-Finding Mission published a report calling on the EU to cease all direct and indirect support to actors involved in these crimes, such as the Libyan coast guard.<sup>33</sup>

## Latvia

In Latvia, government figures claim that in 2023 Latvian border guards turned back **13,863** people who were trying to cross the border.<sup>34</sup>

In July 2023 the Anti-Torture Committee of the Council of Europe reported that law enforcement services patrolling the border area were guilty of **mistreatment of migrants such as punches, kicks, truncheon blows and administering electric shocks**, amongst others to the genitals.<sup>35</sup>

On 31 December 2022 Doctors Without Borders suspended its activities in both Latvia and Lithuania as pushbacks and government restrictions on access to patients made it impossible to provide medical and psychological assistance.<sup>36</sup>

## Lithuania

In Lithuania **2,643 pushbacks** were reported in 2023 along the border with Belarus. The Lithuanian government publishes these figures on a daily basis.<sup>37</sup> Conversations between 11.11.11 and a local human rights organisation confirm the veracity of those figures.

In a statement from April 2023 the Human Rights Commissioner of the Council of Europe addressed the **consistent and alarming reports about violence against migrants** in the context of pushbacks to Belarus.<sup>38</sup>

In January 2023 a local aid organisation sounded the alarm over deaths on the border with Belarus.



The organisation compiled a list of 30 missing persons. At least three migrants lost their legs due to frostbite.<sup>39</sup>

In April 2023 the Lithuanian parliament passed a controversial law stipulating that foreign volunteers can join the Lithuanian border guard force. They are authorised to use violence against people attempting to cross the border from Belarus.<sup>40</sup>

## Spain

In Spain pushbacks to Morocco continue from the Spanish enclaves of Ceuta and Melilla. In November 2023 more than **400 people were denied access to the country**, with Spanish police deploying tear gas.<sup>41</sup> A full overview for 2023 is not available. In many cases people are already stopped by the Moroccan border police, with support from Spain and the EU. These actions often involve violence. In late December a joint operation by Moroccan police and army forces prevented 1,100 people from entering Spain.<sup>42</sup>

Spain also carries out pushbacks at sea. In August Spanish police intercepted a boat carrying **168 migrants** in the Atlantic, after which they were taken to Mauritania without any screening for potential protection needs.<sup>43</sup>

In April 2023 the Council of Europe's Human Rights Commissioner, following a field trip, voiced concerns over the **excessive violence** used by Spanish police as well as the **lack of options for safe entry and access to asylum** in Spain.<sup>44</sup>

Extreme violence by both Spanish and Moroccan border guards during a pushback operation in 2022 in Melilla cost the lives of 37 people. More than a year later, none of those responsible had been brought to justice.<sup>45</sup>

## Cyprus

In 2023 Cyprus continued its pushbacks to Lebanon. In the summer of 2023 Cypriot police deported **109 Syrian refugees** to Lebanon. At least 73 of them were subsequently handed over to the Syrian regime. The United Nations voiced 'extreme concern' over these systematic pushbacks that see people returned to their country of origin without any form of screening for protection needs.<sup>46</sup>



## 2. TRENDS

### 2.1 Attempts at legalisation

Like in 2022, several member states attempted to anchor the use of pushbacks in their national legislation. This was the case in Lithuania (April)<sup>47</sup> and Latvia (June)<sup>48</sup>. International organisations, including the UN Refugee Organisation, expressed concerns but the European Commission did not intervene.

### 2.2 Wind of change through Frontex?

In 2023 a wind of change swept through Frontex, at least in terms of the organisation's narrative. Following the departure of previous director Fabrice Leggeri, who was forced to step down under pressure of, amongst others, NGOs due to his involvement in the covering up of pushbacks, new **executive director** Hans Leijten took the helm in March. He promised to **address the “toxic environment that allowed pushbacks”** and to install a culture of more transparency.<sup>49</sup> Moreover, during a session of the Schengen Committee he also stated there is “no evidence indicating that rescue operations by NGOs act as a pull factor”.<sup>50</sup> This is a clear course shift as opposed to his predecessor, who on multiple occasions linked NGOs with human traffickers.<sup>51</sup>

**In 2023 Frontex was nevertheless once again linked to pushbacks** at sea. Amnesty International claimed that Frontex uses airplanes and drones to track down people trying to flee Libya and subsequently alerts the Libyan coast guard, who then intercepts the migrants and subjects them to random detention and systematic torture.<sup>52</sup> An investigation by Lighthouse Reports showed how Frontex and the Maltese government systematically share the coordinates of refugee vessels with a boat of a Libyan militia that has ties to Russia and that has been linked to human trafficking and war crimes.<sup>53</sup> In October 2023 Frontex was brought before the **European Court of Justice** because the agency refused to release documents detailing its surveillance activities in the central Mediterranean.<sup>54</sup> In July 2023 the **European Parliament** adopted a resolution calling on the Commission to provide more transparency on the collaboration with countries such as Libya. The European Parliament emphasised that people who are rescued can only be disembarked in a safe location.<sup>55</sup>

There are also many questions regarding **the role of Frontex in the tragic shipwreck off the Greek coast** in June of 2023. It was a Frontex drone that first spotted the boat in distress. The vessel's condition and the huge number of people on board left no doubt that this was an emergency situation. Frontex alerted the Greek authorities and offered to remain present at the location but the Greeks ordered them to leave. By the time Frontex finally returned, it was too late. The boat had sunk hours before.<sup>56</sup> According to a ‘Serious Incident Report’ on the disaster by the Frontex Fundamental Rights Officer (FRO), the Greek authorities not only delayed the call for a rescue operation until such time as it was no longer possible to save all passengers, but they also deployed insufficient and inappropriate means in light of the number of people on board while failing to use the resources offered by Frontex. The FRO further deplores that the Greek authorities withheld relevant information when requested within the context of their investigation.<sup>57</sup> This raises a series of questions as to Frontex's ability to guarantee compliance with human rights in joint operations with member states.

This is not an isolated case. In 2022, Frontex's Fundamental Rights Officer remarked in a ‘Serious Incident Report’ that “Frontex staff is [systematically] kept away from the sites of pushbacks”.<sup>58</sup> An investigation by the European Anti-Fraud Office OLAF also revealed that Frontex's aerial presence was moved to a different location by Greek authorities “to keep them from witnessing any incidents in the Aegean Sea comprising a potential fundamental rights component”.<sup>59</sup> In addition, Frontex's

executive director Hans Leijten's initial communication protected Greek authorities with a statement in which he expressed "his solidarity with the Greek colleagues who did everything in their power to save the passengers",<sup>60</sup> this without awaiting the outcome of any investigation whatsoever.

The agency blew hot and cold over the **potential scaling back of operations in Greece**.<sup>61</sup> Article 46 of the Frontex regulation stipulates that the agency must suspend or terminate agency activity in a member state, in whole or in part, "in case of violations of fundamental rights that are of a serious nature or are likely to persist."<sup>62</sup> In Greece this line was clearly crossed many years ago. In a resolution from December 2023, the European Parliament requests that Frontex scale back its activities.<sup>63</sup>

### 2.3 Outsourcing pushbacks

In 2023 we also saw a further externalisation of border policy to countries outside of Europe, involving the outsourcing of pushbacks to third countries. In Libya this has been the case since 2017. Most striking was the **EU-Tunisia deal** of the summer of 2023. In September the European Commission announced the transfer of the first instalment of €127 million to Tunisia, amongst others for the purchase of ships, vehicles and other equipment for the Tunisian coast guard.<sup>64</sup> The European Ombudsman launched an investigation into the human rights implications of this agreement.<sup>65</sup> Meanwhile **Cyprus** has undertaken similar steps towards a partnership with **Lebanon**. In September 2023 a letter from the Cypriot Interior Ministry to its Lebanese counterpart was leaked, in which delivery of six ships and training programmes is announced by the end of 2024. Cyprus also agreed to bankroll the wages of the Lebanese army.<sup>66</sup>

A European agreement with **Egypt** is also in the making, inspired on the EU-Tunisia deal.<sup>67</sup>

### 2.4 EU Migration Pact

On 20 December, the European Council and the European Parliament reached an agreement on the New Pact on Asylum and Migration. Unfortunately the Pact has not generated an efficient approach to the growing issue of illegal and violent pushbacks on the EU's external borders. A promised **monitoring mechanism** designed to safeguard human rights was limited in its scope to the new screening procedure. This means it can only monitor people who are already in a procedure. Despite pleas from the European Parliament for a broader application it will not be able to operate where it really matters: in those areas where border control takes place.

Together with 26 other Belgian organisations, 11.11.11 warned that the mechanism "is already blind and toothless". Moreover, the organisations are concerned that the introduction of border procedures, which place even greater responsibility on the countries on the EU's external borders, will result in an even greater focus on pushbacks in order to limit that responsibility.

### 2.5 Lack of reaction from European institutions

As evidence of illegal pushbacks continues to stack up, the European Commission's reaction has been largely passive.

In 2023 both Bulgaria and Romania were admitted to the **visa-free Schengen area**<sup>68</sup> in spite of countless reports denouncing systematic pushbacks and links between border guards and criminal

gangs.<sup>69</sup> In late 2022 this was also the case for Croatia.<sup>70</sup> However, the Schengen Border Code explicitly demands that the member states uphold international law, EU law, the Refugee Convention and the principle of non-refoulement. According to Human Rights Watch these conditions were not met.<sup>71</sup>

In December 2023, the EU freed up €10.2 billion in **funding for Hungary**. The European Commission emphasised that Hungary had taken measures to improve the independence of the judiciary, thereby meeting the requirements to gain access to the funds. The presidents of the EPP, RENEW, S&D and GREENS/EFA fractions in the parliament criticised this decision and expressed concerns about the state of the rule of law.<sup>72</sup>

In addition there is **direct EU funding of border management**. In recent years Hungary received €144 million, Croatia €163 million and Bulgaria €320 million for border management. An investigation by Lighthouse Reports unearthed direct links between this funding and clandestine detention centres from where the pushbacks are staged. For instance, Bulgaria used an estimated €170,000 for the renovation of a police station where people are locked in cages and from where pushbacks are executed. The Hungarian government uses EU financed buses to carry out pushbacks.<sup>73</sup>

In November 2023 the European Commission announced the allocation of €259 million from the Border Management and Visa Instrument (BMVI) for projects aimed at “strengthening migration management and security at the external borders”. €141 million will be used for software in various European countries including Bulgaria, Lithuania and Hungary to foster the exchange and processing of data between border posts and command centres. The funds will also be used for electronic surveillance equipment at border posts in Bulgaria, Latvia and Lithuania, and the deployment of mobile detection equipment in Bulgaria, Greece and Lithuania.<sup>74</sup>

One bright spot in 2023 was the first step in an infringement procedure launched by the European Commission against Greece with written notices of default regarding its failure to comply with the European Receptions Directive and arbitrary detention.<sup>75</sup>

Moreover, the members of the European Commission were rarely on the same page. EU Migration Commissioner Ylva Johansson made a series of highly critical comments on the situation in Greece, whereas Margaritis Schinas, the Greek Commissioner who is responsible for the ‘promotion of European values’, hailed the Greek policy.<sup>76</sup> In the European Council and the European member states just a handful of critical reactions to the human rights situation on the external borders have been heard.

This lack of decisiveness creates a climate of impunity in which countries increasingly cross the line, both in the field and in terms of legislation.

## 2.6 Refugees claim rights

Nevertheless, there was also protest against the illegal pushbacks, primarily from the refugees themselves, who in 2023 continued to take action against the injustice they are made to suffer. Violence at the external borders is also increasingly being documented by the refugees.<sup>77</sup> This is crucial to draw attention to the issue and take political and legal action.

In December 2023, Syrian refugee Sami Barkal filmed Croatian border guards beating fellow asylum seekers during a brutal pushback and proceeded to challenge the Croatian authorities before the European Court of Human Rights.<sup>78</sup>

In Libya the social media work of the organisation 'Refugees in Libya' drew the attention of the international community to what happens to people who are intercepted by the Libyan coast guard. The organisation advocates for evacuations from Libya and a discontinuation of European support to the Libyan coast guard. Spokesman David Yambio addressed the European Parliament and met with the pope in November 2023. The movement is growing and is now also active in other countries where migrants encounter similar problems, such as in Tunisia and Egypt.

In addition, numerous NGOs and grassroots organisations from all member states offer assistance to victims of pushbacks. In a shrinking room for civil society organisations they document what happens and take **legal action**. Sometimes with success. In February the European Court of Human Rights (ECtHR) sentenced Hungary to a €40,000 fine for the death of a 22-year-old Syrian refugee at the hands of Hungarian border guards in 2016.<sup>79</sup> In October the European Court of Human Rights (ECtHR) ruled that the Hungarian state violated the ban on collective deportations and inhuman or humiliating treatment in the pushbacks of two families with children, including one child with Down's syndrome.<sup>80</sup> In early 2024 Greece was condemned by the ECtHR for a pushback at sea in 2014 in which a boat with Syrian refugees came under fire.<sup>81</sup> So there are legal successes but the slow judicial process, in which people have to wait up to ten years for a ruling, is compromising the effectiveness of the legal protection.

In July 2023 the European Ombudsman launched an inquiry into the circumstances of the shipwreck off the coast of the Greek island of Pylos and the role of Frontex.<sup>82</sup>

## Conclusion

11.11.11 has found that for several years nearly all countries at the European external borders have been systematically using violent pushbacks. In 2023 this trend was not only confirmed in terms of figures, with 346,004 pushbacks, or an average of 947 per day; in terms of legislation as well, pushbacks are increasingly threatening to become normalised.

The tally only shows part of the reality as many pushbacks are carried out unseen at sea or in remote border regions.

The common thread during these pushbacks remains brutal violence against men, women and children. The human cost of this policy is gigantic. People who have already suffered severe traumas when fleeing their country are once again viciously traumatised in their search for protection in the EU. The violence at the external borders is still met with silence in Western European countries. This at least creates the impression these pushbacks are taking place with the approval of these member states. At the same time the current situation is not in favour of countries in Western Europe, who have raised concerns about 'secondary migration movements' from other member states. Respect for human rights is crucial towards a fair distribution of responsibilities among member states. Given the brutal violence in the border countries, it is evident that refugees travel to Western European countries. Also the legal impact is obvious. In recent years Dublin transfers to countries Hungary, Croatia, Greece and other countries were often impossible due to the human rights situation there. With the new European Pact on Asylum and Migration, a major opportunity to install an effective monitoring system of the external borders went begging. Still, it is not too late. Pushbacks remain illegal under the new Pact. There are enough sticks and carrots available to enforce respect for the European rules. The problem is that they are hardly if ever used. This needs to change. 11.11.11 calls on the Belgian European Council presidency to take urgent and firm action against these fundamental rights violations. Not doing so means giving the other countries on the external borders licence to continue and normalise pushbacks, which will be very hard to reverse.

## Recommendations

### We ask Belgium and other EU member states:

- to advocate within the European Council for effective and independent monitoring that ensures respect for fundamental rights. This entails:
  - an expansion to the border areas of the geographical and procedural scope of the **monitoring mechanism included** in the EU Migration Pact
  - guarantees that the mechanism can operate **independently** from the national authorities, with the involvement of independent organisations (such as national human rights organisations, ombuds organisations, NGOs and international organisations)
  - guaranteed and **unlimited access** to all relevant documentation and data, as well as the possibility to carry out unannounced site visits at relevant locations (police stations, transit/reception centres, pre-removal centres and border regions).
- in their capacity as members of the Frontex management board advocate the **immediate scale back of Frontex activities and limit them to monitoring** in member states that systematically break the rules. This is in line with the Frontex regulation. This is definitely the case for **Greece**.
- play a pioneering role in further internal **reforms of Frontex**, with a stronger role for the Fundamental Rights Officer. In addition 11.11.11 asks that people with human rights expertise be represented in the agency's Management Board.
- **make their participation in Frontex operations** dependent on independent assessments of the human rights situation and suspend the deployment of means and personnel in case of violations by Frontex or the host country of the operation.
- re-evaluate the **collaboration between Frontex and non-EU member states** and examine whether it contributes to human rights violations. This is definitely the case for the collaboration between Frontex and the Libyan coast guard.
- encourage the **European Commission** to fulfil its role as 'Guardian of the Treaties' and, in keeping with article 258 of the Treaty on the Functioning of the European Union (TFEU), institute **infringement procedures** against countries that do not respect European regulations.
- in their bilateral contacts with the involved member states systematically pay attention to the human rights situation in terms of border management and to remind them of their obligations under international law.
- advocate within the EU for making **border management funding dependent** on respect for human rights and to suspend said funding when these rights are violated.
- **oppose the criminalisation of the work of human rights organisations and other NGOs** that are active on the external borders or save lives in the Mediterranean.



- <sup>1</sup> [More than 200,000 illegal pushbacks on the EU's external borders in 2022 | 11.11.11](#)
- <sup>2</sup> [Отблъсква ли България мигранти към Турция? \(24chasa.bg\)](#)
- <sup>3</sup> [Conversation 11.11.11 Bulgarian Helsinki Committee februari 2024.](#)
- <sup>4</sup> [Bulgaria migrant pushbacks: What's behind the rise in violence at the Bulgarian-Turkish border? \(1/4\) - InfoMigrants](#)
- <sup>5</sup> [Bulgaria accused of brutal border pushbacks \(france24.com\)](#)
- <sup>6</sup> [Bulgaria migrant pushbacks: What's behind the rise in violence at the Bulgarian-Turkish border? \(1/4\) - InfoMigrants](#)
- <sup>7</sup> [Europe's Black Sites - Lighthouse Reports](#)
- <sup>8</sup> [Conversation Hungarian Helsinki Committee 17/2/2024.](#)
- <sup>9</sup> [Figures courtesy of Illegális migráció alakulása - heti bontásban | A Rendőrség hivatalos honlapja \(police.hu\). Monthly overview via Hungarian Helsinki Committee.](#)
- <sup>10</sup> [Statistics | Eurostat \(europa.eu\)](#)
- <sup>11</sup> [Hungary has failed to fulfil its obligations under EU law in the area of procedures for granting international protection and returning illegally staying third-country nationals \(europa.eu\)](#)
- <sup>12</sup> [NO NAME KITCHEN AND THE NEWEST BORDER VIOLENCE SPECIAL REPORT: WE PRESENT THE BLOODY BORDERS PROJECT – No Name Kitchen](#)
- <sup>13</sup> [Aegean Boat Report on X: "Annual report for 2023 from Aegean Boat Report. In 2023 Aegean Boat Report have registered 904 illegal pushbacks in the Aegean Sea, performed by the Hellenic coast guard. 25,855 people, children, women and men, have been denied their right to seek asylum, their human rights have... https://t.co/uwbeelgcmA" / X \(twitter.com\)](#)
- <sup>14</sup> [GCR - Ενημερωτικό Σημείωμα του ΕΣΠ](#)
- <sup>15</sup> [in-plain-sight -the-human-cost-of-migration-policies-at-greek-sea-borders.pdf \(msf.hk\)](#)
- <sup>16</sup> [Greek coast guard rescues migrants, accused of further pushbacks - InfoMigrants](#)
- <sup>17</sup> [Drift-backs In The Aegean Sea ← Forensic Architecture \(forensic-architecture.org\)](#)
- <sup>18</sup> [Video Shows Greece Abandoning Migrants at Sea - The New York Times \(nytimes.com\)](#)
- <sup>19</sup> [EU's Johansson slams Greece over 'deportation' of migrants – POLITICO](#)
- <sup>20</sup> [Greek PM hails 'tough but fair' migration policy on election trail | Greece | The Guardian](#)
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**Strength in numbers**