

Pushbacks at the EU's External Borders: The View from Serbia and Bosnia and Herzegovina

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On the 18th December, The Left group in the European Parliament presented the Black Book of Pushbacks, a 1500 page manuscript documenting testimonies of illegal pushbacks conducted by European countries (both European Union (EU) member states and others). These testimonies were collected by the Border Violence Monitoring Network (BVMN), a collective of grassroots organisations made up of aid organisations and advocacy groups working in countries of the Balkan Route. The aim of this publication is to hold governments and EU bodies accountable for the inhumane treatment and violence experienced by people-on-the-move at the EU's external borders.

Pushbacks are a clear violation of both EU and international law and yet they are common practice at the EU's external borders, with member states such as Croatia, Greece and Hungary regularly expelling people-on-the-move without due process, therefore preventing access to asylum. Among several international laws and protocols which are violated during pushback processes, pushbacks and collective expulsions violate Article 14 of the Universal Declaration of Human Rights; namely, the right to seek asylum, as well as a key principle of the 1951 Geneva Convention, the principle of Non-Refoulement, which clearly outlaws returning someone to a state where their life or freedom would be in danger. EU legislation also adopts the principle of non-refoulement, for example in the Charter of Fundamental Rights of the European Union, where Article 19 clearly forbids removal, expulsion or extradition to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment, in addition to explicitly outlawing collective expulsions.

In the case of Serbia, official statistics from UNHCR show that the highest numbers of pushbacks into Serbia are currently being committed by Romania,

with 1758 pushbacks occurring in November 2020 alone. Hungary is the next biggest offender, and testimonies of pushbacks from both of these countries frequently report the use of violence by border officials. A recent trend observed in border practices during pushbacks is the use of improvised weapons such as tree branches, as well as forced undressing of people-on-the-move. Additionally, several instances of medical negligence by Hungarian authorities have been recorded including the pushback of a 13 year old with a broken foot.



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2020

In this regard, it is important to note the levels of internal violence against people-on-the-move within Serbia, demonstrating that it is not a safe third country to return people to. State authorities in Serbia regularly abuse their power, with people-on-the-move reporting multiple types of violence at the hands of the Serbian police. This violence includes, but is not limited to, beatings, theft or destruction of personal property, verbal aggression and forced transportation to camps or wilderness areas. While the Serbian government does run a system of official camps and reception centres, here too people-on-the-move have reported suffering extreme physical violence at the hands of camp officials, and reports of inadequate facilities, medical negligence and other issues are common.

With regards to the externalisation of EU border policy and how Serbia falls into this, a key point to highlight would be in the year 2018 when the Balkan nation reimposed visa restrictions on citizens of Iran, who had previously not required a visa to enter Serbia. This allegedly came as a result of pressure and criticism from the European Union, with EU authorities reportedly considering cancelling the visa-free regime for Serbian nationals if the country did not reintroduce visas for Iran. Additionally, the EU and Serbia have recently agreed on 'border management cooperation' between Serbia and Frontex, the EU Border and Coast

Guard Agency, allowing for joint operations and the deployment of Frontex officers within Serbia. While often externalisation of borders is a theoretical concept played out in legal processes and allocation of government funds, in this case the presence of Frontex officers in non-member state Serbia is the latest in a string of concrete externalisation involving bodies on the ground.

In Bosnia and Herzegovina (BiH), the externalisation of the EU's border practices manifests itself in the vast amounts of money spent on camps and temporary reception centres (TRCs). Rather than allowing people on the move to cross to the EU border to register an asylum claim, the EU instead throws money at the Bosnian authorities, with the aim of keeping people-on-the-move firmly outside of the EU border. Externalisation also manifests itself in Bosnia and Herzegovina's EU ascendancy aspirations for which it must follow steps such as those outlined in the 2015 Stabilisation and Association Agreement, which includes cooperating with the EU in the areas of migration and border management. As such, BiH has essentially become a 'holding ground' for refugees and migrants, unable to progress due to the harsh pushbacks carried out by Croatian authorities. BVMN's testimony database also includes multiple instances of chain-pushbacks from Italy and Slovenia back to Bosnia (here and here, for example), further demonstrating the negligence of EU member states with regards to their asylum responsibilities.

Currently, the externalisation of the EU border to Bosnia and Herzegovina and the effective transformation of the country into a 'holding ground' for people-on-the-move is being exemplified by the fallout of the planned closure of the Lipa camp, and its subsequent destruction in a fire on the 23rd December 2020. Hundreds of people are still stranded in the vicinity of the former camp due to political disputes within Bosnia about where to relocate them, and between the 1st and 5th of January, residents still present at the site went on hunger strike in protest at conditions there. It is estimated that around 3,000 people on the move are now sleeping rough in the north west of the country, including in both the burnt out site of the camp and in abandoned buildings and forest camps elsewhere in the region. It has now been decided that people will not be transferred from Lipa, but rather that the camp will be rebuilt and made suitable for winter conditions. The EU has released an additional €3.5 million in response to what it describes as a "humanitarian disaster" however this does not include any plans to relocate people on the move onto EU territory, and maintains the rhetoric that this issue is the responsibility of BiH authorities. Bosnia and

Herzegovina's political structure is complex and the situation there is arguably still fragile, however despite knowing this the EU is happy to spend vast quantities of money to ensure that people do not progress past its external border in order to seek asylum. It remains to be seen what effect the proposed New Pact on Migration will have on conditions in the country.



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The vast majority of pushbacks to Bosnia and Herzegovina implicate its former Yugoslav neighbour Croatia, and the Croatian authorities are notoriously brutal during these expulsion processes, with extreme physical violence regularly reported by people-on-the-move returned across the border. While Croatia denies that these pushbacks are occurring, multiple investigations (including testimonies collected by BVMN) have found damning evidence of gross human rights violations being committed at the EU's external border, including shocking accounts of sexual violence in addition to harsh beatings and psychological abuse. The Black Book of Pushbacks details such incidents and hopefully will be used to hold both EU bodies and member state governments to account and encourage strong action in the European Commission to tackle illegal pushbacks and protect human rights.

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