

Between Borders and Brutality

Tracing the Normalisation of Violence at Europe's External Frontiers



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Cover Photo: Border Fence in the National Park Duna-Dráva
at the Hungary-Serbia Border, 2016

Cover Photo Courtesy: Ursula Häne

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List of Abbreviations

BF	Border Forensics
BiH	Bosnia and Herzegovina
CEAS	Common European Asylum System
EU	European Union
ECRE	European Council on Refugees and Exiles
ECtHR	European Court of Human Rights
IO	International Organisation
IOM	International Organisation for Migration
NGO	Non-Governmental Organisation
UNHCR	United Nations High Commissioner for Refugees

1. Introduction

Never have there been so many people on the move as today, one in thirty persons worldwide is a migrant* ([IOM, 2024](#)). In a world increasingly shaped by migration flows and refugee movements, Europe is building fences along its borders.

Today we witness at many of the EU's outer borders a situation of fortification and securitisation, of systematic violence inflicted on migrants by European authorities, of pushbacks and of a denial of access to fair asylum procedures. These practices have been widely described and reported on by international organisations, NGOs, and in academia. While many European countries and the EU often claim some moral superiority and applaud themselves for upholding human rights and defending human dignity, many of these humanitarian values are not granted to migrants. The most recent and pertinent example is the New EU Pact on Migration and Asylum adopted in April 2024 which puts more people at risk of human rights violations, makes access to asylum more difficult and expands detention and containment at the border ([Amnesty International, 2024](#)). Through our research, we wanted to understand:

How the modalities of violence/violations against migrants at the external borders of Europe differ in space and time; and

What the practices of and interactions between actors at the border, geophysical conditions, and multi-scalar political and legal processes are that enable or limit the normalisation and brutalisation of border violence/violations?

The process of normalisation of violence happens in a complex interplay of multiple levels (from the EU commission all the way to local border guards) and different spheres (from legislation being passed by parliaments to narratives being shaped by political parties). This complex interplay demands a wide net of analysis that spans across a variety of actors and fields of analysis, mainly jurisprudence, policy and social developments.

We analysed the situation at the Greek border with Turkey, Croatia's border with Bosnia and Herzegovina (BiH), Hungary's border with Serbia and Poland's border with Belarus. We engaged in desk research, produced extensive excel sheets containing timelines of policy and jurisprudence for each border, conducted interviews with experts and finally analysed our findings. First, we present the EU's response to the Migration crisis (Chapter 2) to provide the necessary context, which is followed by the methodology (Chapter 3). Then we devote one chapter to each border where we analyse the country-specific dynamics which allow for the normalisation of border violence (Chapter 4). Finally, we provide a comparative conclusion where we bring together the main findings (Chapter 5). The appendix including the interview transcripts, the timelines and other sources are available [here](#).

The research project took place in the context of the Applied Research Projects of the Geneva Graduate Institute (IHEID) and was conducted in partnership with Border Forensics (BF), an NGO based in Geneva.

* In this report "migrant" is used to refer to all types of migrants involved in the mixed migration movements. By avoiding using multiple terms, we also aim to highlight the applicability of basic human rights and the right to seek international protection of all individuals involved.

2. EU Responses to Migration

The European Union regulates asylum processes based on the norms elaborated in the 1951 Refugee Convention and its 1967 Protocol, which include the principle of non-refoulement ([UNHCR, 2024b](#)) - applicable on a common basis since 1999 through the Common European Asylum System (CEAS) ([European Commission, 2024](#)). Further, the Dublin III Regulation governs the aspect of responsibility sharing between the Schengen States on asylum applications of third-country nationals since 2013 ([Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013, 2013](#)). On the other hand, in stark contrast to the free movement allowed to EU citizens in the EU regime, the migration of third-country nationals into Europe is heavily regulated individually by EU member states, with little to no uniformity or consistency in practice ([Lang, 2017](#)). With the start of the European “migration crisis” in 2015, this system was put to the test.

The “Migration Crisis” sparked policies at the regional level, such as the 2016 EU-Turkey deal establishing key entry points in Greece, as “hotspots” which were transformed into sites of detention, categorisation, and deportation ([Tazzioli & Genova, 2016](#)). This declared “exceptional” situation in Evros legitimised the Greek government's border control, resulting in extensive violence, pushbacks and detentions ([Karamanidou & Kasperek, 2020](#)). Pushbacks, which is an “informal expulsion (without due process) of an individual or group to another country” ([Border Violence Monitoring Network, 2023, p. 5](#)), constitute a clear “violation of the prohibition of collective expulsion and the principle of non-refoulement” ([OHCHR, 2020](#)).

Pushbacks have since become an unofficial but central aspect of EU countries' migration practices, especially on the Balkan Route ([Border Violence Monitoring Network, 2023](#)).

For the migrants on the Balkan Route, after passing through Turkey and Greece into Macedonia and Serbia, Hungary became a “gateway to the rest of Europe” ([Korte, 2023](#)). The Hungarian government responded to the “crisis” by constructing a 164 km long razor fence that became a “symbolic representation of deterrence” which “started a chain of fortifications across Europe” ([Sicurella, 2018](#)). Hassner and Wittenberg ([2015](#)) describe the concept of fortified borders as “asymmetrical, physical barriers placed along borders to prevent cross-border flows of ‘clandestine transnational actors’”. Many of the migrants were pushed back to Serbia and were then forced to move to other countries—mainly Bosnia and Herzegovina—and adopt different routes ([Korte, 2023](#)). This formal closure of the ‘Balkan Route’ in March 2016, led the migrants to follow more remote routes to cross the ‘green and blue borders’, i.e. “land and sea boundaries between officially recognised Border Crossing Points (BCPs)” ([Frontex, 2015](#)) into the EU ([Leutloff-Grandits, 2023](#)).

“The double-layered border between Croatia and Bosnia represents the entanglement of national and EU border regimes”, creating a “grey zone” ([Green, 2015](#)). “in which processes of border drawings and border transgressions occur simultaneously” ([Leutloff-Grandits, 2023](#)).

As the migrants (often repeatedly) attempt the journey across perilous mountainous and wooden terrain to reach Croatia, despite brutal interruptions of illegal capture by the Croatian border police, they continue to undertake the 'game' (Zocchi, 2023). Minca and Collins (2021) describe the 'game' as "a spatial tactic implemented by refugees as a way of engaging with the impossibility of legally travelling to their desired destination".

The major border crisis at the Polish-Belarusian border started much later than the refugee crisis at other borders, in the summer of 2021, in the aftermath of sanctions imposed upon Lukashenko's regime by the EU (Baranowska, 2021a). Lukashenko's instrumentalisation of migrants as a threat against Poland and the EU for his political purposes was described by Lubiński (2022) as a hybrid warfare. Therefore, "border barriers, corridors and transit camps in this way become elements in an intricate, unplanned yet intensely governed structuring of space that reconfigures European geopolitics as it manages migrant bodies" (Jones et al., 2017).

Planas Gifra (2024) discusses the "crisification of migration", which can be understood "as the treatment of migration as a security threat that can amount to what political actors call a 'crisis', a practice which has been extended over time and become an everyday practice." Further, Planas Gifra (2024) states that "while the situation in the southern borders of countries in the European Union was depicted as a humanitarian emergency, the people involved in this crisis were at the same time being portrayed as potential security threats". Agamben (2013) emphasised the contemporary understanding of "crisis" as a persistent condition projected into the future, serving as a tool for governance and the justification of political and economic measures. Measures introduced in the context of this "crisis" response range from militarisation, legitimisation of violence (through legalisation or political rhetoric), and fortification of the border which results in the weakening and the circumvention of the protection regime (Stepka, 2022).

Therefore, to protect the 'fortress Europe', authorities systematically carry out, promote or permit a variety of violent practices which often intersect (Nissen, 2022). These practices have been documented by a variety of actors, which provide strong evidence of the humanitarian catastrophe migrants are exposed to. According to Bello (2022), "the securitisation of migration is not a linear process but a spiralling phenomenon", which "involves an array of actors, discourses, policies and practices embedded in a prejudiced narrative of migration", in this case, border forces, multilateral organisations, among others. Topak (2014) notes that "from the perspective of international law, the crossing of the border to seek international protection has partly lost its importance since the EU and its member states increasingly rely on readmission and return policies aimed" through bilateral and multilateral agreements, thereby "externalising migration control" through third countries such as Serbia, Turkey, or Bosnia and Herzegovina.

Even while the 1951 Refugee Convention, and international human rights standards are in operation, the absence of a binding common policy allows states to propagate problematic border practices, and carry out pushbacks, in complete violation of their obligations under international law (Chetail, 2016; Moraru, 2022). While the Dublin III Regulation was introduced in 2013 for responsibility sharing between the member states, during the 2015 migrant crisis, this shifted the burden to manage migration to a few member states, thereby intensifying tensions around the borders (Davis, 2020). The states, therefore, instrumentalised this crisis to restructure their policy around soft laws, legitimise violence, and minimise the protections afforded to migrants (Desmond, 2023; Slominski & Trauner, 2021). As Lang & Nagy (2021) have observed, "the gap between the EU's constitutional, normative expectations and member states' practices has been widening, leading to tension between the reality and the law".

3. Methodology

A multimethod approach combining desk research, semi-structured interviews and the creation* of timelines was adopted in order to answer the research questions (see introduction). The complex research topic demanded a holistic approach as the issues covered are multidimensional and multifaceted.

The output of this research is a report on the normalisation of violence at four European Borders as well as timelines of impunity. Desk research and interviews allowed for the creation of four respective timelines. Bringing together concrete violent incidents, implementation of EU or national policy and developments in jurisprudence, the timelines allowed for a thorough understanding of the process of normalisation. These were visualised by our partner BF and will be of use to them to direct their further research.

Desk research was used to analyse primary sources, such as EU and national laws, political statements and reports describing the situation at the borders. This provided the basis for building timelines and conducting expert interviews.

Semi-structured interviews with experts of non-governmental organisations and civil society were conducted. First-hand insights on the practices observed in the field were acquired, key events highlighted and further context given. Especially interesting was their assessment of the relevance of specific incidents and underlying trends.

Interviewees were chosen in collaboration with BF when possible, and further interview partners were contacted by the researchers when deemed necessary. Eight interviews were conducted which were relevant for individual or multiple borders. The transcripts are provided in the Appendix.

Two interviews were conducted with experts from Medecins Sans Frontières, two interviews with independent researchers, two with members of national NGOs, one with a journalist and one with a member of the Center for Peace Studies.

Through the desk research and the expert interviews, four timelines encompassing the local, national and EU level, including events categorised into policy, law, judgments, elections, violent incidents, political statements or “other” were put in place in order to give an overview of developments at the borders. The relevant time period analysed was 2015-2024 for Greece/Turkey, Croatia/BiH and Hungary/Serbia and 2021-2024 for Poland/Belarus. Each border has its distinct challenges and context.

Greece/Turkey

The land and the sea border between Greece and Turkey almost doubled the workload as practices, densities of arrivals and events differed essentially between the two entry points. The number of publications, actors publicising and violent incidents is enormous due to the high numbers of migrants entering Greece as well as the many years of reported violence. In order to still provide an overview of important happenings a systematic search of publications, reports, legal changes and important political statements was conducted and further completed by the key moments and happenings mentioned in discussions with experts.

Hungary/Serbia

The situation at the Hungary/Serbia border has been vigorously documented in multiple reports, newspaper articles, court cases, etc. A systematic review of all these materials was carried out to get an overall understanding of the trends, although the timeline generated and analysis prepared does not represent an exhaustive description of the events. Data set pertaining migrant pushbacks was obtained from the Hungarian Police Website, which segregates between 'illegal border crossings prevented', 'detained and escorted through the IBH gate', 'arrested and prosecuted'. Since the methodology of data collection is not mentioned, there is limited understanding of these variables, as well as occurrences of double entries, due to multiple crossing attempts or the same migrant undergoing crossing prevention, detention or prosecution.

Croatia/BiH

Occurrences at the Croatian-BiH border have been widely documented in reports or by media outlets. A systemic research of all published articles on the topic of migration since 2015 was conducted in media outlets (the Guardian, InfoMigrants, BalkanInsight, Euractiv, Politico), NGOs or humanitarian organisations (CMS, BVMN, DRC, ECCHR, PRO ASYL, AI, HRW), IOs, and governmental institutions (MoI, Government). For the latter the issue of more thorough communication in Croatian was the case. Only english-language sources were used. (Monthly) data on pushbacks was found only from 2020 onwards.

Poland/Belarus

While there were some resettlements of refugees to Poland starting in 2015, the country only in summer 2021 had large numbers of migrants from the Middle East arriving at its border, which is why the timeline starts there. However, the anti-migrant climate in which the Polish public was at this time was shaped by

the Law and Justice party (PiS) in the years before, so the analysis also had to take this into account. Further, as it's such an artificially created situation in which migrants are weaponized by Belarus for political purposes, events on the other side of the border are crucial in gaining a thorough understanding of the humanitarian crisis unfolding and the dynamics at play. For reasons of uniformity amongst the four borders, a focus was laid on the events in Poland.

Analysing the timelines together with the knowledge gained from the interviews allowed us to triangulate between laws, jurisprudence and policy; reports by NGOs; and the insights of experts in the field. Going beyond the timelines allows for the inclusion of aspects into the analysis that can't be pinpointed to exact dates, such as trends, narratives being formed, and other aspects that provide the context of the situation unfolding.

The variety of methods that could be used for such a research is a challenge, as the amount of existing information is large. Besides that, each border has its own context and a different amount of research already conducted, therefore a unique combination of methods was applied respectively. Contexts and regimes are fluid and subject to continuous change.

While the project initially intended to use a wide variety of methods, only few of them could be applied in the end. Difficulties were encountered when trying to find consistent, verifiable data on pushbacks / violence/violations or numbers of arrivals at the respective borders. The decision was therefore made to focus on the creation of the timeline and use them as the main source of analysis. The correlation between the timelines and a statistical analysis could provide interesting insights and might be part of the further research conducted by BF. The creation of maps using tools and techniques provided by BF was not conducted due to time constraints on both sides.

While research in this field is of utmost importance, it needs to be conducted with a critical mind. As a researcher it's crucial not to reproduce the narratives developed by policy makers in Brussels and national governments ("crisis") and conscientiously refrain from contributing to the border spectacle while opposing the increasing dehumanisation of migrants* (De Genova, 2013; Lindberg, 2024; Pezzani & Heller, 2013).

While working on border violence at the external borders of Europe it is essential to acknowledge our positionality and potential biases. As student researchers collaborating with an NGO that has repeatedly condemned the EU border policies and the violence inflicted upon migrants, our perspective is inherently shaped by a strong belief in human rights and humanitarian values, including a welcoming attitude towards migrants. This preconceived notion was further validated by using NGO reports as a primary source and conducting interviews with experts from civil society organisations that condemn the violent practices at the borders. Seeking feedback from experts with differing perspectives could have provided a more rigorous and balanced analysis.

A challenge this project faced was the big amount of data and reports that exist, the broad number of actors that publish on the issues and the many incidents and levels that had to be considered. For further research, a wider set of language skills for each country could be beneficial. Furthermore, the research team divided the work amongst the team by borders which allows for a good understanding of the complex situation and in-depth engagement. The identification of overlapping trends required additional communication within the team, an element which cannot be neglected in any further research.

4. Analysis

In the following analysis chapters, key findings will be presented for each border. The analysis includes and combines information found through expert interviews, desk research and the creation of the timelines.

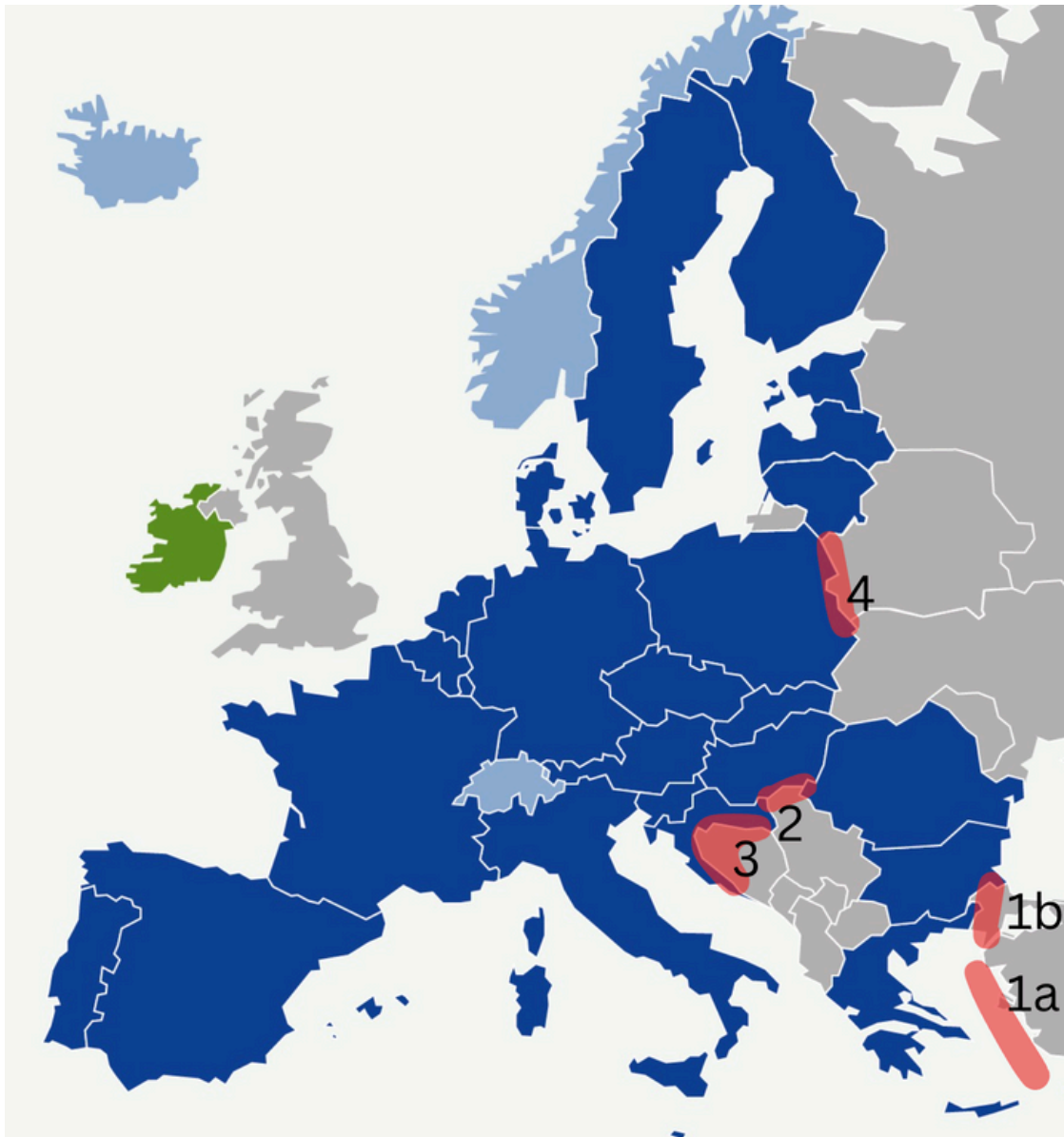


Figure 1: The sea border between Greece and Turkey (1a); the land border between Greece and Turkey (1b), the border between Hungary and Serbia (2), the border between Croatia and BiH (3), the border between Poland and Belarus (4). Blue countries are Schengen Member States and EU states. Source: FDFA (2024), own drawings.

4.1 Greece/Turkey

Introduction

The 850,000 arrivals in 2015 ([UNHCR, 2015](#)) started the migration “crisis” and slowly made out of Greece a “shield of Europe” ([Rori, 2021](#)). Over the last 10 years, an incredible number of NGOs and researchers have been working on and analysing the border violence and its normalisation.

While the sea border has overall seen more arrivals of migrants, the intensity of migration flows have been shifting over the years between the sea border in the Mediterranean and the land border in the Evros region ([UNHCR, 2024a](#)). The Evros region is one of the most militarised and tech-heavy border zones in Europe.¹ The construction of the border fence in the Evros region started already in 2012 and got further extended over the years since 2015, with a major extension in 2021 ([Bumbrava, 2022](#)). The surveillance systems in place have been repeatedly updated and the majority of it is funded by the EU ([Emmanouilidou & Schmitz, 2022](#)). The Evros region has always been poor, without many economic opportunities, and is isolated compared to the rest of the country. Additionally, many local inhabitants get money through providing services² to the border, which also reinforces the racist, nationalist ideas of the border.³ In the Mediterranean Sea among many other situations, the sinking of boats such as the *Adriana* in 2023 ([Stevis-Gridneff & Shoumali, 2023](#)) and the burning down of the *Moria* camp in 2020 ([Markham, 2022](#)) have repeatedly shown the dangers migrants face on migration routes as well as in receiving or transit countries.

“We had the right to intercept boats at sea and encourage them to the coasts from where they left.”

–Greek Prime Minister Kyriakos Mitsotakis ([ECRE, 2023](#))

While the two entry points differ in their geographical appearance, there have been patterns identified regarding the violence inflicted upon migrants and the ways in which pushbacks occur ([ECCHR, 2022](#)).

Greek Migration Policy

First, the Greek migration policy included short-term measures to handle the extraordinary situation. It then shifted into an “emergency” management and securitisation strategy but always lacked a long-term vision due to the limited cooperation between the two different governments in Greece that had to put a migration policy in place as well as between the EU, Turkish and Greek authorities ([Papadakis & Dimari, 2023](#)). The EU-Turkey Deal of 2016 was designed to manage the refugee “crisis” by controlling the flow of migrants entering Europe ([European Council, 2016](#)). Border externalisation has a far longer genealogy, however it marks an important step in the EU’s externalisation policy ([Megerisi, 2023](#)). Turkey agreed to hinder migrants from crossing over to Greece and take back those who managed to cross illegally in exchange for financial aid, visa liberalisation and renewed EU accession talks.

¹Karamanidou, Independent Researcher, Personal Communication (03.04.2024).

²Such as the provision of accommodation to Frontex workers or sharing information.

³Karamanidou, Independent Researcher, Personal Communication (03.04.2024).

The agreement included that for every Syrian migrant returned to Turkey, one Syrian person will get resettled to the EU ([European Council, 2016](#)). Greece and Turkey have a long history of rivalry but were forced to re-establish their relationship in order to “manage” the migration “crisis”. In 2017, the Turkish president visited Greece for the first time in 65 years, which shows that their bilateral relations were limited to the absolute minimum and that their will for collaboration stays limited ([Hellenic Republic, 2024](#)).

Normalisation of Violence: Narrative, Criminalisation, Denial and Legalisation

Narrative

As already touched upon beforehand, the geographical isolation of the Evros region and the rivalry between Greece and Turkey further nurture the xenophobia and racism which is already present within Greek society and reinforces the normalisation of violence. The common narrative is that migrants are a threat to the Greek security, the welfare of citizens and to Greek culture generally. Evros has a muslim population which creates the nationalist threat that the Greek culture must be protected in order to avoid affinity via islam between the local population and migrants. This portrayal that most migrants are muslims, that they are therefore allied to Turkey and could all reunite around islam, feeds into the national fiction and to the increasingly visible racism on the basis of religion and general xenophobia.⁴ The rivalry between the two countries has been instrumentalized by Greece for centuries but recently also became part of the EU policy. This came to light after the entrapment of thousands of migrants at the border in early 2020 ([ECCHR, 2022](#)).

This was a moment of high tension between Turkey and Greece, as well as the EU. Greece put a “state of emergency” in place ([Bloomberg, 2020](#)) and suspended the right to asylum for a month. 2’927 persons entered Greece but were immediately detained and returned without any judicial protection or registration. The police, army and Frontex presence intensified and paramilitary groups were observed who joined the official patrols or undertook actions themselves ([Refugee Support Aegean, 2020b](#)). Adding on to that, a high number of attacks of citizens on migrants and NGO employees ([Refugee Support Aegean, 2020a](#)) have been reported as well as Island deputies stating racist threats directly addressed to migrants ([Tsarnas, 2018](#)). In recent years the terms “ethical” and/or “humanitarian” pushbacks have come up which further nurtures the idea that the violence inflicted on migrants is a legitimate way to manage migratory flows⁵ Today Greece faces some sort of collapse of the rule of law, which not only applies to migration but also freedom of expression, speech, law, and a general increase in violence deployed⁶.

Criminalisation of Civil Society

Since 2020 there is a strong tendency to criminalise NGOs, journalists and researchers and generally anybody that is not part of the authorities or police working on the borders. Many civil society actors face the danger of being criminalised and some have been taken to court with the accusation of human trafficking. Over the years many organisations had to withdraw their teams from the islands, which made the protection of migrants and the monitoring of violence difficult but did not directly impact the numbers of migrants arriving or crossing the borders.⁷ In 2021 a legislation was implemented which makes it impossible for NGOs to enter maritime areas without the agreement of the Greek Coast Guard, which rendered the rescue of civilians almost impossible.⁸

⁴Karamanidou, Independent Researcher, Personal Communication (03.04.2024).

⁵Marshall-Denton, MSF, Personal Communication (13.03.2024); Mangione, MSF, Personal Communication (03.04.2024).

⁶Mangione, MSF, Personal Communication (03.04. 2024).

⁷Marshall-Denton, MSF, Personal Communication (13.03.2024); Karamanidou, Independent Researcher, Personal Communication (03.04.2024).

⁸Marshall-Denton, MSF, Personal Communication (13.03.2024).

Denial of Violence

There are numerous reports and analyses arguing that pushbacks and violence has become part of the Greek Migration Policy. Nevertheless, the Greek government has repeatedly denied that pushbacks are part of their immigration policy ([Efsyn, 2020](#)). In 2020 Greek authorities dismissed pushback accusations as “fake news” created and spread by Turkey ([Carassava, 2020](#)). They responded to NGOs and journalists, which called them out for their violent practices with threats ([ECRE, 2021](#)). Nevertheless, there is a clear systematic character of Greek pushbacks. In terms of everyday practices the police is the primary actor controlling and surveilling migratory populations, complemented by the army especially in the context of the highly militarised zone by the Evros river. Those are the actors that perpetrated most violence and also have a big influence on the normalisation through their designation of migrants as dangerous.⁹ The Greek Coast Guard ignores boats in distress and has been caught in their pushback operations repeatedly ([ECRE, 2021](#)). While Frontex denies being involved in any kind of violence, they are involved in processes that lead to violence such as detention itself, violence in detention and pushbacks. Secondly, they are aware of violence being perpetrated and are not taking actions to prevent it.¹⁰ Nevertheless, it must be considered that Frontex operates under the command of the Greek authorities.¹¹ The devastating shipwreck which resulted in hundreds of deaths near Pylos in June 2023 and an outcry of the media and NGOs ([Stevis-Gridneff & Shoumali, 2023](#)) caused an important ongoing discussion about a potential suspension of Frontex from Greece ([Euronews, 2023, 2024](#)). Nevertheless, Frontex responded with increased operational presence as a solution.¹² As already mentioned, it is important to keep in mind that the EU is funding the surveillance technology and training of people who are perpetrators of violence against migrants.¹³

While the violent practices are not countered by the EU, which would have the power to do so, they are further enabled by the adaptation of policies at the EU level which make the brutal reality on the ground less illegal than it was before.¹⁴

Legalisation

The “safe third country” concept which is part of the EU-Turkey Deal of 2016 and the Greek classification of Turkey as such has allowed Greece to continuously reject asylum applications without any consideration of the individual cases. Those migrants get sent back to Turkey, even though Turkey has not taken back any migrants in four years. The designation of Turkey as a “safe third country” by Greece is against the principles of International Law ([Refugee Support Aegean & Pro Asyl, 2024](#)). While this practice of Greece has been taken to the Court of Justice of the European Union (CJEU) the outsourcing of asylum procedures and the expansion of the “safe third country” concept are parts of the EU Pact on Migration and Asylum that got adopted in April 2024 ([European Council, 2024; Refugee Support Aegean & Pro Asyl, 2024](#)). The Greek government has resisted the establishment of an independent border monitoring mechanism, and no substantive investigation has been carried out regarding recurrent accusations of pushbacks ([AIDA, 2023](#)). Therefore, many lawyers have taken the cases directly to the ECtHR or UN Committees. On July 7, 2022 the ECtHR rendered a “groundbreaking judgement” addressing Greece’s unlawful and deadly pushback where 11 people were killed in 2014 ([Human Rights Watch, 2022](#)). Despite repeated judgements taking place and giving recompensation to victims and their families, the question arises if they influence and change the violent policies and practices on the ground.

⁹ Karamanidou, Independent Researcher, Personal Communication (03.04.2024).

¹⁰ Ibid.

¹¹ Ibid.

¹² Marshall-Denton, MSF, Personal Communication (13.03,2024).

¹³ Ibid.

¹⁴ Ibid.

Concluding, pushbacks and violent practices are still taking place on a daily basis in Greece and the state of emergency has been repeatedly used to permit the violence against migrants. The denial of violent practices by authorities, the criminalisation of civil society, the openly xenophobic narrative of the local population and authorities as well as the broader collapse of the rule of law in Greece are major components which allow for the normalisation of border violence. While the New York Times report from 2023 and the Frontex withdrawal debate following the Pylos shipwreck have increased the pressure on Greek authorities to justify their actions, EU policies such as the New Pact on Migration and Asylum 2024 allow for the violent practices to continue.

4.2 Hungary/Serbia

Introduction

After the Hungarian government erected the 175 km fence between Hungary and Serbia in 2015, the border evolved to become a symbol of deterrence that reverberated across the rest of Europe; consistent and regular violence was inseparable from it (Sicurella, 2018). The Hungarian border fence stands as a formidable barrier, comprising a double fence standing at 4 meters high, fortified with barbed wire and electrification at 900 watts. The space between the fences allows patrol vehicles to pass by, while an electric signal alerts authorities upon any contact. Therefore, migrants have a short window of 3-4 minutes to undertake the “game”, or cross the fences before getting caught, often encountering razor wire with blades, causing severe injuries.¹ If caught, they face illegal detention and ill-treatment before being pushed back to Serbia. Beatings with belts and batons, kicking, punching, the use of pepper spray and teargas are known to be common deterrence practices, before pushbacks. Theft, destruction of personal belongings, and sexual violence were also widely reported, and there were incidents where people were forced to strip, in cold winter temperatures, and were urinated on by border officials (MSF, 2022). Despite these risks, migrants continued their perilous journey. Therefore, since 2015, this new “hotspot” of the “migration crisis” witnessed varying degrees and types of violence against migrants who attempted to cross it.

EU’s externalisation policy that emerged from the 2016 EU-Turkey deal extended to countries like Serbia which initially allowed free passage to migrants and provided them with temporary aid. As Hungary closed its borders it effectively led to all migrants being pushed back to Serbia.

“The border fence is both a political symbol and an effective, practical defence tool. It is a symbol of nation states confronting the mess of globalisation.”

- Balazs Orban, Political Director to the PM of Hungary (2017)

This, coupled with the EU’s funding towards Serbia to bolster its borders and control migration, caused the Serbian sympathies towards migrants to dissipate and the border evolved to represent a symbol of cooperation between both the countries. The same Serbian Prime Minister who condemned Hungary’s violence against migrants in 2015, signed a trilateral deal in November 2022 with Hungary and Austria, thanking Hungary for their support and clarifying their intentions to stop “illegal migration” (“Vucic,” 2022).

Dismantling the Asylum Protections

Hungary’s strategic approach to dismantling the asylum procedures, human rights of migrants and legalising pushbacks included a combination of laws, policies and political propaganda, which were implemented through a well-coordinated coalition between EU, state leaders, and the forces at the borders.

With the declaration of the “state of crisis” in 2015, and the closure of borders, Hungary opened transit zones for asylum applications, where migrants were put indefinitely under detention. Therefore, border procedures amounted to de facto detention. Migrants’ presence anywhere else in the country authorised them to be pushed back without having to verify any documents or assessment of protection needs (UNHCR, 2016).

¹ Vučković, Coordinator, KlikActiv NGO, Personal Communication (18 March, 2024); Mangione, MSF, Personal Communication (03.04.2024).

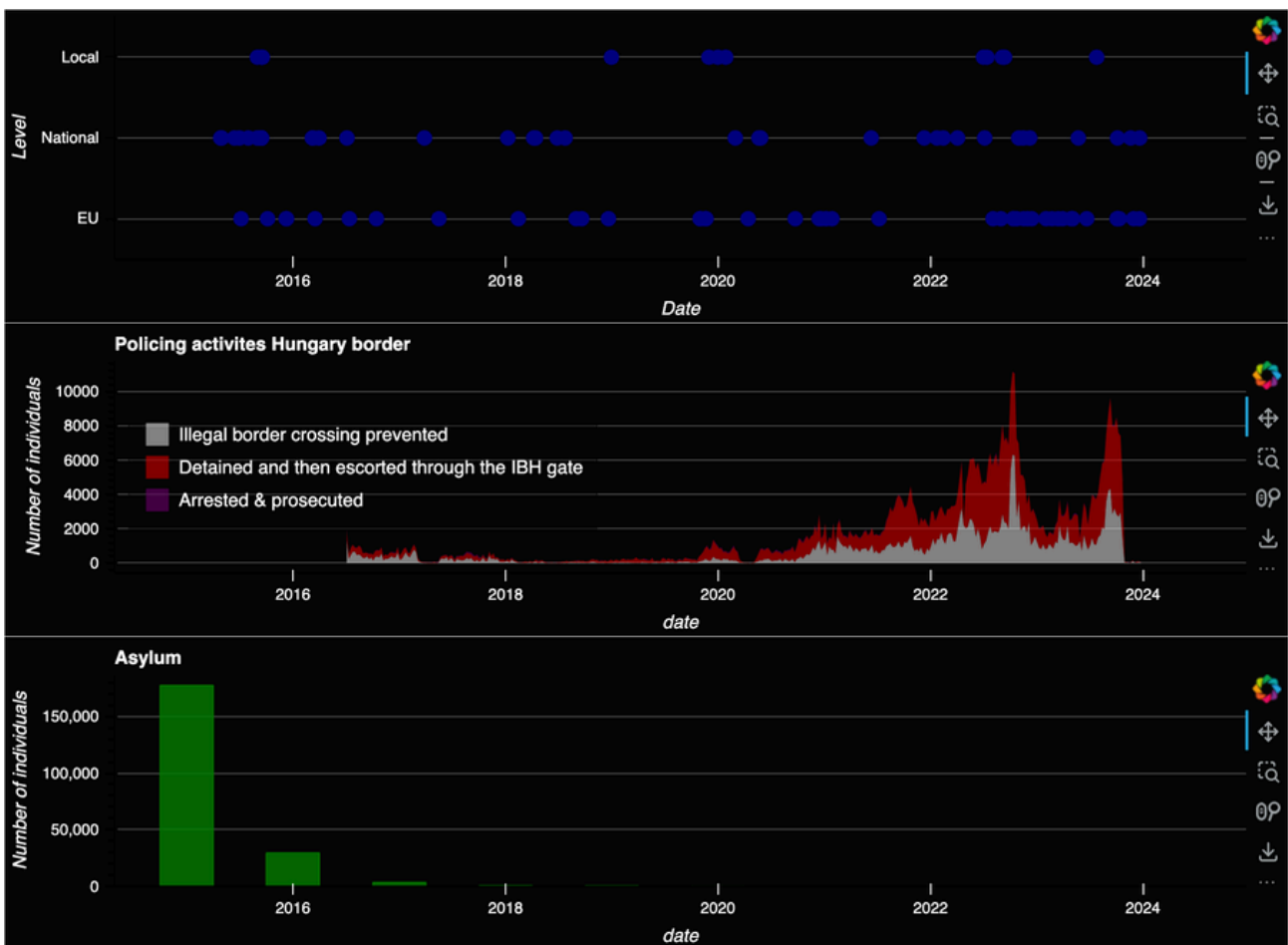


Figure 2: Time line of events with the pushbacks against migrants and number of asylum applications

Gradually, admittance to the transit zones was also minimised to 2 persons per day, and all transit zones except Roszke and Tompa were suspended (Hungarian Helsinki Committee, 2021). When the European Commission challenged this move and approached the CJEU, the court noted, "a consistent and generalised practice of the Hungarian authorities consisting in drastically reducing access to those transit zones which rendered completely illusory the possibility, for an illegally staying third-country national forcibly deported beyond the border fence, of entering one of those transit areas at short notice."²

When the CJEU held that these transit zones are illegal,³ Hungary responded by closing the remaining transit zones, essentially ensuring that no one could submit an asylum application (ECRE, 2020).

When the CJEU held that these transit zones are illegal, Hungary responded by closing the remaining transit zones, essentially ensuring that no one could submit an asylum application (ECRE, 2020). This was followed by the Embassy procedure which required asylum seekers to submit a statement of intent at Belgrade or Kyiv Embassy of Hungary (ECRE, 2020). Additionally, NGOs providing assistance to migrants were penalised (OSI, 2017). Therefore, the combination of enactments made from 2015 to 2020 legalised pushbacks and made it impossible for migrants to access asylum and protection. As per UNHCR records, the number of asylum applications received in Hungary went from 177304 in 2015, to 20 in 2023 (UNHCR Asylum Applications, 2024). This proves how asylum processes were made inaccessible over time through different legislations and amendments.

² European Commission v. Hungary, C-808/18 (CJEU, 21 December 2020).

³ FMS and Others v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság, C924/19 PPU and C-925/19 PPU (CJEU, 14.04.2020).

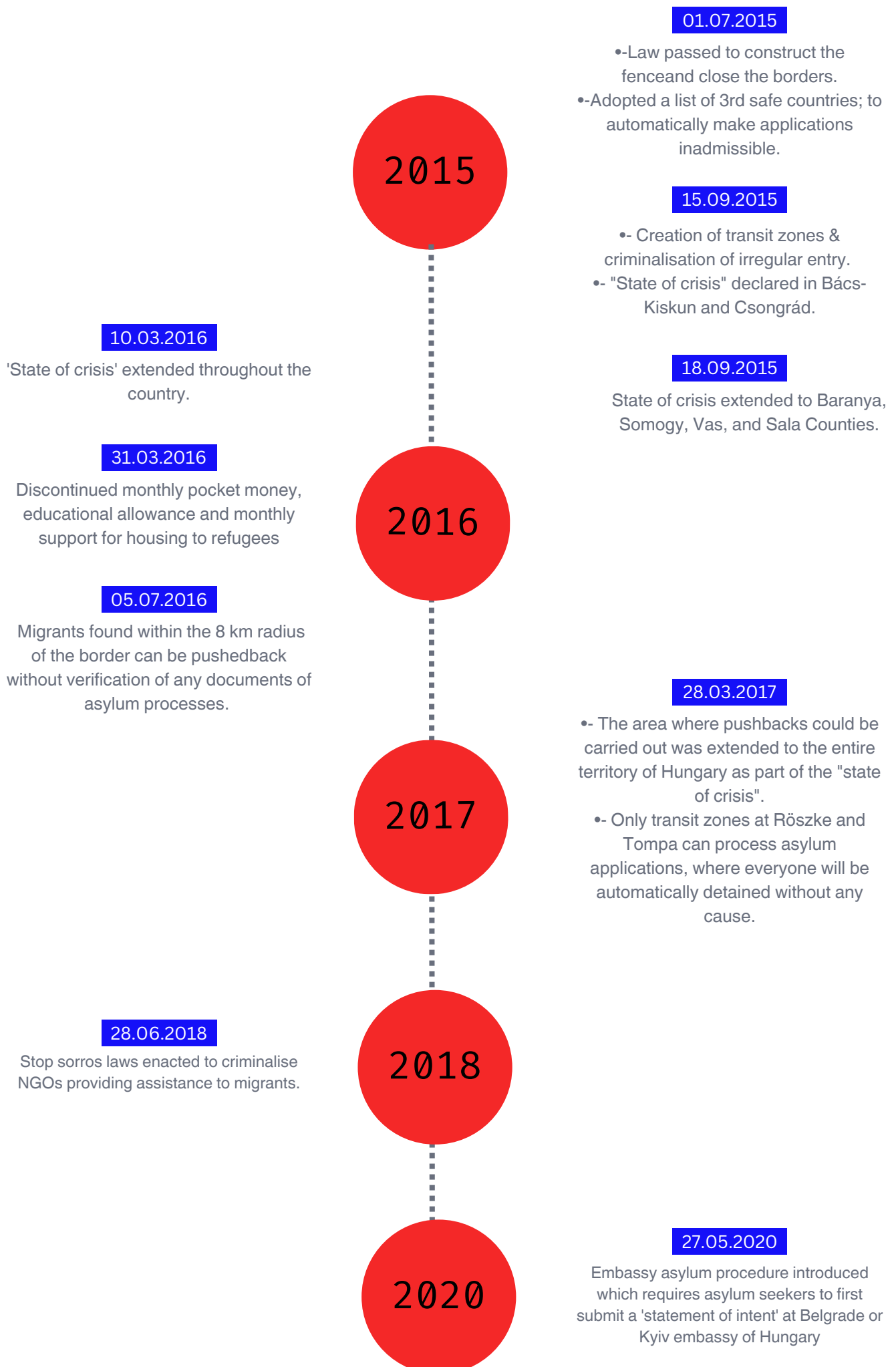


Figure 3: Important legal and policy changes over the years

Politicisation of Migration

While laws and policies were being enacted to normalise pushbacks and violence, and deter migrants from entering Hungary, the events at the borders influenced the politics inside of it. Early on, in 2015, the Hungarian government's political campaigns established migrants as a threat ([Human Rights Watch, 2016](#)). Using such negative language and discourses leads to their dehumanisation, which is used to generate anti-migrant and xenophobic public opinions and policies ([Lazović, 2021](#)). This dehumanisation of migrants was used to conveniently orchestrate situations at the border where migrants were depicted as turning "violent", "aggressive", to justify the use of violence against them. In September 2015, a day after the release of PM's official bulletin containing anti-migrant propaganda, the border police justified using teargas, pepper spray and water cannons to scatter migrants who were represented as "aggressively" crossing the barriers. However, eyewitness accounts pointed out that it did not appear that refugees tried to breach the barrier ([DW, 2015](#)).

In line with this dehumanisation approach, Hungary and Serbia allowed the informal networks that smuggle migrants to grow and have tie-ups with the police along the Serbian side of the border.⁴ By mid-2022, there were incidents of violence among these informal networks, which became a reason to crack down on migrants and bolster securitisation.⁵ In July, there were widespread arrests of migrants from the Serbian side of the border ([InfoMigrants, 2022](#)). Such shootouts and confiscation of weapons were also common incidents towards the end of 2023. Evictions were very prevalent in the areas surrounding the borders. If they were not arrested, migrants would be relocated from northern Serbia

to the south, from where they would undertake the entire journey again back to the north.⁶ The idea of such invisible acts of violence was to slow down the migrants.

Further, national elections were a significant period to re-establish the ethno-national narratives using "Illegal migration" and inflated numbers around migration became a go-to approach to spread fear and xenophobia during the election campaigns. During the 2022 elections, while Hungarian police put the number of migrants intercepted by Hungarian authorities at more than 122,000, according to Frontex illegal border crossing attempts in 2021 on the entire Western Balkan migration route was only 60,540 ([Independent, 2022](#)). These anti-migrant narratives were one of the important factors that influenced Orban's popularity and won him and his party big for four consecutive terms ([Guardian, 2022](#)).

Cooperation of Multiple Actors

"The interactions between law enforcement agencies at the border come out of bilateral/tri-lateral arrangements/memorandum of understanding between states. The long-standing bi-lateral agreements for the re-admission of third-country nationals from Hungary to Serbia, in particular, existed way before the long summer of migration. These bi-lateral agreements, with policy of increased securitisation of the balkan route, came out with the EU Turkey deal of 2016, after which the entire balkan route became securitised."⁷

For the first time in its history, Frontex invoked Article 46 of its regulation in January 2021, which requires the agency to suspend its activity in case of serious human rights abuses ([New York Times, 2021](#)). This came after the CJEU judgement of December 2020, which held that Hungary's pushback of migrants towards Serbia is illegal.⁸

⁴ Mangione, MSF, Personal Communication (03.04.2024); Vučković, Coordinator, KlikActiv NGO, Personal Communication (18.03.2024).

⁵ Vučković, Coordinator, KlikActiv NGO, Personal Communication (18.03.2024).

⁶ Marshall-Denton, MSF, Personal Communication (13.03.2024); Mangione, MSF, Personal Communication (03.04.2024).

⁷ Mangione, MSF, Personal Communication (03.04.2024).

⁸ European Commission v. Hungary, C-808/18 (CJEU, 21 December 2020).

However, in a most interesting turn of events in December 2022, they reappeared on the Serbian side of the border ([MSF, 2023](#)). Therefore, the EU's move towards the externalisation of asylum also involves externalisation of actors like Frontex. Notably, according to the experts working on the field, before 2023, the border forces would not commit any violence in the presence of Frontex. However, it was observed that from 2023, if not directly participating, Frontex was a witness to the violence at the borders and did nothing to protect the migrants.⁹ Frontex also took part in the eviction in Serbia in 2022, which is clearly outside its mandate, especially in third countries.¹⁰ This shows the transition of Frontex's role at the borders.

Moreover, one of the experts interviewed mentioned that he has encountered the joint patrol forces of Hungary-Serbia at the borders of Serbia with Macedonia, a non-EU state, which is a border beyond the ambit of their operations.¹¹ Further, border police from Austria, Italy, Croatia, Czech Republic were also present at such non-EU borders, under the garb of "exchanging knowledge".¹² Therefore, cooperation has emerged to be central to the securitisation process across the EU. Out of all the actors present at the borders, according to the testimonies from the migrants, the Hungarian police were the most violent.¹³ In their interactions, these border guards use the same language used by the leaders in Budapest to justify the violence inflicted on the migrants.¹⁴

EU & Hungary

The relationship between EU and Hungary has strained over the years due to Hungary's inability to meet EU's asylum guidelines. This led to the EU initiating infringement proceedings in 2015 and disciplinary proceedings in 2018 ([Rankin, 2018](#)); ([European Commission, 2015](#)). The disagreement between Hungary and EU was further evident over the New Pact on Migration. From the introduction of the new pact in 2020 to the pact being passed in December 2023, Hungary vehemently opposed it, stating that they could not be forced to take in migrants in any crisis situation ([About Hungary, 2023](#)).

On the other hand, there are interesting instances where EU policies can be seen to drive the national policy.¹⁵ EU's externalisation policies continued gaining momentum as they directed funds and signed a migration management deal with Serbia ([European Commission, 2019](#)). EU's interest in non-EU states like Serbia spiked over the years. In turn, there was increasing pressure on Serbia to act as border guards and "control" migration flows.¹⁶ During the perceived increase in migration flows in 2022, EU Commissioner for Home Affairs even went so far ahead to propose that Serbia suspend its visa-free travel to "cooperate" to align their visa policies with EU ([Euronews, 2022](#)). Similarly, the 2022 EU Action plan on Western Balkans included ways in which they wanted to prioritise the role of Western Balkans for migration management, particularly by leveraging the pre-accession assistance to have the non-EU countries to act according to their interests ([European Commission, 2022](#)).

⁹ Vučković, Coordinator, KlikActiv NGO, Personal Communication (18.03.2024).

¹⁰ Mangione, MSF, Personal Communication (03.04.2024).

¹¹ Vučković, Coordinator, KlikActiv NGO, Personal Communication (18.03.2024).

¹² *ibid.*

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ Marshall-Denton, MSF, Personal Communication (13.03.2024).

¹⁶ *ibid.*

On the judicial front, the EU regional courts such as CJEU and ECtHR have delivered several positive rulings on pushbacks,¹⁷ arbitrary detention,¹⁸ legality of embassy procedure¹⁹ and the legality of stop sorros laws,²⁰ upholding the rights of migrants and principles of international law. Despite this, the impact of these judgments on the ground is questionable. While the violence stops briefly, it appears in some other form or under some other light.²¹ Therefore, states are capable of adapting to different types of violence. Although violence was consistent throughout the period, it was revealed that it has increased over time and the end of 2023 was the period when it was highest.²² The ineffectiveness of these deterrent and violent securitisation policies and hate campaigns in “managing” migration is clear from the fact that the border crossing attempts in the Western Balkan route has increased in 2022 and 2023 (Frontex, 2022). As states deck up their cooperation and the EU comes out with the new pact on migration, there seems to be no end to the violence faced by migrants.

In conclusion, the normalisation of violence against migrants in Hungary happens parallelly with its legalisation, which was given force through an architecture of ethnocentric views that construct migrants as a “threat” to dehumanise them and justify policies and practices of pushbacks. The actors at different level of decision-making and implementation including the EU, state officials, border guards, frontex, join this web of impunity through their active and passive participation and cooperation. The intensification of these practices and its institutionalisation in continuum, reveals the weakness of existing power structures to challenge this position, and exposes the innate views of the larger political landscape that looks at migration and migrants through a securitisation lens.

¹⁷ European Commission v. Hungary, C-808/18 (CJEU, 21 December 2020).

¹⁸ FMS and Others v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság, C924/19 PPU and C-925/19 PPU (CJEU, 14 April 2020); Case of Dshiljri v. Hungary, 21325/16 (ECHR, 23 February 2023); CASE OF H.N. v. Hungary, 26250/15 (ECHR, 4 May 2023).

¹⁹ European Commission v. Hungary, C-823/21, (CJEU, 22 June 2023).

²⁰ European Commission v. Hungary, C-821/19, (CJEU, 16 November 2021).

²¹ Mangione, MSF, Personal Communication (03.04.2024).

²² Vučković, Coordinator, KlikActiv NGO, Personal Communication (18.03.2024).

4.3 Croatia/Bosnia and Herzegovina

Introduction

The first 'wave of refugees' arrived in Croatia in mid-September 2015. Hungary's decision to close its border to Serbia and to fortify said border with a fence forced migrants to divert to Croatia on their way alongside the 'Balkan Route' to reach (western) Europe (Šelo Šabić & Borić, 2016, pp. 4, 11).

The Balkan Route, which had offered 'safe passage' to the migrants, was shut down six months later after an estimated 658,069 people had arrived in Croatia (Šelo Šabić & Borić, 2016, p. 11). Subsequently, Croatia (in accordance with the EU) vowed to end 'irregular flows of migration' in the Western Balkan (Kingsley, 2016; Reuters, 2016). Thereafter, migrants were forced to seek alternative routes and increasingly shifted towards Bosnia and Herzegovina (BiH), which offered more remote routes to cross the 'green border' into the European Union (EU). The Croatia-BiH border therethrough established itself as one of the main 'gates of entry' into the EU with Croatia maintaining its function as a transit country for those migrants aiming at reaching 'the West' (Leutloff-Grandits, 2023).

The closure of the 'formalised corridor' in the Balkan caused a paradigm shift in the migration regime of the EU, its member states and the external EU border, including Croatia (Border Violence Monitoring Network, 2020). While initially receptive to migrants seeking to escape conflict,

"Of course, when you are pushing people back, there is a little bit of force"

-Croatian President Kolinda Grabar-Kitarović (SRF Tagesschau, 2019)

as part of a narrative that recalled the horrors of war that had taken place in Croatia around two decades earlier, the official discourses of Croatian state officials as well as (alleged) actions by the Croatian police tasked with safeguarding the Croatian borders rapidly changed.¹

Pushback Practises by Croatia

Pushbacks often accompanied by violent practices were first reported in early 2016 and slowly grew more frequent over the course of 2017. By mid-2018 pushbacks by Croatian authorities in secluded areas on the 1,300 km long Croatian-BiH border as a method to deter or stop 'illegal' migration had become systemic (CMS et al., 2020). Migrants who were caught risked being subjected to different forms of abuses including "the use of electric discharge weapons, forced undressing, the use of excessive force committed with firearms, detention with no basic facilities, and inhumane treatment inside of police vehicles" before ultimately being pushed back to BiH (Border Violence Monitoring Network, 2020).

¹ Kekuš, Member of Centre for Peace Studies, Personal Communication (05.04.2024).

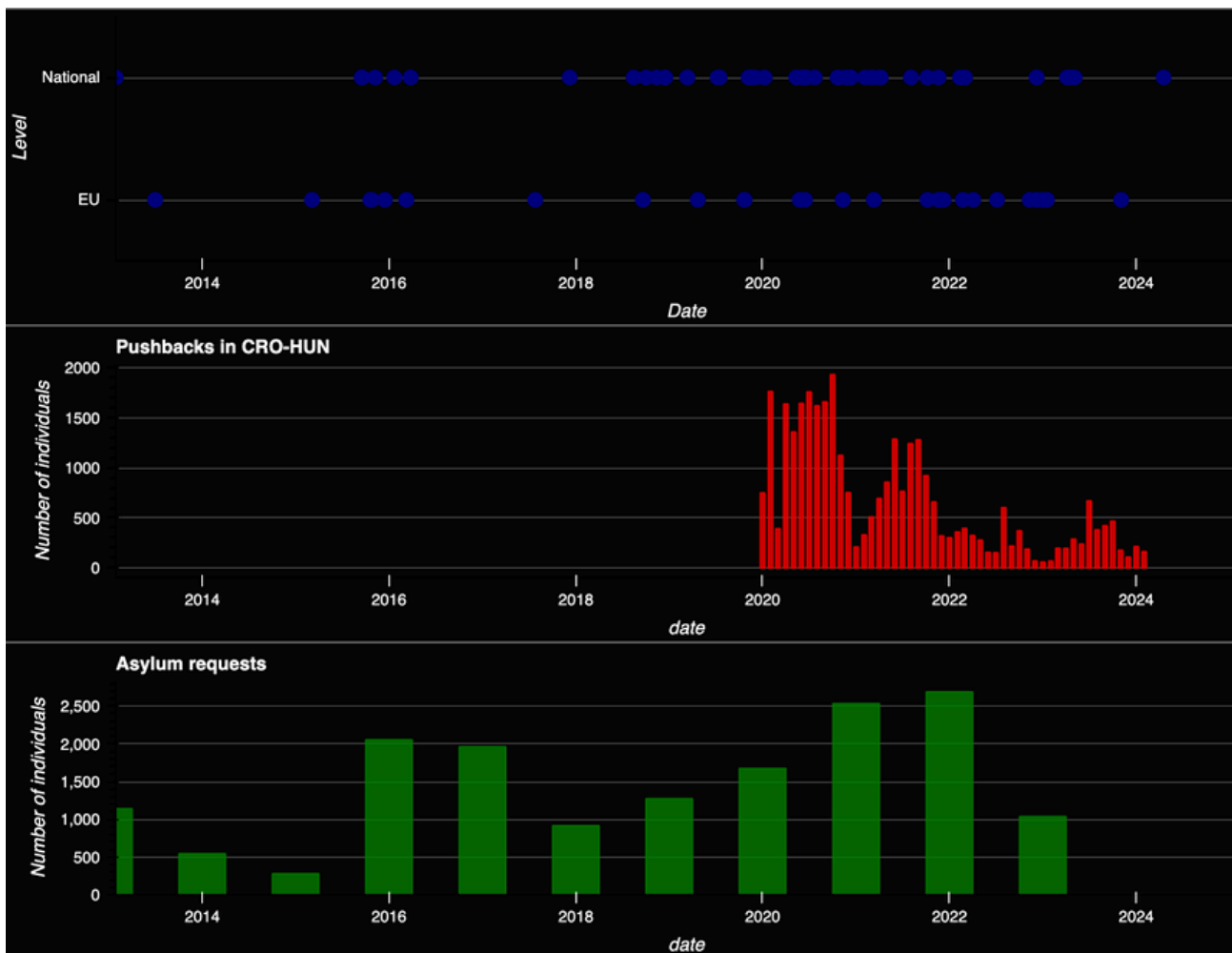


Figure 4: Time line of events with the pushbacks against migrants and number of asylum requests

'Illegal migrants' are often 'identified' based on racial identification markers (Isakjee et al., 2020). There have also been reports of sexual violence, different forms of beatings as well as pushing people back to the frontier (in the form of a mountain river) with tied hands. Another big risk for migrants trying to secretly cross the border are the many fields just before the border to Croatia in BiH filled with active landmines. Last but not least the conditions of the migration camps on the BiH side run by IOM, with inhumane living conditions and alleged usage of extreme violence by the camp security guards towards migrants residing in it, expose migrants to additional violence.²

Denial and the Normalisation of Violence

Despite evidence in reports by NGOs, humanitarian organisations and the media Croatia has consistently denied any (systemic) wrongdoing on their part. In the first few years after the initial allegations of violence appeared the Croatian government has, when confronted with allegations, denied both pushbacks and any violent conduct by the Croatian police. Investigations (by the Ministry of the Interior) into police action after allegations have proven to be baseless with Croatia acting in accordance with national, EU and international rule of law. When confronted with video evidence recorded by migrants they accused them of staging it.

² Kekuš, Member of Centre for Peace Studies, Personal Communication (05.04.2024); Ahmetašević, Activist, Personal Communication (19.04.2024).

Some organisations providing reports on violent practices have been repeatedly accused of deliberately wanting to harm the Republic of Croatia ([Bozinovic, 2019](#); [Ministry of the Interior, 2018, 2020](#)), while others were refused the right to officially investigate Croatian officials' border practices (*cf.* [CPT, 2021](#); [Ombudswoman Croatia, 2019](#)). However, in 2019, the Croatian president openly confirmed the usage of pushbacks as a means to stop illegal migration and to protect the outer EU border. She stated that 'a little force' was necessary to conduct pushbacks while also denying any excessive use of force instead blaming injuries on the rough mountainous terrain ([SRF Tagesschau, 2019](#)). In the rare instances of 'undeniable proof', i.e. video evidence by prestigious investigative journalists, Croatia suspended those police officers involved and denounced the one-off situation ([Matic, 2021](#); [Plenković, 2021](#); [Reuters, 2021](#)).

Judicial Proceedings

Within Croatia itself there has, over the last few years, been very little police and legislative change in regards to the issue of migration. While the 'Aliens Act' regulating the rights of third-country nationals has been adapted over the years little effective change has occurred. An attempt to criminalise aid to migrants failed in 2017.³ NGOs have repeatedly tried to launch criminal complaints against specific episodes of violence against migrants but the responsible instances, instead of reaching a decision within 6 months of a complaint being made in accordance with the law, have failed to set a date for hearings years after the complaints were filed ([CMS, 2023b](#)).⁴ Outside of Croatia courts both in Switzerland and Italy have banned readmissions of migrants to Croatia based on the Dublin accords due to the alleged violent practices in Croatia in 2019 and 2020 ([CMS et al., 2020](#)).

On the international level three court cases were brought to the European Court of Human Rights (ECtHR). Firstly the court found that in the case of a six-year old girl killed in the aftermath of a pushback Croatia had violated her right to life ([M.H. and Others v. Croatia, 2021](#)). In the second case the court found that the conduct towards a migrant had violated the human rights of refugees and other migrants ([Daraibou v. Croatia, 2023](#)). However, the impact of these judgements on the ground in Croatia is highly questionable, as the 'recommendations' by the ECtHR have yet to be implemented for the first case and Croatia has failed to respond in any way to the second court ruling ([CMS, 2023a](#)).⁵ The third case still remains pending at the ECtHR ([S.B. and Others v. Croatia, 2020](#)).

Croatia and the EU

Parallel to all these developments Croatia had been in the process of joining Schengen. Mere months before the start of the European 'migration crisis' Croatia had declared its intention to join the Schengen Area with evaluation process having started on July 1, 2015 ([Government of the Republic of Croatia, 2015](#)). Over the course of the years the highest EU instances repeatedly deliberated on Croatia's application process and communicated what still needed to change, with one of the main requirements being the protection of the border, i.e. putting in place an effective management of the external borders, which i.a. consists of border checks at the outer border to prevent illegal migration, cooperation with EU instances responsible for border control or 'migration management' and the return of third-country nationals illegally staying in Croatia ([European Parliament, 2023](#)).

³ Kekuš, Member of Centre for Peace Studies, Personal Communication (05.04.2024).

⁴ *ibid.*

⁵ *ibid.*

Most importantly, the European Commission in 2019 (who later called for an investigation into the alleged abuses of migrants in Croatia), the European Parliament in 2022 and the the European Council in 2021 and 2022 each decided to confirm Croatia's Schengen acquis. Croatia joined Schengen on January 1, 2023 ([Council of the European Union, 2022](#)). During this years-long process, NGOs, humanitarian organisations as well as international organisations had protested against Croatia's accession to Schengen, arguing that respect for human rights and a stop of violations against migrants should be deemed preconditions for Croatia's Schengen accession ([CMS, 2019](#); [Danish Refugee Council, 2022](#); [PRO ASYL, 2022](#)). These demands evidently fell upon deaf ears and practices within Croatia have not changed in the aftermath of the joining of Schengen.⁶

Overall, there have been few 'official' changes in Croatia over the last nine years. Legal changes have been few and far in between - with the necessary adaptations to Schengen rules having changed little in practice - and the verdicts that were reached (on the international level) have yet to be implemented. While the absolute numbers of pushbacks have gone back over the years (cf. figure 4) the relative numbers of violent pushbacks has consistently remained high ([Danish Refugee Council, 2024](#)). Croatia continues to consistently 'legitimise' its actions in the name of protecting both Croatia and the EU as a whole (cf. [Bozinovic, 2019](#)). The Schengen Acquis of Croatia - which requires the unanimous acceptance of all member states - especially as all evidence of violence has been widely and reliably reported on for several years and all along the application period, as well as explicit protest statements by NGOs and IOs, - can be seen as an endorsement of practices committed in the name of protecting the EU borders in accordance with both EU law and Schengen practices as a whole.

⁶ Kekuš, Member of Centre for Peace Studies, Personal Communication (05.04.2024).

4.4 Poland/Belarus

Introduction

In the years leading up to 2021, the Polish border to Belarus has been a site of contested entry already. Poland has been condemned in a number of interim measures by the ECHR for the lack of access to asylum procedures given to Chechen migrants from Russia ([ECRE, 2017](#)). The number of migrants arriving at Poland's eastern border has been relatively low until 2021, with migrants coming mainly from Russia, Georgia and Ukraine. Poland has been increasingly closing its doors to asylum seekers, especially apparent in its pushback-policy of Chechen migrants starting in 2016 ([Szczepanik, 2018](#)). The systemic violence inflicted on migrants, however, starts in the summer of 2021 with the sharp increase of arrivals by migrants from the Middle East.

This situation unfolding on the border between Poland and Belarus in summer 2021 was orchestrated by the Belarussian president Lukashenko, who lured migrants from the Middle East to Belarus and brought them to the EU-border in order to put pressure on the EU. This can be regarded as an act of hybrid warfare as Lukashenko used migrants as a "weapon" in response to the sanctions imposed on Belarus by the EU in fall 2020 in response to fraudulent elections ([Filipec, 2022](#); [Greenhill, 2008](#)). Soon after, the number of migrants arriving at the border increased, and Poland announced the construction of a wall which was built shortly thereafter. The wall had, however, no effect in preventing irregular entry, it only augmented the number of migrants incurring injuries when crossing the border.

"It stinks and they don't want to touch it with a stick."

-Kalina Czarnóg referring to how the topic of migration is handled in the political landscape in Poland

The situation at the border has been defined by violent practices and an artificially constructed humanitarian catastrophe ([Grześkowiak, 2023](#)). Polish authorities use various forms of physical violence against migrants, including women and children, such as beatings, taking away food and clothing (including footwear), neglecting basic physical needs, threats, harassment ([GrupaGranica, 2023](#)). Especially appalling is the treatment of refugees in the "death zone" between the two fences where there is an absolute lack of humanitarian assistance. The Polish Border Guard regularly publishes numbers of migrants intercepted on X, and NGO's publish their own numbers of pushbacks and violent incidents; while both sides have their own political agendas. For 2023, the organisation "Protecting Rights at Borders" accounts for 9531 pushbacks at the border to Belarus ([PRAB, 2024](#)).

Detention centres play an important part in facilitating violent treatment against migrants under impunity while also inhibiting a deterrent effect. The detention centres run by the Polish Border Guard are not accessible to outsiders. Living conditions in these centres are like in prison as migrants are subject to arbitrary detention under inhumane conditions in which migrants can be held for up to 18 months ([InfoMigrants, 2024](#)).

¹ Jan Opielka, Journalist, Personal Communication (18.03.2024), and [PRAB \(2023\)](#).

The minimum norm of place is 2 square-metres per person, migrants are referred to by numbers instead of names, there is close to no medical attention and no psychological support provided at all.² This is especially appalling as some of the detention centres are located on military training fields, so migrants that escaped war zones and often carry trauma are held in military facilities where they hear a lot of shots and detonations from the training taking place on the training field.³ There were instances of suicide attempts and multiple documented hunger strikes, the longest so far having lasted for 4 days in fall 2023 ([Ocelanie, 2022](#)). Cases of illegal detention and detention leading up to pushbacks are increasingly being brought to both domestic and EU courts ([PRAB, 2023](#)).

The Polish population originally had a very open stance on migrants and refugees more specifically. In the spring of 2015, 72% of the population agreed that Poland should welcome refugees until they can return home, while only 21% was of the opinion that Poland should not welcome refugees at all ([CBOS, 2015](#)). In the following years, Poland received a relatively low number of refugees under the EU resettlement scheme. Nevertheless, the ruling Law and Justice party (PiS) made the migration issue one of their main priorities and tried to gain political leverage out of it. It generated strong anti-migrant rhetoric and built a narrative of superficial migrants, spreading the idea that they were agents of Putin or Lukashenko, that the refugees were not “real”.⁴ While this was clearly not true and only political propaganda, this narrative was adopted by a large part of the population and the public opinion shifted.

In a survey conducted in spring 2024, only 15% of respondents were of the opinion that Poland should welcome refugees ([Interia, 2024](#)).

This major change in public opinion plays an important part in the normalisation of violence as the public - otherwise often a watchdog of government policies - becomes aligned with said policies.

In October 2023, national elections were held in Poland, the PiS government was replaced and Donald Tusk became prime minister. Because there is such an overwhelming anti-migrant majority in the population, Tusk tries to keep the topic on a low-level, allowing the practices to continue as they are but keeping quiet about it, as this is also what Brussels wants its easternmost countries to do.⁵

Impunity for Violent Practises against Migrants

The normalisation of violence against migrants by Polish authorities happens in the context of this anti-migrant rhetoric build-up that was constructed by the PiS over the last years. While this explains to some degree the support of the public for these practices, impunity for violent practices needs to be regarded as well.

There are at least three distinct ways that allow the Polish authorities to act under impunity. Firstly, a state of emergency was introduced in September 2021, restricting access to the border region with Belarus for NGOs, IO's and media. This lack of control by any outside people exposed migrants in the border area to violent and arbitrary treatment by Polish authorities. Secondly, pushbacks are mostly conducted at night and the authorities ensure that no videos are being taken, so NGOs only have testimonies of migrants and no other sources of evidence.

² Kalina Czarnóg, Board Member of Ocelanie, Personal Communication (19.04.2024).

³ *ibid.*

⁴ Jan Opielka, Journalist, Personal Communication (18.03.2024); Kalina Czarnóg, Board Member of Ocelanie, Personal Communication (19.04.2024).

⁵ Kalina Czarnóg, Board Member of Ocelanie, Personal Communication (19.04.2024).

Adding to this, most members of the Polish Border Guard, military, and territorial defence units do not wear any name-tag or number and often wore balaclavas to cover their faces, while the licence plates of their cars were covered ([Ocelanie, 2022](#)).⁶ This made any identification of the authorities who conducted pushbacks or engaged in violent practices impossible, adding an important aspect of impunity. The territorial defence units mentioned above are groups of Polish volunteers that received basic military training and are then deployed to assist, amongst other things, on the border protection. They wear camouflage uniforms and are armed, but are also not identifiable.⁷

A third major component is the legalisation of pushbacks through changes in the law. Already in August 2021, the Polish Parliament passed an amendment to a regulation about border traffic, which essentially demanded that people not authorised to enter Poland are not allowed to remain in Poland but instead need to return to the border line. This authorised the Border Guard to return “foreigners” to the border line without checking their protection needs. This law was criticised harshly due to its non-compliance with international and EU-law, especially non-refoulement. Only two months later, Parliament passed another law that provides further legal foundations for pushbacks, amending the Act of Foreigners and the Act on Granting Protection to Foreigners. The amendments concern foreigners that entered the country illegally and allows the Polish authorities to return them to the border, even if they apply for international protection, making the fact that they entered the country illegally more important than the fact that they applied for international protection. This law also enables the summary expulsion of migrants from Poland, again in stark violation of non-refoulement and other legal obligations Poland is bound to.

With these two legal amendments, Poland essentially legalised pushbacks, which meant that Polish border guards now have full authorization to proceed with their practices of involuntary returns, and all this in a statutory manner, the EU knowingly turning a blind eye to Poland violating its international legal obligations ([Baranowska, 2021b](#)).⁸ This legislation hence provides the legal basis for so-called “statutory pushbacks”.

Jurisprudence

In March 2022, a judge at a small district court ruled for the first time that a pushback conducted by the Polish Border Guard was illegal and the amendment under which they acted could not be applied for multiple reasons (see timeline). One month later, a different provincial administrative court in four rulings revoked orders to leave Poland that were issued by the Border Guard based on the amendments to the Law on Foreigners. In the same year, a different administrative court ruled that the amendments allowing for pushbacks are in violation of international and EU law ([HFfHR, 2022](#)).

However, neither the legal proceedings taken up against Polish authorities by migrants and their legal representatives nor the election of Donald Tusk in the fall of 2023, who has made the enforcement of the rule of law one of his main selling points, were of any consequence to the practices of the authorities at the border.⁹

The ECtHR plays an important role in ensuring some oversight over the Polish asylum system and its lack of access. Through so-called interim measures,¹⁰ the court can react very quickly and overturn a “statutory pushback” procedure.

⁶ Kalina Czarnóg, Board Member of Ocelanie, Personal Communication (19.04.2024).

⁷ They have also been described as a private paramilitary force of the ruling party (PiS) especially designed to combat hybrid threats, including close cooperation with the Border Guards ([Fornůsek & Bartoszewicz, 2024](#)).

⁸ Jan Opielka, Journalist, Personal Communication (18.03.2024).

⁹ Kalina Czarnóg, Board Member of Ocelanie, Personal Communication (19.04.2024).

¹⁰ These are taken by the court in exceptional circumstances of imminent risk of irreparable harm to a Convention right and allow the court to react very quickly (see Rule 39 of the Rule of the Court).

48 of these decisions were ordered against Poland in 2021 alone ([Ocelanie, 2022](#)) and a similar amount in 2022 ([HFfHR, 2022](#)). In 2022, at least four cases were brought to the ECtHR that consider specific situations of persons having been subject to repeated pushbacks and other practices that violate their human rights.¹¹

Humanitarian Catastrophe and the Presence of Civil Society at the Border

The humanitarian catastrophe unfolding at the border once both Poland and Belarus had built a fence was a political powerplay that had the suffering of migrants as their consequence. While the state of emergency employed by the Polish government prevented the presence of NGOs and media in the most dire situations, some footage of the crisis still reached publicity, whilst its reception and contextualization was very actively shaped and employed by the PiS. Civil society organisations stepping into the void of humanitarian assistance were harshly criticised and had to balance in an extremely contested grey zone of legality, in which providing food and clothing was allowed outside the “zone”, but any assistance in movement was harshly punished as it fell under the human-trafficking laws, forcing the NGOs present to involve the border guards when migrants were suffering acute medical emergencies.

Overall, violence against migrants in Poland is still carried out mostly in the dark and the government has used the state of emergency to hide its violent practices from the public.

The ECtHR has been ordering Poland multiple times through interim measures and formal court decisions to grant access to the asylum procedure for asylum seekers and provide basic necessities to migrants in distress. The government has, however, implemented legal amendments that provide the basis for their pushback policies and through that grounded the practice in domestic law. While there is an ongoing presence of civil society organisations in the border region providing humanitarian assistance to migrants, a strong majority of the Polish public has adopted an anti-migrant stance, contributing to the perpetuation and normalisation of violence against migrants by Polish authorities.

¹¹ Decisions are still pending, for descriptions of the cases see [PRAB \(2023, p. 22f\)](#).

5. Conclusion

All of the borders in the present analysis witnessed discourses that constructed migrants as a “threat”, weaponising them and highlighting ethnocentric and xenophobic statements, to influence public opinions, spread fear and cultivate an environment where anti-migrant laws and policies could be easily passed and implemented. Poland is an example of the successful implementation of the anti-migrant rhetoric from the government’s side, as over the years the public sentiments have drastically changed to result in negative attitudes towards migrants, paving the way for legalisation. In Greece, Poland and Hungary, the normalisation or legalisation of pushbacks was carried out through the instrumentation of laws and policies repurposed under the language of ‘state of crisis’, ethical/humanitarian/statutory pushbacks, etc., causing a systematic dismantling of asylum processes. In Croatia’s case, inaction by authorities have led to this (more informal) legalisation.

As violence is widely documented and countries have been called out for human rights violations, each had its individual approach to normalising this violence. Denying violence was a tactic that was commonly employed by Croatia and Greece even with the presence of clear evidence to the contrary. These denial strategies extended to Greece blaming Turkey for spreading fake news, and Croatia accusing NGOs and humanitarian organisations of anti-state actions. Interestingly, Poland attempted to hide the violence by committing it in the cover of darkness, or by covering their faces.

On the other hand, Hungary used violence as a declaration of their intention to “protect” their frontiers, by officially documenting and publishing the daily pushback/violence numbers on the website of the Hungarian Police. At some point, almost all countries have used political rhetoric to trivialise, endorse and legitimise the violence taking place and explain its necessity in the name of protecting both its citizens and Europe as a whole.

The shrinking space of civil society organisations was accompanied by the increasing role of multilateral organisations such as Frontex. This was done through the criminalisation of NGOs in almost all the borders, thereby leaving migrants alone to their devices. Further, in countries like Hungary, there were reports of the Government carrying out sting operations against NGOs. Parallely, this led to the strengthening of actors like Frontex, border police, and joint patrol forces, leading to the militarisation of these borders. Notably, the EU budget for border enforcement in 2023 was at a record high, and the border guard agency Frontex received more money than any other single EU Agency ([Akkerman, 2023](#)). In Greece, Frontex is observed to be operating under the command of the Greek authorities. The externalisation of asylum also extended to actors like Frontex and other joint patrol forces, who had an extended mandate over its presence and operations. Moreover, the introduction of technology in the borders to complement the existing militarisation was a new phenomenon and came with its own set of challenges for migrants.

There is an ongoing 'blame game' between the respective EU/Schengen border countries and the EU instances in Brussels. While the EU border countries have criticised the EU for lack of funds and support for the protection of borders, the EU has criticised the individual countries for insufficient control over their borders in spite of EU support. In instances of violent occurrences, the border countries consistently attempt to legitimise their actions as being EU protection measures while passing on the responsibility for the practices at the borders as being the country's fault and having nothing to do with how the EU aims to conduct 'migration management'. Moreover, there has also been added pressure and expectation on countries bearing the brunt of externalisation of asylum, such as Serbia, Turkey and Bosnia Herzegovina to handle the "crisis" and prevent migration altogether. In the first few years of the "migration crisis", the EU can still be seen holding on to the remnants of human rights protections that must be afforded to migrants, however, over time there is a shift in their approach to echo the ethnonational sentiments of the EU nations to address "migration control" and "illegal migration".

The pushbacks and violence continue in all the borders in some form or the other, with varying levels of intensity, while the role of different actors involved are evolving. One of the significant factors that emerged from this analysis was the inability of the existing structures to challenge the status quo at the borders. For example, the EU initiated infringement proceedings have not changed Hungary's stand on asylum policies in any way, rather it worsened over the years. In Croatia, the violence against migrants shadowed the country's Schengen accession, and despite the hue and cry from civil society to consider respect for human rights as a precondition to accession, these demands were not met.

In Greece, while increasing violence and protests for Frontex's withdrawal pushed the government to justify their position, policies like the New Pact on Migration continue to provide them with a free pass. The regional courts have dealt with individual cases and provided relief to asylum seekers which were successfully implemented. While these courts have also consistently recognised the illegality of the actions of the states and upheld international human rights law and asylum rights, such judgements have not been implemented and barely have had any notable impact on the ground.

However, it is of utmost importance to state that the situation at the four borders as well as at the overall European level is ever evolving as showcased with the New Pact on Migration through which the tendency towards violence, securitisation and the narrative around migrants being a "threat" continues to be promoted. While the New Pact was an opportunity for the EU to reflect on its shortcomings in migration "management", and come up with a uniform and comprehensive policy that upholds principles of international human rights law and the responsibility to protect, this was not realised. Further, the potential of migration flows to represent safe and legal pathways, whereby future labour shortages and the positive role of migration can be addressed, are also overlooked. Much to the disappointment of civil society activists and policy specialists, once again the countries of the EU are given more profound opportunities and greater liberties to deepen their "emergency" strategies.

6. Bibliography

About Hungary. (2023, December 21). FM: Hungary rejects EU's new pact on migration and asylum. About Hungary. <https://abouthungary.hu/news-in-brief/fm-hungary-rejects-eu-new-pact-on-migration-and-asylum>

Agamben, G. (2013). The endless crisis as an instrument of power: In conversation with Giorgio Agamben. Versobooks. Com. April, 6, 2013.

AIDA. (2023). 2022 Update AIDA Country Report: Greece | European Council on Refugees and Exiles (ECRE). <https://ecre.org/2022-update-aida-country-report-greece/>

Akkerman, M. (2023, May 31). Global Spending on Immigration Enforcement Is Higher than Ever and Rising. Migrationpolicy.Org. <https://www.migrationpolicy.org/article/immigration-enforcement-spending-rising>

Amnesty International. (2024, April 4). EU: Migration and Asylum Pact reforms will put people at heightened risk of human rights violations Migration and Asylum Pact reforms will put people at heightened risk of human rights violations. Amnesty International. <https://www.amnesty.org/en/latest/news/2024/04/eu-migration-asylum-pact-put-people-at-risk-human-rights-violations/>

Baranowska, G. (2021a). Pushbacks in Poland: Grounding the Practice in Domestic Law in 2021. Polish Political Science Yearbook, 41, 193–212.

Baranowska, G. (2021b). Pushbacks in Poland: Grounding the Practice in Domestic Law in 2021. Polish Political Science Yearbook, 41, 193–212.

Bello, V. (2022). The spiralling of the securitisation of migration in the EU: From the management of a 'crisis' to a governance of human mobility? Journal of Ethnic and Migration Studies, 48(6), 1327–1344. <https://doi.org/10.1080/1369183X.2020.1851464>

Bloomberg. (2020). Erdogan Triggers EU Border Crisis as Greece Declares Emergency. Bloomberg.Com. <https://www.bloomberg.com/news/articles/2020-03-01/border-crisis-nears-boiling-point-as-migrants-flock-from-turkey>

Border Violence Monitoring Network. (2020). Torture and Cruel, Inhumane, or Degrading Treatment of Refugees and Migrants in Croatia in 2019. Border Violence Monitoring Network (BVMN). <https://borderviolence.eu/reports/new-report-on-cases-of-torture-of-asylum-seekers-by-croatian-authorities-at-eu-external-borders/>

Border Violence Monitoring Network. (2023). Illegal Pushbacks and Border Violence Reports. Border Violence Monitoring Network (BVMN). <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-August-2023-1-2.pdf-2.pdf>

Bozinovic, D. (2019, March 13). Croatia protects its borders like any other country. Government of the Republic of Croatia. <https://vlada.gov.hr/news/bozinovic-croatia-protects-its-borders-like-any-other-country/25511>

Bumbrava, C. (2022). Walls and fences at EU borders | Think Tank | European Parliament. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)733692](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)733692)

Carassava, A. (2020, November 21). UNHCR, EU Slam Greece Over Migrant Pushbacks, Abuse. Voice of America. <https://www.voanews.com/a/europe-unhcr-eu-slam-greece-over-migrant-pushbacks-abuse/6198674.html>

CBOS (2015). POLACY WOBEC PROBLEMU UCHODŹSTWA. https://www.cbos.pl/SPISKOM.POL/2015/K_081_15.PDF

Chetail, V. (2016). Looking beyond the Rhetoric of the Refugee Crisis: The Failed Reform of the Common European Asylum System. European Journal of Human Rights, 584–602.

CMS. (2019, October 22). Croatia's Schengen membership should be halted until human rights are respected. Croatia's Schengen Membership Should Be Halted until Human Rights Are Respected | CMS. <https://www.cms.hr/en/azil-i-integracijske-politike/hrvatska-ne-smije-uci-u-schengen-dok-krisi-ljudska-prava>

- CMS. (2023a, January 31). Two weeks of silence from those responsible: The Government must urgently take responsibility for the deaths on our borders! Two Weeks of Silence from Those Responsible: The Government Must Urgently Take Responsibility for the Deaths on Our Borders! | CMS. <https://www.cms.hr/en/azil-i-integracijske-politike/dva-tjedna-sutnje-odgovornih-vlada-hitno-mora-preuzeti-odgovornost-za-smrti-na-nasim-granicama>
- CMS. (2023b, April 18). Refugees file a lawsuit to the Constitutional Court of Croatia: More than two years without effective investigation into a brutal pushback case which included sexual assault. Refugees File a Lawsuit to the Constitutional Court of Croatia: More than Two Years without Effective Investigation into a Brutal Pushback Case Which Included Sexual Assault | CMS. <https://www.cms.hr/en/azil-i-integracijske-politike/izbjeglice-zrtve-pushbacka-podnijele-tuzbu-ustavnom-sudu-hrvatske-vise-od-dvije-godine-bez-ucinkovite-istrage>
- CMS, BVMN, AYS, APC, & No Name Kitchen. (2020). What is happening at Croatia's external borders? (pp. 1–4). https://www.cms.hr/system/article_document/doc/625/What_is_happening_at_Croatia_s_external_borders.pdf
- Council of the European Union. (2022, December 8). Schengen area: Council decides to lift border controls with Croatia. <https://www.consilium.europa.eu/en/press/press-releases/2022/12/08/schengen-area-council-decides-to-lift-border-controls-with-croatia/>
- CPT. (2021, December 3). Council of Europe anti-torture Committee publishes report on its 2020 ad hoc visit to Croatia —CPT - www.coe.int. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-its-2020-ad-hoc-visit-to-croatia>
- Danish Refugee Council. (2022, December 8). EU admits Croatia to Schengen Without Regard to Abuses at the Border. Danish Refugee Council (DRC). <https://pro.drc.ngo/resources/news/eu-admits-croatia-to-schengen-without-regard-to-abuses-at-the-border/>
- Danish Refugee Council. (2024). Border Monitoring Factsheet. Danish Refugee Council (DRC). <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/>
- Daraibou v. Croatia, 84523/17 (ECtHR January 17, 2023). <https://hudoc.echr.coe.int/eng?i=001-222311>
- Davis, K. (2020). THE EUROPEAN UNION'S DUBLIN REGULATION AND THE MIGRANT CRISIS.
- De Genova, N. (2013). Spectacles of migrant 'illegality': The scene of exclusion, the obscene of inclusion. *Ethnic and Racial Studies*, 36(7), 1180–1198. <https://doi.org/10.1080/01419870.2013.783710>
- Desmond, A. (2023). From migration crisis to migrants' rights crisis: The centrality of sovereignty in the EU approach to the protection of migrants' rights. *Leiden Journal of International Law*, 36(2), 313–334. <https://doi.org/10.1017/S0922156522000759>
- DW. (2015, September 16). Hungary disperses refugees at border. Dw.Com. <https://www.dw.com/en/hungary-fires-tear-gas-water-cannons-to-hold-back-refugees/a-18718417>
- ECCHR. (2022). *Analyzing Greek Pushbacks: Over 20 years of concealed state policy without accountability (Feb 2022)*. <https://www.ecchr.eu/en/publication/analyzing-greek-pushbacks-over-20-years-of-concealed-state-policy-without-accountability/>
- ECRE. (2017). *Human rights organisations: Poland violates international law by blocking entry of asylum seekers from Belarus | European Council on Refugees and Exiles (ECRE)*. <https://ecre.org/human-rights-organisations-poland-violates-international-law-by-blocking-entry-of-asylum-seekers-from-belarus/>
- ECRE. (2020, June). *Hungary: New Law on the Lodging of Asylum Applications at Embassies* [European Council on Refugees and Exiles (ECRE)]. <https://ecre.org/hungary-new-law-on-the-lodging-of-asylum-applications-at-embassies/>
- ECRE. (2021, November 12). *Greece: PM Declares Pushbacks Legal, Migration Minister Says Border Monitoring May Breach International Law, Large Scale Expulsion Attempted | European Council on Refugees and Exiles*. <https://ecre.org/greece-pm-declares-pushbacks-legal-migration-minister-says-border-monitoring-may-breach-international-law-large-scale-expulsion-attempted/>
- ECRE. (2023). *Greece: Decrease in Arrivals Amidst Ongoing Pushbacks and Ill-treatment of Refugees; Rights Organisations Denounce Lack of Credible Investigation into Pylos Tragedy Amid Ongoing Calls for Accountability; Türkiye Opens a "New Era" of Co-operation with Greece After Years of Tension*. <https://ecre.org/greece-decrease-in-arrivals-amidst-ongoing-pushbacks-and-ill-treatment-of-refugees-rights-organisations-denounce-lack-of-credible-investigation-into-pylos-tragedy-amid-ongoing-calls-for-accountability/>
- Efsyn. (2020, May 8). Αφωνία Μηταράκη για τις αποκαλύψεις της «Εφ.Συν.» για τις παράνομες επαναπροωθήσεις. ΕΦΣΥΝ. https://www.efsyn.gr/politiki/boyli/242512_afonia-mitaraki-gia-tis-apokalypseis-tis-efsyn-gia-tis-paranomes

- Emmanouilidou, L., & Schmitz, F. (2022, August 9). Is Greece failing to use EU-funded border surveillance? DW. Dw.Com. <https://www.dw.com/en/is-greece-failing-to-deploy-eu-funded-surveillance-system-at-turkish-border-as-intended/a-63055306>
- Euronews. (2022, October 14). EU sounds alarm over rise in illegal border crossings via Serbia. Euronews. <https://www.euronews.com/my-europe/2022/10/14/eu-sounds-the-alarm-over-rise-in-illegal-border-crossings-via-serbia-and-abuse-of-visa-fre>
- Euronews. (2023, June 29). Frontex: What would happen if the EU border agency quit Greece? Euronews. <https://www.euronews.com/2023/06/29/frontex-will-the-eu-border-agency-quit-greece-over-the-latest-migrant-boat-tragedy>
- Euronews. (2024, March 5). Frontex director to Ombudsman: "We're not the European rescue agency." <https://www.euronews.com/my-europe/2024/03/05/frontex-director-replies-to-ombudsman-were-not-the-european-rescue-agency>
- European Commission. (2015, December 10). Commission opens infringement procedure against Hungary concerning its asylum law [Text]. European Commission. https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6228
- European Commission. (2019, November 19). EU signs agreement with Serbia on EBCG cooperation [Text]. European Commission. https://ec.europa.eu/commission/presscorner/detail/it/ip_19_6303
- European Commission. (2022, December 5). Enhanced EU engagement with the Western Balkans. European Commission. https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/enhanced-eu-engagement-western-balkans_en
- European Commission. (2024). Common European Asylum System—European Commission. Common European Asylum System. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en
- European Council. (2016). EU-Turkey statement, 18 March 2016. <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>
- European Council. (2024, May 14). The Council adopts the EU's pact on migration and asylum. <https://www.consilium.europa.eu/en/press/press-releases/2024/05/14/the-council-adopts-the-eu-s-pact-on-migration-and-asylum/>
- European Council on Refugees and Exiles (ECRE). (2020, May 22). Hungary: Abolishment of Transit Zone Following CJEU Ruling. <https://ecre.org/hungary-abolishment-of-transit-zone-following-cjeu-ruling/>
- European Parliament. (2023, October 31). Management of the external borders. European Parliament: Fact Sheets on the European Union. <https://www.europarl.europa.eu/factsheets/en/sheet/153/management-of-the-external-borders>
- Filipec, O. (2022). Multilevel analysis of the 2021 Poland-Belarus Border Crisis in the Context of Hybrid Threats. *Central European Journal of Politics*, 8(1). https://doi.org/10.24132/cejpp_2022_1
- Fornůšek, M., & Bartoszewicz, M. G. (2024). Modern Army for Modern Times or Private Paramilitary? Polish Territorial Defense Force as a Benchmark Case in Conflict Evolution. *Democracy and Security*, 20(1), 69–93. <https://doi.org/10.1080/17419166.2023.2220108>
- Frontex. (2015). Frontex at a glance. Publications Office. <https://data.europa.eu/doi/10.2819/35828>
- Frontex. (2022, October 13). EU external borders in September. <https://www.frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-september-vlgp1C>
- Fülöp, Z. (2024, February 29). HUNGARY: MIXED FEELINGS ON BOTH SIDES. *Balkan Insight*. <https://balkaninsight.com/2024/02/29/hungary-mixed-feelings-on-both-sides/>
- Government of the Republic of Croatia. (2015, July 1). Croatia begins process of applying for Schengen Area membership. Government of the Republic of Croatia. <https://vlada.gov.hr/news/croatia-begins-process-of-applying-for-schengen-area-membership/17276>
- Green, S. (2015). Making Grey Zones at the European Peripheries. In I. H. Knudsen & M. D. Frederiksen (Eds.), *Ethnographies of Grey Zones in Eastern Europe* (pp. 173–186). Anthem Press.
- Greenhill, K. M. (2008). Strategic Engineered Migration as a Weapon of War. *Civil Wars*, 10(1), 6–21. <https://doi.org/10.1080/13698240701835425>
- Grupa Granica. (2023). Periodic report of Grupa Granica on the situation at the Polish-Belarusian Border.
- Grześkowiak, M. (2023). The "Guardian of the Treaties" is No More? The European Commission and the 2021 Humanitarian Crisis on Poland–Belarus Border. *Refugee Survey Quarterly*, 42(1), 81–102. <https://doi.org/10.1093/rsq/hdac025>
- Guardian. (2022, April 4). Viktor Orbán wins fourth consecutive term as Hungary's prime minister [News]. *Guardian*. <https://www.theguardian.com/world/2022/apr/03/viktor-orban-expected-to-win-big-majority-in-hungarian-general-election>

- Hassner, R. E., & Wittenberg, J. (2015). Barriers to Entry: Who Builds Fortified Boundaries and Why? *International Security*, 40(1), 157–190.
- Hellenic Republic, M. of F. A. (2024). Greece's Bilateral Relations. <https://www.mfa.gr/en/blog/greece-bilateral-relations/turkey/>
- HFfHR. (2022). Helsinki Foundation for Human Rights' Legal Brief on Judgements in Cases Involving the Expedited Returns of Migrants to Belarus.
- Human Rights Watch. (2016, September 13). Hungary's Xenophobic Anti-Migrant Campaign. <https://www.hrw.org/news/2016/09/13/hungarys-xenophobic-anti-migrant-campaign>
- Human Rights Watch. (2022, July 8). European Court Slams Greece Over Deadly Migrant Pushback | Human Rights Watch. <https://www.hrw.org/news/2022/07/08/european-court-slams-greece-over-deadly-migrant-pushback>
- Hungarian Helsinki Committee. (2021). Submission of the Hungarian Helsinki Committee to the UN Special Rapporteur on the human rights of migrants. https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/pushback/HungarianHelsinkiCommittee_Submission.pdf
- Independent. (2022, January 23). Migrants at Hungary border become part of election campaign [News]. Independent. <https://www.independent.co.uk/news/uk/politics/viktor-orban-hungary-serbia-european-union-germany-b1998818.html>
- InfoMigrants. (2022, July 15). Fusillade en Serbie: La police arrête 85 personnes et saisit de nombreuses armes. InfoMigrants. <https://www.infomigrants.net/fr/post/41929/fusillade-en-serbie--la-police-arrete-85-personnes-et-saisit-de-nombreuses-armes>
- InfoMigrants. (2024). *Poland: New government, new year, but is there a new migration policy?* <https://www.infomigrants.net/en/post/54806/poland-new-government-new-year-but-is-there-a-new-migration-policy>
- Interia (2024). "UE nie dowozi". Polacy zmieniają swoje nastawienie. Pierwsze takie badanie https://wydarzenia.interia.pl/kraj/news-ue-nie-dowozi-polacy-zmieniaja-swoje-nastawienie-pierwsze-ta_nld,7454670#utm_source=paste&utm_medium=paste&utm_campaign=chrome
- IOM. (2024). World Migration Report 2024. <https://publications.iom.int/books/world-migration-report-2024>
- Isakjee, A., Davies, T., Obradović-Wochnik, J., & Augustová, K. (2020). Liberal Violence and the Racial Borders of the European Union. *Antipode*, 52(6), 1751–1773. <https://doi.org/10.1111/anti.12670>
- Jones, R., Johnson, C., Brown, W., Popescu, G., Pallister-Wilkins, P., Mountz, A., & Gilbert, E. (2017). Interventions on the state of sovereignty at the border. *Political Geography*, 59, 1–10. <https://doi.org/10.1016/j.polgeo.2017.02.006>
- Karamanidou, L., & Kasperek, B. (2020). Fundamental Rights, Accountability and Transparency in European Governance of Migration: The Case of the European Border and Coast Guard Agency Frontex (v.1). Zenodo. <https://doi.org/10.5281/ZENODO.3967784>
- Kingsley, P. (2016, March 9). Balkan countries shut borders as attention turns to new refugee routes. *The Guardian*. <https://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders>
- Korte, K. (2023). "So, if you ask whether fences work: They work"—the role of border fortifications for migration control and access to asylum. *Comparing Hungary and the USA. Comparative Migration Studies*, 11(1), 29. <https://doi.org/10.1186/s40878-023-00352-1>
- Lang, I. G. (2017). The European Union and Migration: An Interplay of National, Regional, and International Law. *AJIL Unbound*, 111, 509–513.
- Lang, I. G., & Nagy, B. (2021). External Border Control Techniques in the EU as a Challenge to the Principle of Non-Refoulement. *European Constitutional Law Review*, 17(3), 442–470. <https://doi.org/10.1017/S1574019621000249>
- Lazović, V. (2021). Dehumanization Revisited: Media Reports on the Refugee Crisis in British Online Newspapers. *AAA: Arbeiten Aus Anglistik Und Amerikanistik*, 46(2), 115–138.
- Leutloff-Grandits, C. (2023). "We are not Just the Border of Croatia; This is the Border of the European Union ... " The Croatian Borderland as "Double Periphery." *Journal of Borderlands Studies*, 38(2), 265–282. <https://doi.org/10.1080/08865655.2022.2104340>
- Lindberg, A. (2024). Researching Border Violence in an Indefensible Europe. *Geopolitics*, 0(0), 1–20. <https://doi.org/10.1080/14650045.2024.2321158>
- Lubiński, P. (2022). Hybrid Warfare or Hybrid Threat—The Weaponization of Migration as an Example of the Use of Lawfare—Case Study of Poland. *Polish Political Science Yearbook*, 51, 43–55. <https://doi.org/10.15804/ppsy202208>
- Markham, L. (2022, April 21). 'A disaster waiting to happen': Who was really responsible for the fire at Moria refugee camp? *The Guardian*. <https://www.theguardian.com/world/2022/apr/21/disaster-waiting-to-happen-moria-refugee-camp-fire-greece-lesbos>
- Matic, S. (2021, September 10). Croatian leaders deny culpability in pushbacks. *Dw.Com*. <https://www.dw.com/en/croatian-politicians-deny-culpability-in-border-pushbacks/a-59457631>

- Megerisi, L. S. M., Tarek. (2023, December 14). Road to nowhere: Why Europe's border externalisation is a dead end. ECFR. <https://ecfr.eu/publication/road-to-nowhere-why-europes-border-externalisation-is-a-dead-end/>
- M.H. and Others v. Croatia, 15670/18, 43115/18 (ECtHR November 18, 2021). <https://hudoc.echr.coe.int/eng?i=001-213213>
- Minca, C., & Collins, J. (2021). The Game: Or, "the making of migration" along the Balkan Route. *Political Geography*, 91(102490), 1–11. <https://doi.org/10.1016/j.polgeo.2021.102490>
- Ministry of the Interior. (2018, December 16). Video footage released by the non-governmental organisation BVM. Mup.Gov.Hr. <https://mup.gov.hr/news/video-footage-released-by-the-non-governmental-organisation-bvm-283164/283164>
- Ministry of the Interior. (2020, November 19). *The Croatian police did not record any actions*. Mup.Gov.Hr. <https://mup.gov.hr/news/the-croatian-police-did-not-record-any-actions/286671>
- Moraru, M. (2022). Generalised push-back practices in Europe: The right to seek asylum is a fundamental right. *Quaderns IEE*, 1(1), 154–164. <https://doi.org/10.5565/rev/quadernsiee.23>
- MSF. (2022, August 4). Violent pushbacks at the Hungary-Serbia border [MSF]. <https://www.msf.org/violent-pushbacks-hungary-serbia-border>
- MSF. (2023, March 28). EU must increase scrutiny on Balkan border force activities. MSF. <https://www.msf.org/eu-must-increase-scrutiny-balkan-border-force-activities>
- New York Times. (2021, January 27). E.U. Border Agency Pulls Out of Hungary Over Rights Abuses. The New York Times. <https://www.nytimes.com/2021/01/27/world/europe/frontex-hungary-eu-asylum.html>
- Nissen, A. (2022). *Europeanisation of the contemporary far right: Generation Identity and fortress Europe*. Routledge.
- Ocalenie. (2022). *State Violence and Grassroots Activities*. <https://en.ocalenie.org.pl/wp-content/uploads/2022/10/The-Ocalenie-Foundation-report-on-the-humanitarian-crisis-in-the-PL-BY-border-region-1.pdf>
- OHCHR. (2020, June 19). Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned – UN Special Rapporteurs. United Nations Human Rights Office of the High Commissioner OHCHR. <https://www.ohchr.org/en/news/2020/06/croatia-police-brutality-migrant-pushback-operations-must-be-investigated-and>
- Ombudswoman Croatia. (2019, July 25). Ombudswoman warned the MI to grant NPM access to data on irregular migrants' treatment – Ombudswoman of Croatia. <https://www.ombudsman.hr/en/ombudswoman-warned-the-mi-to-grant-npm-access-to-data-on-irregular-migrants-treatment/>
- OSI. (2017, April 18). Open Society Institute–Budapest v. Hungary. <https://www.justiceinitiative.org/litigation/open-society-institute-budapest-v-hungary>
- Papadakis, N., & Dimari, G. (2023). Transformations in Greek Migration Policy after 2015: Securitization Practices and Precarity of Refugees. *Migration, Mobility, & Displacement*, 6(1), Article 1.
- Pezzani, L., & Heller, C. (2013). A disobedient gaze: Strategic interventions in the knowledge(s) of maritime borders. *Postcolonial Studies*, 16(3), 289–298. <https://doi.org/10.1080/13688790.2013.850047>
- Planas Gifra, L. (2024). Securitizing migration in times of crisis: Private actors and the provision of (in)security. *Cogent Social Sciences*, 10(1), 2296601. <https://doi.org/10.1080/23311886.2023.2296601>
- Plenković, A. (2021, October 7). *Croatia has a duty to protect its borders, we expects report from all relevant services*. Government of the Republic of Croatia. <https://vlada.gov.hr/news/croatia-has-a-duty-to-protect-its-borders-we-expects-report-from-all-relevant-services/33117>
- PRAB. (2023). *Beaten, punished and pushed back*.
- PRAB. (2024). 2023 overview. <https://pro.drc.ngo/media/si2hcr3/prab-overview-2023.pdf>
- PRO ASYL. (2022, December 8). Six years of human rights violations: Croatia to receive the Schengen award. PRO ASYL. <https://www.proasyl.de/en/pressrelease/six-years-of-human-rights-violations-croatia-to-receive-the-schengen-award/>
- Rankin, J. (2018, September 12). MEPs vote to pursue action against Hungary over Orbán crackdown. The Guardian. <https://www.theguardian.com/world/2018/sep/12/eu-meps-vote-to-pursue-action-against-hungary-over-orban-crackdown>
- Refugee Support Aegean. (2020a). *Racist Violence Recording Network: Serious concern over attacks against refugees and humanitarian workers—R.S.A.* <https://rsaegean.org/en/serious-concern-over-attacks-against-refugees-and-humanitarian-workers/>
- Refugee Support Aegean. (2020b, May 1). *Analysis: Rights denied during Greek asylum procedure suspension*. R.S.A. <https://rsaegean.org/en/analysis-rights-denied-during-greek-asylum-procedure-suspension/>

Refugee Support Aegean, & Pro Asyl. (2024, March 14). Eight years of failure of the EU-Turkey deal: The “safe third country” concept comes under scrutiny by the Court of Justice of the European Union. R.S.A. <https://rsaagean.org/en/eu-turkey-deal-safe-third-country-concept-under-scrutiny-cjeu/>

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (2013). <http://data.europa.eu/eli/reg/2013/604/2013-06-29/eng>

Reuters. (2016, March 9). Slovenia, Serbia place new restrictions on migrants’ entry. Reuters. <https://www.reuters.com/article/idUSKCN0WA2EA/>

Reuters. (2021, October 8). Croatia confirms migrant pushback, Greece promises inquiry. Reuters. <https://www.reuters.com/world/europe/croatia-confirms-violent-migrant-pushback-border-with-bosnia-2021-10-08/>

Rori, L. (2021). From ‘black sheep of the eurozone’ to ‘European shield’: Ten years of crisis politics in Greece. In *Crisis, Reform and the Way Forward in Greece*. Routledge.

S.B. and Others v. Croatia, 18810/19, 18865/19, 23495/19 (ECtHR March 26, 2020). <https://hudoc.echr.coe.int/eng/?i=001-202733>

Šelo Šabić, S., & Borić, S. (2016). At the gate of Europe: A report on refugees on the Western Balkan Route. Friedrich-Ebert-Stiftung, Regional Office Zagreb for Croatia and Slovenia.

Sicurella, F. G. (2018). The Language of Walls Along the Balkan Route. *Journal of Immigrant & Refugee Studies*, 16(1–2), 57–75. <https://doi.org/10.1080/15562948.2017.1309088>

Slominski, P., & Trauner, F. (2021). Reforming me softly – how soft law has changed EU return policy since the migration crisis. *West European Politics*, 44(1), 93–113. <https://doi.org/10.1080/01402382.2020.1745500>

SRF Tagesschau (Director). (2019, July 9). Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute—Play SRF. <https://www.srf.ch/play/tv/tagesschau/video/kroatiens-praesidentin-grabar-kitarovi-zur-balkanroute?urn=urn:srf:video:68ae3d79-230b-4af6-a318-717b9aa8a514>

Stępką, M. (2022). Identifying security logics in the EU policy discourse: The “Migration crisis” and the EU. Springer.

Stavis-Gridneff, M., & Shoumali, K. (2023, July 1). Everyone Knew the Migrant Ship Was Doomed. No One Helped. The New York Times. <https://www.nytimes.com/2023/07/01/world/europe/greece-migrant-ship.html>

Szczepanik, M. (2018). Border Politics and Practices of Resistance on the Eastern Side of ‘Fortress Europe’: The Case of Chechen Asylum Seekers at the Belarusian–Polish Border. *Central and Eastern European Migration Review*, 7(2), 69–89. <https://doi.org/10.17467/ceemr.2018.08>

Tazzioli, M., & Genova, N. D. (2016). EUROPE / CRISIS: INTRODUCING NEW KEYWORDS OF “THE CRISIS” IN AND OF “EUROPE.”

Topak, Ö. E. (2014). The Biopolitical Border in Practice: Surveillance and Death at the Greece-Turkey Borderzones. *Environment and Planning D: Society and Space*, 32(5), Article 5. <https://doi.org/10.1068/d13031p>

Tsarnas, V. (2018, June 28). *Racist Crimes Watch Παρατηρητήριο Ρατσιστικών Εγκλημάτων. RACIST CRIMES WATCH - Παρατηρητήριο Ρατσιστικών Εγκλημάτων. <https://racistcrimeswatch.wordpress.com/2018/06/>*

UNHCR. (2015). Greece—2015 Year-End Report Summary. *Global Focus*. <https://reporting.unhcr.org/greece-2015-year-end-report-summary>

UNHCR. (2016). Hungary as a country of asylum. Observations on restrictive legal measures and subsequent practice implemented between July 2015 and March 2016. UNHCR. <https://www.refworld.org/legal/natlegcomments/unhcr/2016/en/110114>

UNHCR. (2024a). Mediterranean Situation. <https://data.unhcr.org/en/situations/mediterranean/location/5179>

UNHCR. (2024b). The 1951 Refugee Convention. UNHCR. <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>

UNHCR Asylum Applications. (2024). [dataset]. UNHCR. Vucic: We do not want Serbia to be a parking lot for migrants, we signed an important memorandum. (2022, November 16). Kosovo Online. <https://www.kosovo-online.com/en/news/politics/vucic-we-do-not-want-serbia-be-parking-lot-migrants-we-signed-important-memorandum-16>

Zocchi, B. (2023). The Game: Ritualized Exhaustion and Subversion on the Western Balkan Route. *Journal of Borderlands Studies*, 0(0), 1–21. <https://doi.org/10.1080/08865655.2023.2229846>