

ENDLESS EXILES

Migration blackmail
along the Balkan route

*migr*europ__

Mission report
November 2021

« It takes three days to cross the Mediterranean. You can die, but only once. I have been on the move for three years. And every day, I feel like I'm dying. »

Excerpt from the testimony of I, an exile from Algeria who left his country in 2018 and travelled along the Balkan route to reach the European Union.



A report by Migreurop

Migreurop is a network of associations, activists and researchers in some twenty European, African and Middle Eastern countries. The network strives to raise awareness of and to oppose policies that marginalise and exclude migrants, particularly detention in camps, various forms of displacement and the closure of borders, as well as the externalisation of migration controls by the European Union and its Member States. In this way, the network contributes to defending migrants' fundamental rights (notably the right to "leave any country including your own") and to promoting freedom of movement and settlement.

With the support of CCFD-Terre Solidaire

Convinced that solidarity knows no borders, **CCFD – Terre Solidaire** has been committed to addressing migration issues since 1976. Their expertise is based on the trusting relationships they nurture with frontline actors on the ground to ensure access to rights for everyone.

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Cover and page 2 photographs: *Abandoned building in Bihać in Bosnia and Herzegovina where hundreds of people on the move have found shelter. The building is regularly cleared out by the police (Sophie-Anne Bisiaux, February 2021).*

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Abbreviations

- AMIF** • Asylum, Migration and Integration Fund
- BVMN** • Border Violence Monitoring Network
- CARDS** • Community Assistance for Reconstruction, Development and Stabilisation
- CEAS** • Common European Asylum System (CEAS)
- CEFTA** • Central European Free Trade Agreement
- CEPOL** • The European Union Agency for Law Enforcement Training (Collège Européen de Police)
- DCAF** • Geneva Centre for Security Sector Governance
- DRC** • Danish Refugee Council
- EASO** • European Asylum Support Office
- ECHO** • Directorate-General for European Civil Protection and Humanitarian Aid Operations
- EU** • European Union
- EUFOR** • European Union Force
- GEF** • Global Environment Force
- GIZ** • Gesellschaft für Internationale Zusammenarbeit (German Corporation for International Cooperation)
- HHC** • Hungarian Helsinki Committee
- ICMPD** • International Centre for Migration Policy Development
- ICTY** • International Criminal Tribunal for the former Yugoslavia
- IOM** • International Organisation for Migration
- IPA** • Instrument for Pre-accession Assistance
- KFOR** • NATO Kosovo Force
- MADAD** • EU Regional Trust Fund in Response to the Syrian Crisis
- NATO** • North Atlantic Treaty Organisation
- NGO** • Non-Governmental Organisation
- OSCE** • Organisation for Security and Cooperation in Europe
- PCC-SEE** • Police Cooperation Convention for Southeast Europe
- SAA** • Stabilisation and Association Agreement
- SAP** • Stabilisation and Association Process
- UN** • United Nations
- UNHCR** • United Nations High Commissioner for Refugees
- UNMIK** • United Nations Interim Administration Mission in Kosovo
- UNPROFOR** • United Nations Protection Force

Introduction

When the Lipa refugee camp burned down on 23 December 2020¹, people on the move in Bosnia and Herzegovina's Una-Sana Canton became the subject of intense media coverage, stirring public opinion, at least for a little while, across the European Union (EU). In the weeks that followed the fire, dozens of international journalists travelled to the site to report on the 1,300 people who had been left homeless in freezing temperatures. Photos of displaced people shivering under blankets, bare feet in the snow, circulated in the press and on social media, while people called for donations and international solidarity to make up for Bosnia's failure to respond and the so-called lack of local solidarity.

The blame landed on Bosnia and Herzegovina, its failed institutions and its population's alleged racism, shaped by decades of "ethnic" tensions. At the same time, European leaders put on a show: crying crocodile tears over the situation, they falsely deplored the terrible conditions faced by displaced people in Una-Sana and painted themselves as the selfless benefactors of the region by disbursing humanitarian aid. On 11 January 2021, the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell², stressed that the EU had already provided a financial package worth over 88 million euros to meet the needs of people on the move in Bosnia and Herzegovina. He denounced the Bihać municipal and cantonal authorities for refusing to let the International Organisation for Migration (IOM) reopen the old EU-funded Bira reception centre, and issued a warning that, if the authorities continued to oppose sustainable solutions to the crisis, *"it would have severe consequences for the reputation of Bosnia and Herzegovina"*³.

This threatening statement by Josep Borrell reinforced the image, already well established in the Western colonial collective psyche, of the Balkans as a backward European region, plagued by archaism and brutality and incapable of leading a coherent political response. It also reinforced the idea of a "migration crisis", which justified the resort to emergency resources and exceptional measures, presenting the EU as a great saviour thanks to its generous humanitarian aid.

The EU has attempted to hide from its responsibilities by deploying a narrative that weaves together the ideas of an ungovernable region, an "influx" of people on the move at Europe's door, and a "humanitarian crisis". In response to this, the following report tries to document the role played by the EU in the chaotic situation faced by people on the move, not just in Bosnia and Herzegovina, but all along the Balkan route. Pretending to solve a crisis of its own making, the EU has implemented migration policies in the region that could be compared to the behaviour of a pyromaniac firefighter. Either acting as a buffer zone or a "migration safety" zone, the Balkans have been used by the EU for several decades to externalise border control, to the detriment of both the local population and people on the move.

This report is divided into three chapters. The first chapter looks at how European leaders have instrumentalised the accession process of the Balkan countries for the purpose of migration control. The second chapter explores how these countries have become "watchdogs" of the EU's borders, focusing specifically on illegal returns and violence as standard border management practices. Finally, the third chapter documents the implementation of the EU's "hotspot approach"⁴ in the region.

¹ InfoMigrants, "[Bosnie : le camp de Lipa ravagé par un incendie, 1 300 migrants à la rue](#)", 23 December 2020

² Vice President of the European Commission and EU High Representative for Foreign Affairs and Security Policy.

³ Press release SEAE, "[Bosnie Herzégovine : le Haut représentant Josep Borrell s'est entretenu avec le président de la présidence Milorad Dodik](#)", 11 January 2021

⁴ An approach implemented by the European Commission in 2015 in response to the so-called "migration crisis". It consists of bringing European agencies (primarily EASO and Frontex) to areas that are, according to the European Commission, under "excessive migratory pressures" at the EU's external borders.

Methodology

This report is the result of field work conducted between January and April 2021 by Sophie-Anne Bisiaux in the Balkan region for the network Migreurop. We visited four countries during the mission: Bosnia and Herzegovina, Serbia, North Macedonia and Albania (**see map below**). Due to the Covid-19 pandemic, it was not possible to go to Kosovo or Montenegro. We conducted remote interviews to gather information for these two countries.

In total, we conducted over 110 interviews with people on the move, representatives of local and international NGOs, researchers, activists, lawyers, journalists, as well as institutional actors. As the report focuses on the externalisation of EU borders in the “Western Balkans”, we prioritised three target groups:

- **EU delegations** in Albania, Bosnia and Herzegovina, Kosovo, North Macedonia and Serbia. We also interviewed a migration expert deployed by the European Commission in Bosnia and Herzegovina.
- Representatives of **UNHCR** in Albania, Bosnia and Herzegovina, Kosovo, North Macedonia and Montenegro.
- Representatives of the **IOM** in Albania, Bosnia and Herzegovina, Kosovo, North Macedonia and Montenegro. We also interviewed the IOM regional coordinator for the “Western Balkans”.

In parallel, we collected the testimonies of thirty **people on the move** from a range of countries (Morocco, Algeria, Tunisia, Bangladesh, Pakistan, Afghanistan, Syria, Palestine, Iran, Iraq) whom we met in various locations in Bosnia and Herzegovina (Sarajevo, Zenica, Bihać, Lipa, Velika Kladusa, Tuzla, Ključ), Serbia (Sombor, Majdan, Rabe, Subotica, Niš), and Albania (Tirana, Durrës).

Given the risks faced by these people, most of whom will have not reached a “safe”⁵ place in the EU when this report is published, all testimonies have been anonymised.

To guarantee the confidentiality and serenity of these exchanges, we conducted interviews outside of people’s accommodation and without third parties liable to intimidating them.



⁵ Insofar as EU countries can be considered “safe” for people on the move.

To avoid the risk of gathering exaggerated or distorted information, at the beginning of each interview, we stated that the conversation was purely informational, and that the researcher was not in a position to provide assistance. We thank participants for their time, patience and courage, as well as the risks they took by testifying.

We also met representatives from the following organisations or institutions: **Asgi** - Associazione studi giuridici sull'immigrazione, **Association "Pope John"** (Vlorë and Shkodër – Albania), **BVMN** - Border Violence Monitoring Network, **Caritas Albania** (Shkodër and Tirana – Albania), **Center for Peace Studies** (Zagreb – Croatia), **Collective Aid** (Sarajevo – Bosnia and Herzegovina), **Serbian Refugee Commission** (Bogovadja – Serbia), **Compass 71** (Sarajevo – Bosnia and Herzegovina), **Red Cross** (Bihać, Sarajevo and Ključ – Bosnia and Herzegovina), **DRC** - Danish Refugee Council (Sarajevo – Bosnia and Herzegovina), **EASO** – European Union Agency for Asylum, **ECPAT** - End Child Prostitution in Asian Tourism (Tirana – Albania), **Fresh response** (Sarajevo – Bosnia and Herzegovina), **Front Sloboda** (Tuzla – Bosnia and Herzegovina), **Frontex** (press service and officer deployed to the Greek-Albanian border), **Fondation Sœur Emmanuelle** (Korçë – Albania), **Groupe 484** (Belgrade – Serbia), **Helsinki Parliament** (Banja Luka – Bosnia and Herzegovina), **ICMPD** - International Centre for Migration Policy Development, **ARSIS** - Initiative for Social Change (Tirana – Albania), **IPSIA** (Bihać – Bosnia and Herzegovina), **JRS** - Jesuit Refugee Service (Pristina – Kosovo), **Klikaktiv** (Belgrade – Serbia), **Legis** (Skopje – North Macedonia), **Linea d'Ombra** (Trieste – Italy), **Lungo la rotta balcanica**, **Médecins du Monde** (Sarajevo – Bosnia and Herzegovina), **Doctors Without Borders** (Belgrade – Serbia), **Myla** (Skopje – North Macedonia), **No Name Kitchen** (Bihać – Bosnia and Herzegovina), **OSCE** - Organisation for Security and Cooperation in Europe (Sarajevo – Bosnia and Herzegovina), **Albanian border police** (Tirana – Albania), **Pomozi.ba** (Sarajevo – Bosnia and Herzegovina), **Push-back phone Austria**, **RMSA** - Refugee and Migrant Services in Albania (Tirana – Albania), **Rog center** (Ljubljana – Slovenia), **Sarajevo Report Network** (Sarajevo – Bosnia and Herzegovina), **Save the Children** (Tirana – Albania), **S.O.S team Velika Kladusa** (Velika Kladusa – Bosnia and Herzegovina), **Statewatch** (United Kingdom), **TLAS** - Tirana Legal Aid Society (Tirana – Albania) and **Vasa Prava** (Sarajevo – Bosnia and Herzegovina).

We would also like to thank the researchers, activists, lawyers and journalists we interviewed for their time and insights. For several reasons, these people have not been named. Either because naming them could put them at risk in a context where solidarity is increasingly criminalised, affecting many activists and civil society organisations in the region, or because interviews were only agreed to if they were “off the record”. This was the case for the vast majority of exchanges with official stakeholders during the mission, particularly among those who are closely involved in the implementation of European externalisation policies. We have maintained their anonymity, as agreed, although we deplore the lack of transparency in institutions and organisations that have deployed such colossal efforts to prevent civil society and researchers from shedding a light on their activities. We fully accept our decision to use information revealed during these informal interviews while protecting the identity of the people who made those disclosures.

Please note that maps in this report are included for illustrative purposes only. They do not claim to provide a geographically accurate mapping of the region.

Chapter 1

Migration blackmail in the EU accession process



Abandoned wagons, occupied by Afghan exiles, in Sombor train station in Serbia (Sophie-Anne Bisiaux, April 2021)

As early as 2013, members of Migreurop documented the externalisation of EU border control in the Balkans.

See Lucie Bacon's thesis *La route des Balkans au prisme des migrants. La fabrique du parcours migratoire dans le contexte de l'externalisation du contrôle aux frontières de l'Union européenne* (in preparation for 2022 at Migrinter, Université de Poitiers and Telemme, Aix-Marseille Université).

See also Morgane Dujmovic's thesis *Une géographie sociale critique du contrôle migratoire en Croatie. Ancrages et mirages d'un dispositif* (defended in 2019 at the University of Aix-Marseille, available online: <http://www.theses.fr/2019AIXM0646>).

This report follows on from the work of these two researchers and the project [Close the camps](#).

Recognised in 2003 as potential candidates for EU membership, the Balkan countries quickly became a part of the Union's arrangements for outsourcing migration controls, particularly since 2015 and the increased visibility of the "Balkan route".

A. The “Western Balkans”: a European destiny?

Standing at the crossroads between the “East” and the “West”, a region at the heart of Europe yet outside of the European Union... the history of the Balkans always seems to be caught in the middle. Since the accession of Bulgaria and Romania to the EU in 2007, followed by Croatia in 2013, the Balkan countries have increasingly appeared like a European enclave destined for EU membership.

The Western Balkans: an enclave within the European Union



1. AFTER THE WAR: THE EUROPEAN PROJECT AS THE FUTURE OF THE REGION

Deadly wars at the EU’s doors and the failure of the international community

Founded as a kingdom in 1918, Yugoslavia became a federal state after the Second World War. It was made up of six Republics: Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Serbia and Macedonia. Long ruled by Tito’s iron fist, the Yugoslav state attempted to settle the nationality question under the slogan “brotherhood and unity”. When Tito died in 1980, the country was already suffering from a new and fragile political regime and a deteriorating economic situation. Tito’s death led to a sudden rise in nationalist movements and political figures. Among them was Slobodan Milošević, who became the leader of Belgrade’s communist party in 1984 and whose pro-Serb politics fuelled inter-ethnic tensions.

After the collapse of the USSR, and amid the crisis of the Yugoslav Communist Party, four Republics (Slovenia, Croatia, Bosnia and Herzegovina and Macedonia) claimed their independence in 1991 and 1992. However, because many Serb minorities lived in Croatia and Bosnia and Herzegovina at the time, Belgrade opposed the two Republics’ decision to leave the Federation and started a series of bloody wars which lasted until 1995.



**The main wars of
Yugoslavia**

Not only was the war responsible for thousands of victims across all fighting forces (Serbs, Croats and Bosniaks)⁶, it also led to the ethnic cleansing of Bosniaks by Milošević's⁷ Serb forces in Bosnia and Herzegovina. Several years later, Albanian separatists from the autonomous province of Kosovo took up arms and, in turn, faced severe repression by Serb forces. Between 1998 and 1999, the war in Kosovo cost the lives of over 13,000 people. In total, the wars that followed the break-up of Yugoslavia led to over 130,000 deaths and 2 million refugees and displaced people⁸.

The international community remained largely powerless, if not passive, in the face of these massacres. In Bosnia and Herzegovina, peace negotiations initiated by the UN and the EU broke down. "Safe areas" set up by UNPROFOR failed to put an end to ethnic cleansing programmes while, in Srebrenica, Serb soldiers carried out a genocide in plain sight, "sorting through" the population in front of UN forces. The conflict came to an end in 1995 with the Dayton Peace Agreement, which was only signed after the United States and NATO decided to bomb Serb forces. In Kosovo, peace negotiations initiated by the West in Rambouillet also failed, and the Yugoslav army only withdrew its forces after Belgrade had been bombed by NATO. Subsequently, Albanian fighters in Kosovo carried out ethnic cleansing against the Serbs and the Roma in front of NATO forces (KFOR).



Poster in the streets of Sarajevo in Bosnia and Herzegovina (Sophie-Anne Bisiaux, January 2021)

⁶ According to the Paris Human Rights Centre (CRDH), the war caused approximately 20,000 deaths in Croatia and close to 100,000 victims in Bosnia and Herzegovina.

⁷ It is estimated that ethnic cleansing operations in July 1995 killed approximately 33,000 people, including over 8,000 at Srebrenica.

⁸ Courriers des Balkans, "[Bilan des guerres dans l'ancienne Yougoslavie : Etablir les faits](#)", 15 January 2013

A reconstruction pointing towards the European Union

Despite its failure to prevent the deadliest war on the European continent since World War Two, the international community still intended to play a key role in the region's peace and reconstruction process, even if it meant strong interference in countries that had experienced war. Therefore, from the 2000s onward, the EU progressively replaced the United States as a major player in the region.

The Dayton Peace Agreement effectively placed Bosnia and Herzegovina under international supervision. UN peacekeepers were first replaced by NATO forces, who were themselves replaced by EUFOR troops in 2005 (as part of operation "Althea"). Then Bosnia became an international protectorate, with the creation of a High Representative with the power to make decisions and impose sanctions. Since 2003, the High Representative has also become a Special EU Representative.

After the war, Kosovo was placed under UNMIK administration in accordance with UN Security Council resolution 1244. In 2008, following the declaration of independence of the Republic of Kosovo by the Kosovar Parliament, the EU sent a police and justice mission of 2,000 men to the new state, and replaced UNMIK with the European civil force EULEX, whose mission was to promote the rule of law in Kosovo. To this day, Kosovo's independence remains contested by Serbia, and neither the UN nor five EU Member States recognise its status.

Broadly speaking, the track record of protectorates established by the international community after the war and the EU's involvement in the region have been mixed. In Bosnia and Herzegovina, where the High Representative has the power to impose new laws and remove elected officials, the Bosnian population feels excluded from political life. In addition, the highly complex institutional regime put in place by the international community has paralysed decision-making. More than 25 years after the Dayton Peace Agreement, Bosnian institutions are still in a deadlock. In Kosovo, where institutions remain fragile and highly affected by corruption, the country has struggled to rebuild.

In 1999, drawing on a Franco-German initiative, the EU launched the "Stability Pact for South-Eastern Europe" with a view to reinforce peace and security in the region. This pact also had another ambition: to bring the EU and the Balkans closer together by eventually offering the prospect of EU membership.

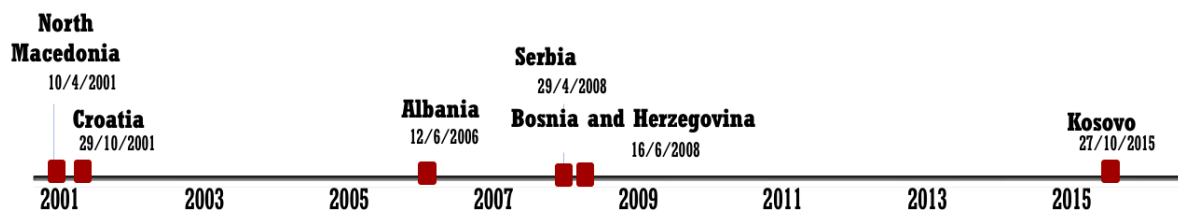
2. THE MEMBERSHIP PROMISE

Stabilisation and Association Agreements (SAA)

The EU accession process for the Balkan countries was formally launched in 1999. In June 2000, they all became potential candidates for EU membership at the European Council in Santa Maria de Feira. Finally, on 24 November 2000, at the first EU-Balkans Summit in Zagreb, the Stabilisation and Association Process (SAP) was kicked off in Albania, Macedonia, Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. Designed to help these countries align their legislation and practices with the EU's, the SAP includes the provision of financial aid, the establishment of a free trade area to deepen commercial relations, and the reinforcement of regional cooperation in various areas. The SAP marks the first step in the membership process, leading to the adoption of Stabilisation and Association Agreements (SAA) between the EU and candidate countries. These texts define the legal framework for political dialogue and lay down provisions for the free movement of workers, services and capital, legislative alignment in terms of competition, financial and commercial cooperation, as well as cooperation in the areas of justice and home affairs.

« The future of the Balkans is within the European Union »

SAA signatures between the EU and the Balkan states



“The future of the Balkans is within the European Union”: with the Declaration of Thessaloniki on 21 June 2003, the EU removed all doubt regarding its intention to welcome the Balkans into the EU. Participants not only adopted a political declaration clearly stating the region’s European destiny, but also endorsed the “Thessaloniki Agenda for the Western Balkans”, a schedule of concrete measures agreed by the European Council to strengthen the Stabilisation and Association Process. It was during this summit that the EU started using the expression “Western Balkans” to refer to the former Yugoslavian countries – minus Slovenia and Albania – destined to join the EU.

“Standards before status”

The conditionality principle laid out in the Thessaloniki Declaration is one of the pillars of the EU’s strategy towards the “Western Balkans”: the EU only accepts to pursue the accession process as long as countries agree to certain rules⁹. The political and economic criteria (known as the “Copenhagen criteria”) that candidate countries need to follow to become Member States were defined at the 1993 European Council in Copenhagen:

- Firstly, there are **political** criteria: the EU expects candidate countries to have “*stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities*”. In particular, the EU requires the Balkan countries to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY), formed by the UN and tasked with judging those responsible of war crimes during the conflict. However, while it has steered the region towards reconciliation, the tribunal has failed to be seen as a neutral and legitimate actor by a large section of public opinion, especially among Serbians¹⁰.
- Secondly, there are **economic** criteria which relate to the creation of a functioning free market economy and the capacity to cope with competition and market forces within the EU. The EU has encouraged the adoption of liberal economic reforms in the region, notably with the adoption of the Central European Free Trade Agreement (CEFTA) in 2006 and 2007. By bringing candidate countries closer to European requirements in terms of free trade, this agreement aims to prepare them for a potential integration into the Union’s free market. The economies of the Balkan countries, in a weaker position compared to those of Western European countries, have been severely hit by this sudden competition and whole pans of the economy have been privatised as a result.
- Finally, candidate countries must take on board and implement the **Acquis Communautaire**. Each country must align its institutions, laws and norms with the *acquis*, which is detailed in 35 chapters.

⁹ Collectif Des Ponts Pas des Murs, “Analyse de contexte - Sommet de Paris sur les Balkans occidentaux et Migrations : Mobilisation de la société civile”, 4 July 2016

¹⁰ Furthermore, at no point has the Tribunal questioned the role played by the UN and NATO in the conflict.

Instrument for Pre-accession Assistance

To reach these objectives, candidate countries benefit from financial and technical aid which, since 2007¹¹, has taken the form of the “Instrument for Pre-accession Assistance” (IPA). Designed to support the Stabilisation and Association Process, the IPA fund aims to strengthen the institutional capacity of concerned countries, their cross-border cooperation, as well as their socio-economic development. For 2021/2027, the IPA has a budget of 11.7 billion euros¹². If a country does not meet the required criteria, the EU reserves the right to put this financial aid on hold.

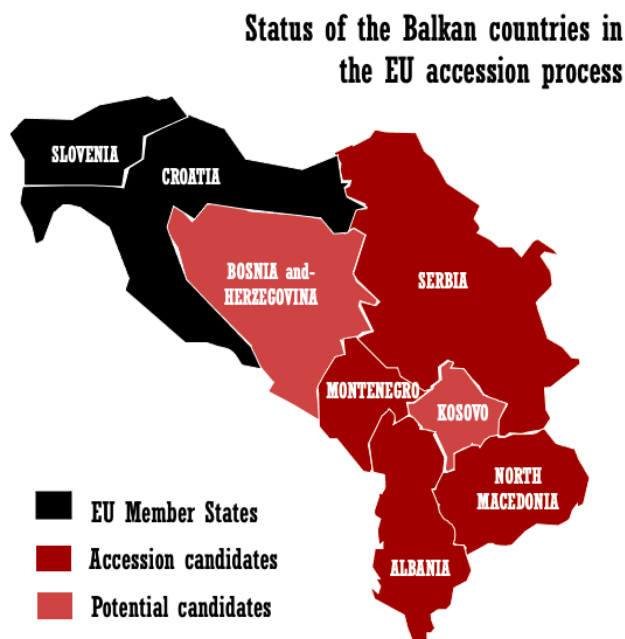
An accession process at a standstill?

In the aftermath of the wars in the former Yugoslavia, the possibility of the Balkan countries joining the EU seemed like a significant promise. However, 20 years after the launch of the Stabilisation and Accession Process, it has become clear that integration is by no means complete.

Slovenia	Member since 2004	Schengen area member since 2007.
Croatia	Member since 2013	Now aiming for Schengen membership.
North Macedonia	Candidate for EU membership since 2005 (application made in 2004)	Start of accession negotiations blocked by Greece due to a dispute around the country's name, resolved in 2019 (Prespa agreement). That same year, the EU refused to start negotiations (due to a French veto). Decision to open accession negotiations in March 2020.
Montenegro	Candidate for EU membership since 2010 (application made in 2008)	Accession negotiations started in 2012. 32 chapters out of 35 are open and only 3 have been closed. Could become a member as early 2025 but, according to the European Commission, this would be a very ambitious timeframe.
Serbia	Candidate for EU membership since 2012 (application made in 2009)	Accession negotiations started in 2014. 18 chapters out of 35 are open. Could become a member as early as 2025 but, according to the European Commission, this would be a very ambitious timeframe. Serbia's membership is conditional on the signature of a legally binding agreement enabling comprehensive normalisation of relations with Kosovo. Currently, Serbia does not recognise Kosovo and is leading an international campaign against its recognition as a state.
Albania	Candidate for EU membership since 2014 (application made in 2009)	Decision to open accession negotiations in March 2020 (after three refusals in 2016, 2018 and 2019 due to a French veto).
Bosnia and Herzegovina	Potential candidate	Stabilisation and Association Agreement signed in 2008, effective since 2015. Application for membership submitted in 2016. The European Commission replied in 2019 with 14 recommendations to gain candidate status.
Kosovo	Potential candidate	Not recognised as a country by 5 EU members (Spain, Greece, Romania, Slovakia and Cyprus) and not recognised by the UN or UNESCO.

¹¹ The IPA fund replaces a series of EU programmes and financial instruments (PHARE, PHARE CBC, ISPA, SAPARD, CARDS and the financial instrument for Turkey).

¹² See Toute l'Europe, “[Instrument d'aide de préadhésion – IAP](#)”, 17 February 2021



In 2014, a year after Croatia's accession, the new European Commission president, Jean-Claude Juncker, announced that *"there will be no further enlargement of the European Union"* until 2020. Several reasons can explain why the Balkans' accession process has slowed down or even come to a halt: continuing economic difficulties, political obstacles (the rise of nationalism and "illiberalism"¹³ in some countries, as well as the "orbanisation"¹⁴ of political life, on which the EU has not taken a stance, adopting instead a "stabilitocracy"¹⁵ strategy where it lends its support to illiberal regimes in the name of stability) or even political crises within the EU (Brexit crisis, development of a more restrictive enlargement strategy¹⁶, etc.)

With the accession process at a standstill in the last few years, the Balkan countries have found themselves in limbo, giving them an incentive to look away from the EU towards more influential neighbours (including countries within the EU), such as Hungary, Poland, Turkey or even Russia, which propose more or less democratic models.

¹³ An allegedly democratic political regime where fundamental rights and liberties are threatened: freedom of press, separation of powers, independence of the judiciary, equality before the law, protection of minorities, etc.

¹⁴ Named after Hungary's Viktor Orbán. France culture, "[Union Européenne : "L'orbanisation" de l'Europe est-elle inéluctable ?](#)", 14 June 2018

¹⁵ Concept developed by political scientist Florian Bieber: see. [BiEPAG BLOG, "What is a stabilitocracy?"](#), 5 May 2017

¹⁶ In 2020, at the initiative of France, a new enlargement policy was adopted by the EU. It emphasises the decision-making power of Member States and makes it possible to reverse any negotiation stage in the accession process.

B. A priority focus on border control and migration management

Since the Balkan countries started the EU accession process, cooperation on “border control” and “migration management” (as stated in chapter 24 of the Acquis Communautaire, “police and judicial cooperation in criminal matters”), has been a priority.

1. THE BALKAN COUNTRIES EXPECTED TO CONTROL MIGRATION TO THE EUROPEAN UNION

Externalising migration policies

For over 20 years, the EU has been cooperating with non-member countries (or “third countries”) to externalise its border controls and the management of migratory “flows” to the Union. During the extraordinary summit of Tampere in October 1999, the European Council clearly stated for the first time its ambition to strengthen the “external dimension of EU migration and asylum policy”, another way of expressing its willingness to externalise migration management to non-European countries. Both countries of origin and transit countries for people on the move arriving to Europe were identified as priority targets.

From the 2000s onwards, EU cooperation with these countries prioritised security issues and border protection over socio-economic aspects¹⁷. In the 2004 Hague programme, the European Council expressed its desire to support third countries “*in their efforts to improve their capacity for migration management and refugee protection [...], build border control capacity [...] and tackle the problem of return*”¹⁸.

First identified as countries of origin, then as transit countries for migrants travelling to the EU, the Western Balkans were quickly integrated into the EU’s border externalisation strategy. As candidates for EU accession, they were a prime target for this approach as the promise of membership could be used as migration blackmail.

« First identified as origin countries, then as transit countries for migrants travelling to the EU, the Western Balkans were quickly integrated into the EU’s border externalisation strategy. As candidates for EU accession, they were a prime target for this approach as the prospect of membership could be used as migration blackmail. »

Therefore, in the Thessaloniki Declaration, which officially launched the accession process of the Balkan countries, the EU put a special emphasis on migration: “*The countries of the region also commit to concrete measures [...] in order to cope effectively with illegal immigration and improving border security and management, aiming at achieving European standards*”.

Aligning with European standards

When they signed Stabilisation and Association Agreements, the Balkan countries committed to cooperating in various areas:

- Regarding **visas**, they must progressively bring their visa waiver policies in line with EU standards and are encouraged to reintroduce visas for specific nationalities. For example, the European Commission regularly calls on Albania to end its visa-free arrangements with Kazakhstan, Kuwait and Turkey¹⁹, which are not on the EU’s visa-free list. In 2018, the EU also

¹⁷ Claire Rodier, “[Externalisation du contrôle des flux migratoires : comment et avec qui l’Europe repousse ses frontières](#)”, Migrations Société n°116, February 2008, pp. 105-122

¹⁸ EU Council, “[The Hague Programme: Strengthening freedom, justice and justice in the European Union](#)”, 13 December 2004

¹⁹ European Commission, “[Albania report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

forced Serbia to reintroduce visas for Iranian nationals, suspected of using this route to enter the EU²⁰. Consulates of signatory countries are also invited to strengthen their visa data collection in anticipation of a future connection to the European VIS database (Visa Information System).

- Regarding **asylum**, they must implement national legislation to meet the standards of the Convention relating to the Status of Refugees of 1951, notably to ensure the respect of the principle of “non-refoulement” and the rights of asylum seekers and refugees²¹. These countries must also meet European standards relating to qualification (conditions for granting refugee status and subsidiary protection), asylum process (right to an interpreter, legal assistance, etc.) and reception conditions for asylum seekers. They are also required to adopt new biometric technologies and improve their system for collecting data on asylum applications with a view to connecting to Eurodac²², the EU’s asylum fingerprint database.
- States must also meet European standards relating to **border control and integrated border management**. They are encouraged to strengthen their border control capacities, increase human resources, organise training, as well as adopting new surveillance technologies (automated license plate recognition at border control posts, drones, thermal cameras, etc.)²³.
- Regarding **migration**, States must commit to prevent and control “irregular” immigration. To this end, they are required to take all necessary measures to tackle human trafficking and smuggling networks. They are also required to sign readmission agreements with the EU, other signatory parties to the SAP and, eventually, with any country whose nationals may pose a “migratory risk”.

These reforms are supported by the pre-accession instrument (IPA). Between 2007 and 2019, the IPA fund provided over 216 million euros to support the Balkans countries on migration²⁴.

Every year, the European Commission publishes annual reports on the Stabilisation and Association Process²⁵ which evaluate progress made by all concerned countries in these areas.

« Between 2007 and 2019, the IPA fund provided over 216 million euros to support the Balkan countries on migration »

These reports are informative: through these priority areas, they implicitly show the role the EU wants each country to play in the externalisation of its borders. Depending on the context, one country may be called on to increase its reception capacity to become a “storage place” for migrants whom Europe does not want²⁶, while another may need to strengthen its borders and become a border guard for the EU.

The Salzburg Forum

Established in 2000 to strengthen cooperation on internal security in Central Europe, the Salzburg Forum had six founding members: Austria, the Czech Republic, Hungary, Poland, Slovakia and Slovenia. Initiated by Austria, the only EU Member State at the time, the Forum aims to support neighbouring EU candidate countries with migration management. In particular, it focuses on bringing the legislation and procedures of neighbouring countries in line with the *Acquis Communautaire*

²⁰ Schengen visa Info news, “[EU forces Serbia to return visa regime for Iranian passport holders](#)”, 11 October 2018

²¹ See chapter 3, section B: “A centre to process asylum claims”

²² See chapter 3, section D: “Towards an extra-European Dublin?”

²³ See chapter 2, section B. 1: “Building the border management capacity of the ‘Western Balkans’”

²⁴ European Commission, “[Progress report on the Implementation of the European Agenda on Migration](#)”, 16 October 2019

²⁵ These reports assess progress made by affected countries in different domains, and list the achievements, failures and improvements needed to fully align with European standards.

²⁶ See chapter 3, section A: “A storage place for ‘undesirables’”

relating to border control and migration. To achieve this, partner countries have established police cooperation centres and deployed police liaison officers.

In 2004, all Forum members joined the EU.²⁷ In 2006, during the inter-ministerial conference of Brdo²⁸, Forum members agreed to extend cooperation to the East by integrating the “Western Balkans”. The following year, the “Group of Friends of the Salzburg Forum” was created, allowing third countries to take part in conferences organised by the Forum and to receive financial and/or operational support in various areas, including to tackle “illegal immigration”.²⁹

2. TRADING VISAS FOR READMISSION AGREEMENTS

From visa liberalisation to visa exemption

Conditionality and migration controls are at the heart of the Western Balkans’ accession process and clearly illustrate how the EU blackmails these countries in terms of visa liberalisation. In the 2003 Thessaloniki Declaration, the EU recognised *“the importance that the people of the Western Balkans attach to the perspective of liberalising the Union’s visa regime towards them”*, while clearly stating that *“progress is dependent on implementing major reforms”*³⁰, particularly on migration control. For example, the EU requires the signature of readmission agreements that commit the Balkan countries to readmitting their citizens if they’ve been illegally apprehended on European territory.

This blackmail strategy is neither new nor unique to the Balkan region. In June 2002, at the European Council of Seville, the Council wrote in its conclusions that *“any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration”*. Therefore, any agreement negotiated between the EU and a third country must support the externalisation of European migration policies.

In 2002, the European Commission and the Balkan countries started negotiating visa facilitation agreements alongside readmission agreements. On 7 November 2005, Albania became the first country to sign a readmission agreement with the EU. It introduced the obligation to readmit (upon providing appropriate identity documents) any Albanian national who is not, or no longer is, in a legal situation on EU territory, as well as any third party national that can be proven or reasonably assumed to have directly and “illegally” entered the EU after having stayed or transited through Albania. This readmission agreement was followed, on 8 November 2007, by the adoption of the EU-Albania agreement on the facilitation of issuance of short-stay visas, which simplified the supporting documentation required to justify reasons for travelling to the EU.

On 13 November 2006, similar negotiations were launched with Serbia, Bosnia and Herzegovina, Montenegro and the former Yugoslav Republic of Macedonia, leading to visa facilitation and readmission agreements coming into force in 2008.³¹

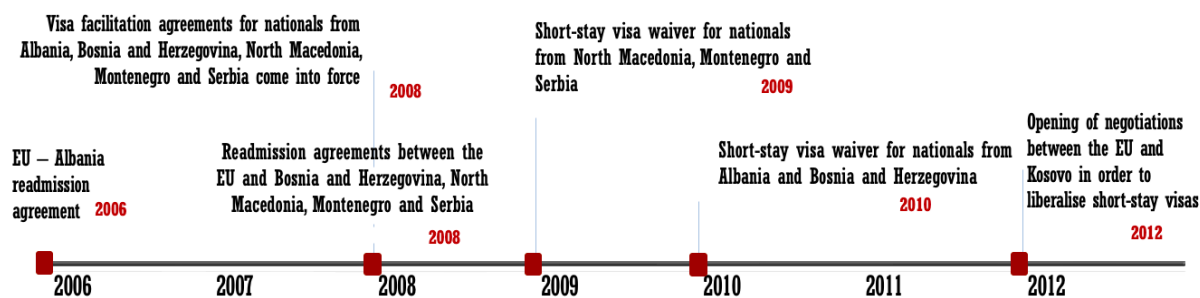
²⁷ Since signing the Treaty of Accession in 2012, Croatia has enjoyed full member status.

²⁸ [“The Future of the Salzburg Forum A revised proposal of an operational strategy presented at Brdo Slovenia”](#), 25-26 October 2006

²⁹ [“Declaration on the establishment of the Group of the Friends of the Salzburg Forum from the Western Balkans”](#), 20-21 September 2007

³⁰ UE – Western Balkans summit, [“Thessaloniki Declaration”](#), 21 June 2003

³¹ In July 2018, the Commission gave the green light to visa liberalisation for Kosovar nationals, but this proposal has so far not been approved by the Council for political reasons.



The visa liberalisation regime gradually became a visa-free regime, marking an important milestone towards EU integration. This regime was put into place in the former Yugoslav Republic of Macedonia, Montenegro and Serbia in December 2009, and in Albania and Bosnia and Herzegovina in November 2010. Currently, Kosovo is the last remaining country in the region whose nationals need a visa to travel to the Schengen area.

Controlling the mobility of nationals

Every year, the European Commission publishes an evaluation report on the implementation of the visa waiver regime in the region. In 2015, its report raised the alarm over the presence of a large number of “Western Balkan” nationals “illegally” staying on European soil. In its report, the Commission denounced “*the misuse of the visa-free scheme to seek asylum in the EU*”³².

Indeed, since 2009, the number of asylum applications submitted in the EU by nationals of the five visa-free “Western Balkan” countries has steadily increased, reaching a peak of 53,705 applications in 2013. The recognition rate for international protection has continued to fall for these five countries, which deem most applications “unfounded” and therefore reject them (the recognition rate fluctuates between 1% and 8% depending on the nationality). Yet, based on Frontex’s own assessment, rejected asylum seekers risk not being readmitted to their country of origin³³.

« The threat of reintroducing visa requirements hangs like a sword of Damocles over the Western Balkan countries »

The “Western Balkans” are therefore required to better monitor the movement of their own nationals. The European Commission has recommended “energetic measures” to reduce the push factors behind “illegal” migration to the EU, including by intensifying efforts against smugglers, enhancing border controls as well as increasing operational cooperation and information exchange with the EU regarding border management, migration, asylum and readmission. The Commission has also recommended that EU Member States establish an accelerated procedure to swiftly process asylum applications of citizens from countries that benefit from the visa-free regime.

In 2013, to encourage countries to better monitor the mobility of their citizens, the Council adopted new rules regarding visa exemption. It introduced a safeguard clause that allowed the EU to temporary re-establish visa requirements in emergency situations caused by a “*sudden and substantial increase*” of either migrants in an “irregular” situation or unfounded asylum claims. While, to this day, no Member State has activated this mechanism, the threat of reintroducing visa requirements hangs like a sword of Damocles over the “Western Balkan” countries.

In order to fulfil visa exemption criteria at all costs, the Balkan countries have taken considerable measures to control the mobility of their own citizens and to prevent them from ‘illegally’ staying on EU territory. For instance, in 2011, the Macedonian government adopted a measure to confiscate, for

³² European Commission, [Fifth Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries](#), 25 February 2015

³³ *Ibid.*

up to one year, the passports of migrants who had been removed after “illegally” entering and/or staying in an EU Member State³⁴. Over the years, the Balkan countries have also had to develop “voluntary” return and reintegration programmes³⁵.

³⁴ See Europa Forum Luxembourg, “[Les politiques de contrôle des frontières de l’UE nuisent aux droits de l’homme selon le commissaire aux droits de l’homme du Conseil de l’Europe, Nils Muižnieks](#)”, 6 November 2013

³⁵ According to a social worker who was involved in such programmes in Albania (implemented by the GIZ), people who generally accept a “voluntary” return do so to avoid the 5-year Schengen ban which normally accompanies an expulsion order. Interview conducted with a member of the organisation “Misioni Emanuel” on 26 March 2021 in Korçë (Albania).

C. Growing cooperation along the “Balkan route” since the 2015 “crisis”

The 2015 “migration crisis” and the growing visibility of the “Balkan route” accelerated the inclusion of third countries in the European border regime, a process that had started in the 2000s: gradually, the Balkan countries were not just expected to control the mobility of their own nationals, but also that of third country nationals transiting the region.

1. THE 2015 “CRISIS”

The rhetoric of the 2015 “crisis”

In 2015, the concept of a Balkan “route”, presented as a one-way road from Eastern to Western Europe and exclusively used by people from the Middle East, was highly publicised in the media. In reality, this route has been used for a long time by various populations, travelling both from West to East as well as from East to West (see box below).

A route used for a long time by diverse populations

During World War Two, the Balkan region saw a large number of European refugees flee to the East, looking for protection in Turkey, Egypt, Syria and Palestine. Then, from the 1950s, there were strong labour emigration flows from Yugoslavia to Western Europe. By the 1970s, over 700,000 workers from the Yugoslav Federation worked abroad (1), including a significant proportion in Germany (due to a labour agreement between Yugoslavia and Germany). This labour emigration is still relevant today due to high unemployment rates and the lack of economic opportunities in most of the Balkan countries.

During the Yugoslav wars and the fall of the Albanian dictatorship in the 1990s, the region experienced strong political and “ethnic” emigration. Between 1990 and 1991, tens of thousands of Albanians applied for asylum in European countries, and over 700,000 people fled Croatia and Bosnia and Herzegovina to seek protection (2). From the mid 1990s, wars in the Middle East (Iraq, Turkey, Iran and Afghanistan) also pushed thousands of people on this road.

(1) Jean-Arnaud Dérens and Laurent Geslin, *Comprendre les Balkans : Histoire, sociétés, perspectives*, 2007

(2) Heinz Fassmann and Rainer Münz, “La migration d'Est en Ouest en Europe (1918-1993)”, *Revue Européenne des Migrations Internationales*, 1995, 11-3, pp. 43-66

In 2015, the EU faced an increase in the number of people on the move arriving to Europe, primarily from the Middle East. According to UNHCR³⁶, 2015 saw over 800,000 people cross from Turkey into Greece by the Aegean Sea, while 34,000 crossed from Turkey into Bulgaria or Greece by land. Most people continued their journey towards countries further west and north of the EU, and particularly to Germany after the chancellor decided to temporarily open its borders in August 2015³⁷. To get to Germany, exiles used the Balkan route, primarily transiting through Macedonia and Serbia before continuing their journey either through Hungary, Croatia or Slovenia and eventually reaching Austria and Germany. That year alone, over 880,000 people followed this route³⁸.

³⁶ UNHCR, “[A million refugees and migrants flee to Europe in 2015](#)”, 22 December 2015

³⁷ Jean-Baptiste François, “[Le 31 août 2015, Angela Merkel ouvre les frontières allemandes aux réfugiés](#)”, *La Croix*, 12 April 2019

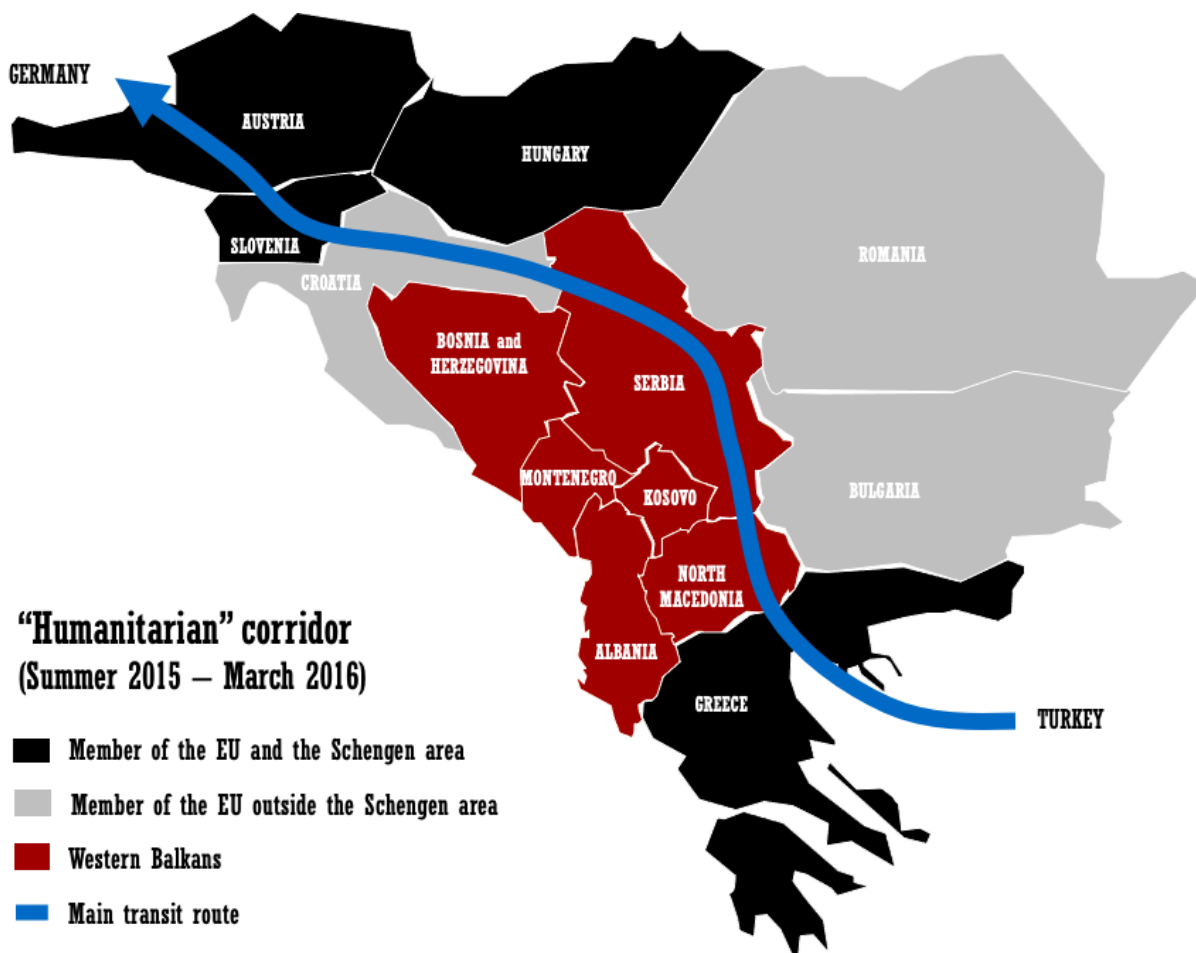
³⁸ European Commission, “[Implementing the European Agenda on Migration: Commission reports on progress in Greece, Italy and the Western Balkans](#)”, 10 February 2016

“Humanitarian” corridor, “security” corridor

What started as relatively sparse migratory flows through the Balkans in 2015, gradually turned into a corridor running from Greece through to central and northern Europe.

Often presented as a “humanitarian corridor” designed to facilitate the movement of exiles, thanks to the provision of transportation (bus, trains, etc.), humanitarian aid and transit camps along the route, this corridor has also allowed the Balkan countries to regain control over population movement³⁹. Beyond its purely humanitarian aspect, the introduction of the corridor was motivated by two ambitions: to control migratory flows and to facilitate the movement of exiles, thus preventing them from staying in transit countries at all costs.

« Beyond its purely humanitarian aspect, the introduction of the corridor was motivated by two ambitions: to control migratory flows and to facilitate the movement of exiles, thus preventing them from staying in transit countries at all costs. »



In order to control migratory flows, the Balkan countries have built fences and deployed the army and the police at borders. Yet, they have also done everything in their power to ensure exiles leave their territory as quickly as possible. Shortly after trying to close its border with Greece, North Macedonia legalised transit migration by introducing a “72h document”, which allowed exiles to legally cross the country and use public transport without having to resort to smugglers. In September 2015, entire trains were chartered to transport exiles from Austria and Hungary to Germany. After a wall was built between Serbia and Hungary, thus deviating the corridor, Croatia put a system of special buses and

³⁹ Barbara Beznec, Marc Speer, Marta Stojić Mitrović, [“Governing the Balkan Route: Macedonia, Serbia and the European Border Regime”](#), 2016

rail transport to Slovenia in place, which Slovenia responded to by planning new train services to Austria in October 2015.

Some researchers have described the authorities' control over migratory flows as "state-organised smuggling"⁴⁰. Cooperation between states has also been encouraged by the EU, including by the President of the Commission, Jean-Claude Juncker, who, during a special summit held on 25 October 2015, called on states to ensure the "*gradual, controlled and orderly movement of persons along the Western Balkan route*"⁴¹.

What made the state-led corridor on the Balkan route different was the range of actors involved in the process. Alongside the police and the army, which oversaw migratory flows, there were humanitarian actors, many NGOs, as well as local and international volunteers from various solidarity networks who had come to support people on the move. Whether consciously or not, these non-state actors ended up "steering" the flow of exiles, with camps and places of solidarity becoming focal points in the global system of "migratory flow" management.

The humanitarian corridor has been seen as a form of "mobile detention"⁴². Its role in facilitating the movement of hundreds of thousands of people should not hide the many mechanisms in place to constrain their mobility (camps, border screening practices, etc.). In many situations, the humanitarian rhetoric (and, by extension, the state of emergency / exception rhetoric) has been used to justify discarding European and international legal standards relating to the right to asylum or reception conditions (see above).

Furthermore, the existence of a humanitarian corridor has served the geopolitical ambitions of certain countries. For a short time, Serbia was particularly welcoming towards exiles on its territory: it needed to show EU Member States that it was deserving of the Union's alleged humanist values and therefore of joining the EU.

2. CLOSING THE ROUTE AT ALL COSTS

A messy closure: a reception crisis and a European solidarity crisis

The "humanitarian" corridor became a screening site early on. While some people were able to use this route, others were intercepted, and sometimes pushed back to a transit country, and in some cases deported to their country of origin. As a result, a "counter corridor" going from West to East developed with the aim of keeping certain "undesirable" people away from European borders. In September 2015, at a meeting with the Serbian Prime Minister, Angela Merkel specified that, while Germany would open its doors to refugees, "economic migrants" from the Balkans would be repatriated to their country of origin. In November 2015, Serbia decided to close its borders to anyone that wasn't from Syria, Iraq or Afghanistan⁴³. North Macedonia followed suit⁴⁴ and, at the beginning of 2016, also closed its borders to Afghan nationals.

In parallel to this screening approach, the Balkan countries started closing their borders in a disorderly fashion, prioritising national security: Hungary built a fence at its borders with Croatia, Slovenia and Romania, and closed some of its railway lines⁴⁵. Austria started building a fence at its

⁴⁰ Barbara Beznec, Andrej Kurnik "[Old Routes, New Perspectives. A Postcolonial Reading of the Balkan Route](#)", *Movements* 5 (1), 2020

⁴¹ European Commission, "[Implementing the European Agenda on Migration: Commission reports on progress in Greece, Italy and the Western Balkans](#)", 10 February 2016

⁴² Hameršak, Marijana and Iva Pleše, "[In the Shadow of the Transit Spectacle". Contemporary Migration Trends and Flows on the Territory of Southeast Europe](#)", 2018

⁴³ Amnesty international, "[Refugee Crisis: Balkans border blocks leave thousands stranded](#)", 20 November 2015

⁴⁴ MYLA, "A year in review", 2016, available online: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2015-1.pdf>

⁴⁵ Morgane Dujmovic and Pierre Sintès, "[Chauvinisme frontalier sur la « route des Balkans](#)", *Hommes & migrations*, 1317-1318, 2017

border with Slovenia, while the latter shut its border with Croatia. North Macedonia and Bulgaria strengthened their borders with Greece. As each country anticipated or reacted to the closing of the route further north, the Balkan route was gradually shut down.

The Balkan countries quickly realised that unilaterally shutting down borders only displaced migration flows or concentrated them to certain locations, instead of stopping them. Early on, the EU urged countries bordering the Balkan route to improve their cooperation, noting at a special summit held on 25 October 2015 that *“the challenges currently faced along the Western Balkans migration route will not be solved through national actions”*⁴⁶.

« Early on, the EU urged countries bordering the Balkan route to improve their cooperation on migration management and border control »

At the end of the summit, which brought together Albania, Germany, North Macedonia, Austria, Bulgaria, Croatia, Greece, Hungary, Romania, Serbia and Slovenia, as well as the European Council, UNHCR, EASO and Frontex, participants adopted a 17-point action plan which included, among other things, a stronger exchange of information between border authorities, the systematic recording of biometric data for all arrivals, the support of Frontex in returning people deemed not to be in need of international protection, and the operational deployment of the agency at the EU’s external borders⁴⁷.

Judging the implementation of the measures proposed by the EU too slow, on 25 February 2016, Austria took the initiative to bring together the interior ministers of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia. At the meeting, leaders agreed to enhance border “screening” procedures in order to only let “potential refugees” through. On 8 March, Slovenia decided to permanently close its borders, leading to a domino effect along the route: Croatia, Serbia and Macedonia all subsequently shut down their borders (see map below).

These measures proved to be a source of concern for Greece which, despite being the first country of entry for most exiles entering the EU, was not invited to the Austria-Balkans summit. At the end of February 2016, Greek authorities raised the alarm and announced that, due to the drastic tightening of the rules allowing people through countries on the Balkan route, between 50,000 and 70,000 people would be stranded on its territory in March alone⁴⁸. Around that time, thousands of people were already stuck in the Idomeni camp at the border with Macedonia. Greece had even more cause for concern given the slow implementation of the relocation plan, promised by the European Commission in September 2015, which provided for the fair distribution of asylum seekers between EU Member States⁴⁹. Despite the EU’s attempts to pressure Greece to become a “migrant warehouse” in exchange for debt relief⁵⁰, the then prime minister, Alexis Tsipras, refused to let Greece assume the sole responsibility for the reception crisis⁵¹.

⁴⁶ European Commission, [“Meeting on the Western Balkans Migration Route: Leaders Agree on 17-point plan of action”](#), 25 October 2015

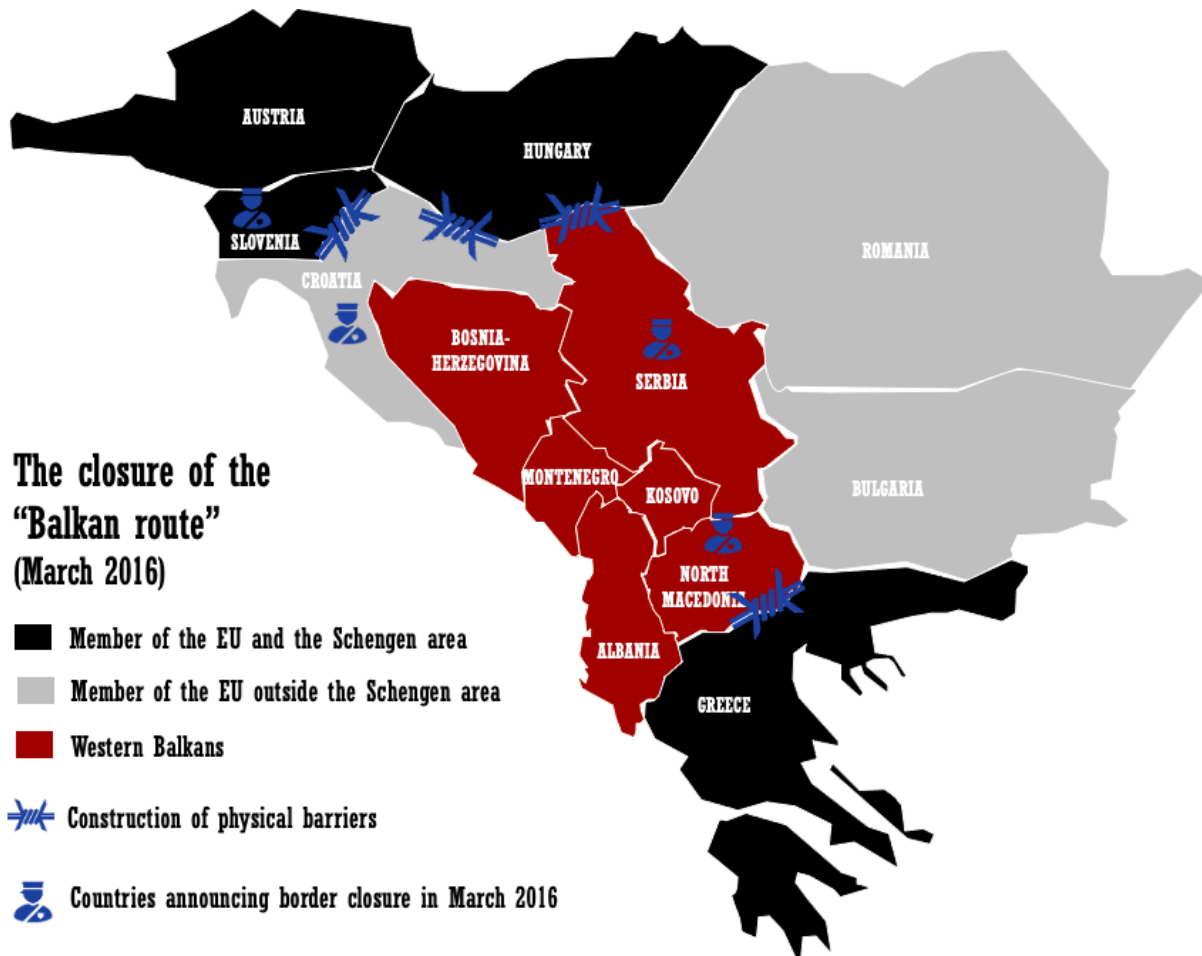
⁴⁷ An agreement signed on 3 December 2015 allows the deployment of Frontex at the border between Greece and North Macedonia.

⁴⁸ L’Humanité, [“La Grèce refuse le rôle de souricière pour les réfugiés”](#), 29 February 2016

⁴⁹ By September 2017, of the 160,000 asylum seekers affected by the Commission’s relocation plan, only 18% had been effectively transferred from Greece or Italy to another Member State.

⁵⁰ Romaric Godin, [“Crise des migrants : l’Allemagne propose un marché à la Grèce”](#), La Tribune, 2 February 2016

⁵¹ Alexis Tsipras: *“Greece will not agree to deals if a mandatory allocation of burdens and responsibilities among member countries is not secured. We will not tolerate that a number of countries will be building fences and walls at the borders without accepting even a single refugee.”*, Reuters, [“Greece will not be turned into migrant warehouse”](#), 24 February 2016



The informal EU-Turkey agreement: the triumph of a securitarian vision

« To circumvent the solidarity crisis between Member States, the EU chose to strengthen its cooperation with Turkey and block exiles before they even reached Greece »

To circumvent the solidarity crisis between Member States and the “everyone for themselves” mentality, the EU chose to strengthen its cooperation with Turkey and block exiles before their arrival on EU soil through Greece. By choosing to see migration through a security lens, the EU and its Member States have failed to trigger binding mechanisms for sharing international protection responsibilities. With the signature of the EU-Turkey agreement in March 2016, the Balkan route was officially shut down.

On 7 March 2016, European leaders organised a meeting with Turkey to discuss an agreement regarding the “management of migrant and refugee flows”. Two weeks later, on 18 March 2016, they adopted the EU-Turkey declaration (following negotiations initiated well in advance)⁵². The agreement enables Greece to return anyone who entered Greece irregularly to Turkey, provided Turkey can be a “safe third country” for them (in which case, their asylum application would be “inadmissible”). It also mentions the implementation of the “one for one” principle: for every Syrian being returned to Turkey, another Syrian will be resettled from a camp in Turkey to the EU. With this agreement, Turkey also committed to “[taking] any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect”.

In return, the EU committed to fund the reception of Syrian refugees in Turkey (with an additional 3 billion euros), accelerate the visa liberalisation roadmap for Turkey nationals, and open new chapters

⁵² European Council, [EU-Turkey statement](#), 18 March 2016

in Turkey's accession process. The EU increased its cooperation despite the growing rights violations perpetrated by Turkey, which have been documented by many organisations⁵³.

Never again: cooperation to avoid another crisis

Once the so-called 2015 "crisis" was over, enhancing cooperation on migration issues along the Balkan route became a priority for the EU. As early as November 2015, European Council president Donald Tusk affirmed his willingness to "*reinvigorate the EU enlargement process for candidate countries*", noting that "*the region [...] face[d] enormous challenges today with the influx of refugees and migrants*" and inviting the Balkan countries and the EU to "*continue working on this together in a coordinated and cooperative manner*"⁵⁴.

In March 2016, despite the official closure of the Balkan route, European leaders started to worry: what if the thousands of exiles stranded in Greece decided to continue their journey north? Given the deteriorating relationship with Ankara (Recep Tayyip Erdogan regularly threatening to open its borders to the millions of refugees held in Turkey), it was becoming clear that the EU was more and more reliant on the Balkans to protect its external borders.

Seen as a buffer zone from 2016, the Balkan region started being pressured by the EU to increase its migration management capacity. Whether playing the role of watchdog of Europe's borders⁵⁵, a warehouse for "undesirable" migrants, or even a platform for screening and processing asylum applications and removal orders on behalf of the EU⁵⁶, every country in this buffer zone has a role to play in the EU's externalisation process.

⁵³ Migreurop, "[Des hotspots au cœur de l'archipel des camps](#)", Note # 4, October 2016 and Catherine Teule, "[Accord UE-Turquie : le troc indigne](#)", *Plein droit*, 2017/3 (n° 114)

⁵⁴ European Council, "[Remarks by President Donald Tusk after the Brdo-Brijuni Process summit in Zagreb](#)", 24 November 2015. This process is a cooperation framework created in 2010 which aims to support the Western Balkan countries in their accession to the EU. Initiated by Slovenia and Croatia, it seeks to deepen cooperation on security matters in the region.

⁵⁵ See chapter 2. "Guarding the external borders of the European Union at all costs".

⁵⁶ See chapter 3. "A 'hotspot' working for the European Union".

Chapter 2

**Guarding the external borders of
the European Union at all costs**



Barbed wire surrounding the port of Vlorë in Albania. Photo by Sophie-Anne Bisiaux (April 2021)

With the closing of the “route” in March 2016, the Balkan countries became watchdogs of the EU’s borders. Ubiquitous throughout the region, pushback practices are an integral part of the EU’s strategy to externalise its borders.

A. EU Member States organising pushbacks, from the centre to the periphery

With pushbacks at the borders and police violence punctuating the journeys of people on the move, the concept of a Balkan “route” has lost all meaning, as crossing the region is now akin to a game of ping-pong between Member States, who are willing to do anything to close their borders to those they see as “undesirable” and deflect their responsibilities for international protection. From resorting to the latest technologies to the worst forms of violence, including large scale pushbacks, there seems to be no limitations to what European countries will do to prevent exiles from crossing their borders. In the face of mass human rights violations, the EU fluctuates between timid condemnation, complacent silence, forthright complicity and direct participation.

In fact, over the last few years, pushback practices and border violence appear to have become an “acceptable” form of border management in the eyes of the European Commission. Visiting the Greek-Turkish border on 3 March 2020, after a particularly large number of attempts by exiles to cross the border, Ursula von der Leyen, President of the Commission, set the tone: speaking a few days after the Greek authorities had perpetrated, with the help of Frontex, serious rights violations against migrants (attacks on boats, violent pushbacks at land borders, etc.⁵⁷), she praised Greece for being Europe’s “shield”, stressing that their border was not only a Greek border but also a European one⁵⁸. The message from the Commission was clear: any means are admissible to seal off EU borders, even at the detriment of so-called “European values”, such as the respect for fundamental rights or the physical integrity of people on the move in need of protection.

What is a pushback?

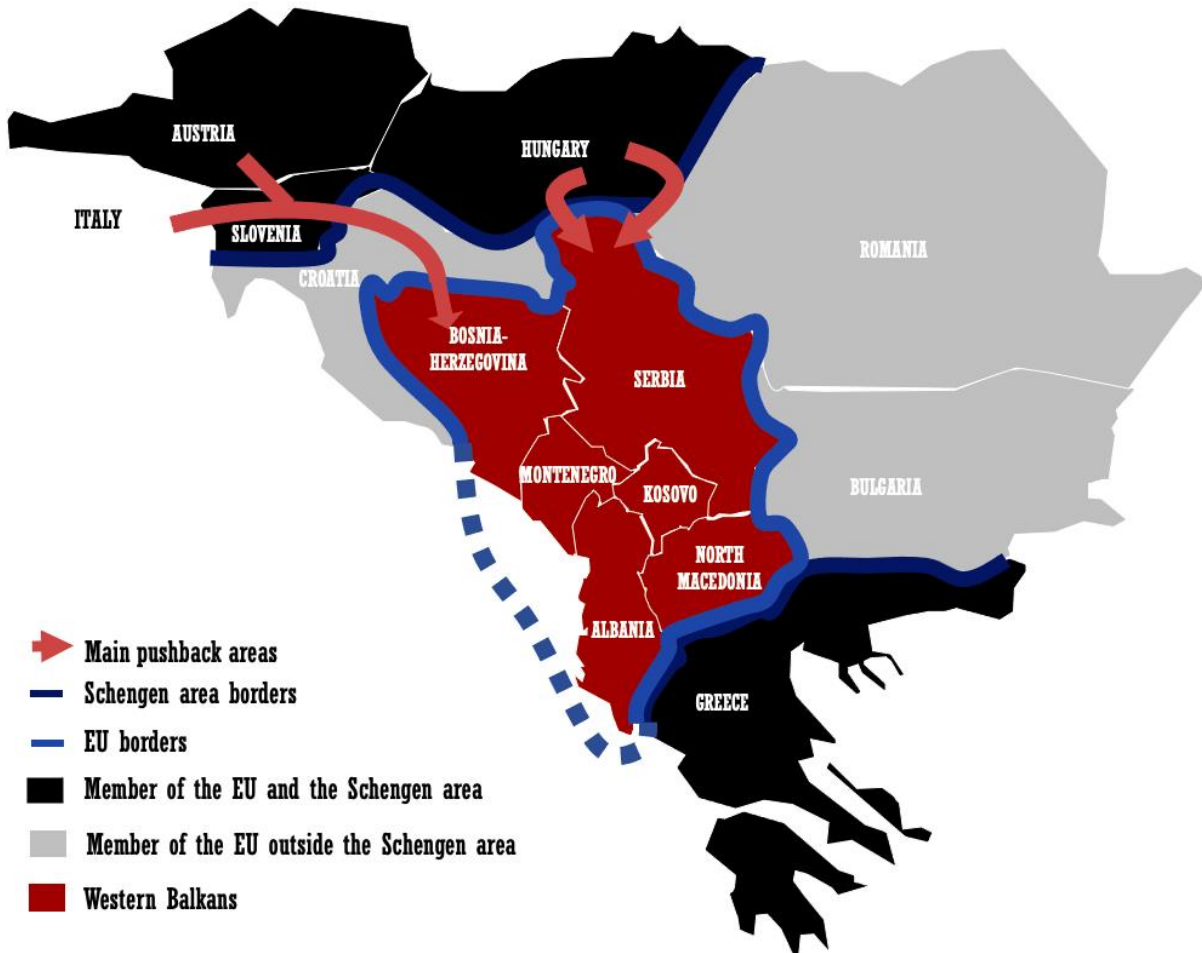
Pushbacks refer to expulsion practices at the border, often conducted informally and outside the confines of any legal procedure. Pushback practices at the border are in violation of international law and, first and foremost, of the principle of non-refoulement. Enshrined in the 1951 Geneva Convention relating to the Status of Refugees, the principle forbids a state from returning an individual to a country where they would likely face persecution, torture or degrading treatment on account of their race, religion, nationality, membership of a particular social group or political opinion. The principle of non-refoulement is mentioned in the Lisbon Treaty, the EU Charter of Fundamental Rights and secondary legislation regulating asylum. It legally applies to European institutions, its agencies (including, in theory, Frontex) and all Member States, at both internal and external borders. In accordance with the non-refoulement principle, if a person is denied leave to enter by a state, they must have the opportunity to file an asylum application. To be legal, denial of entry must be accompanied by a written decision specifying the grounds for refusal. People must be made aware of their rights, have the option to appeal and have access to legal representation. If these criteria are not met, refusal of entry and expulsion are akin to refoulement and are therefore illegal. These obligations also apply when a removal is carried out under a readmission agreement or the Dublin removal procedure.

⁵⁷ Alarm Phone, “[Escalating Violence in the Aegean Sea - Attacks and human rights abuses by European Coastguards, 1-3 March 2020](#)”, 4 March 2020

⁵⁸ Remarks by President von der Leyen in Kyriakos on 3 March 2020. See https://ec.europa.eu/commission/presscorner/detail/en/statement_20_380

In this chapter, we look at the practices of some Member States to keep exiles away from European borders: Hungary, Croatia, Romania, Bulgaria, Italy, Austria and Slovenia.

1. WATCHDOGS OF THE SCHENGEN ZONE AT EUROPE'S EXTERNAL BORDERS



Hungary⁵⁹: human rights abuses at the borders, Frontex's complicity and the EU's timid condemnation

In 2015, as Hungary was becoming a major EU entry point for thousands of people on the move, the authorities deployed an ultra-repressive arsenal at the country's borders. From the start of the so-called "crisis", the government of Viktor Orbán, firmly opposed to welcoming refugees, began building electrified fences at the borders with Serbia and Croatia to prevent exiles from crossing Hungarian territory and, most importantly, filing an asylum application⁶⁰. In March 2016, a few months after declaring a national "state of migration emergency", the authorities implemented new regulations which stipulated that any migrant intercepted less than 8 kms from the border should be escorted back to the other side. At the same time, they established two transit zones alongside the border fence with Serbia, which became mandatory crossing points for anyone seeking to apply for asylum in the country⁶¹.

⁵⁹ See Migreurop, "[Fiche pays Hongrie](#)", May 2018

⁶⁰ Cécile Galluccio, "[Hongrie : frontière fermée avec la Croatie pour les migrants](#)", France 24, 17 October 2015

⁶¹ See chapter 3, section B. 2. "Investing in border screening"

Although the European Commission expressed concerns over the compatibility of Hungary's asylum regulations with EU law as early as 2015⁶², these warnings were not heeded for a long time. Since 2015, for example, Frontex has been deployed alongside the Hungarian police at the country's borders⁶³ despite the clear human rights abuses committed by the Orbán government.

The situation at Hungary's borders has been degrading for years. In 2017, Hungary completed the construction of a new electrified fence at its border with Serbia. Around the same time, they decided to increase staffing at the borders, encouraged informal patrolling by far-right groups, and normalised the use of rubber bullets and tear gas against people on the move⁶⁴. In that same year, the 8 km border zone where pushbacks had been "legalised" was extended to the whole of Hungary, putting anyone in an "illegal" situation at risk of being removed to Serbia or Croatia without prior examination of their situation or any form of appeal. Pushbacks have now become a nearly systematic practice and are often accompanied by violence (beatings, dog bites, tear gas, indirect drownings, etc.) and thefts (money, phone, etc.).

« Despite warnings that Frontex could be complicit in illegal practices perpetrated by the Hungarian police, the agency chose to maintain its operations in the country. »

Yet despite increasing restrictions to asylum in Hungary and more and more reports of pushbacks and violence⁶⁵, Frontex has continued to support Hungarian border authorities by deploying coordination officers and border guards from other Member States, as well as providing vehicles with thermal cameras, patrol vehicles, aircrafts, helicopters, dogs, etc. In 2017, despite warnings⁶⁶ that Frontex could be complicit in illegal practices perpetrated by the Hungarian police⁶⁷, the agency chose to maintain its operations in the country.

It was only in 2018 that the European Commission finally decided to refer Hungary to the Court of Justice of the European Union (CJEU) for non-compliance of its asylum and return legislation with EU law⁶⁸. In two decisions, dated 14 May 2020 and 17 December 2020, the court ruled against Hungary, finding that the return of "illegally" staying third-country nationals to the border area, without the guarantees surrounding a return procedure, was in breach of EU law. At the time, the Hungarian Helsinki Committee (HHC) estimated there had already been over 50,000 pushbacks on Hungarian soil⁶⁹. Yet the CJEU's decision has not led to any change in the law or how the authorities operate. Between December 2020 and early January 2021, over 2,000 pushbacks were recorded by the HHC, some directly involving Frontex agents.

At the end of January 2021, thanks to significant pressure from civil society⁷⁰, Frontex finally decided to suspend its operations in Hungary⁷¹ for fear of being complicit in the country's illegal pushback practices. Hungary has continued to carry out illegal and violent practices with total impunity (**see box**), and it has not been subjected to any concrete measures that might act as a deterrent by the

⁶² European Commission, "[Commission opens infringement procedure against Hungary concerning its asylum law](#)", 10 December 2015

⁶³ Operations "Flexible Operational Activities on Border Surveillance / Border Checks" and "Focal Points"

⁶⁴ Migreurop, "[Fiche pays Hongrie](#)", May 2018

⁶⁵ Doctors without Borders, "[Games of violence](#)", October 2017

⁶⁶ From human rights NGOs as well as Frontex's Fundamental Rights Officer.

⁶⁷ Cédric Vallet, "[A la frontière serbe, Frontex s'embourbe dans la galère hongroise](#)", Libération, 18 September 2016

⁶⁸ European Commission, "[Migration and Asylum: Commission takes further steps in infringement procedures against Hungary](#)", 19 July 2018

⁶⁹ Emma Wallis, "[Frontex accused of complicity in Hungarian pushbacks, declared illegal by EU](#)", InfoMigrants, 13 January 2021

⁷⁰ See background note by the Hungarian Helsinki Committee, "[Protecting fundamental rights or shielding fundamental rights violations? Evaluating Frontex's human rights mechanisms related to Hungary](#)", 8 January 2021

⁷¹ Nikolaj Nielsen, "[Frontex suspends operations in Hungary](#)", EU Observer, 27 January 2021

European Commission, despite the CJEU rulings. For six years, the country has continued to perpetrate human rights violations at its borders without any real interference.

“I was hurt, but the Hungarian police beat me up and left me in a container for several hours before forcing me back to Serbia” (1)

H. is from Morocco. Staying in the Kikinda camp in the north of Serbia, he moves with difficulty, aided by a clutch. His leg is broken. H. tells us that, three weeks ago, he tried the “game” [crossing the border]. With a group of 7 people, he left in the middle of the night, at around 3 am, and tried to cross the high fences that separate Serbia from Hungary using ladders. H. only had one remaining fence to climb when the Hungarian police arrived. When he tried to escape, he took a fall that was 4 meters high. His leg broke when he hit the ground. The two police officers who arrived struck him repeatedly for several minutes while he was on the ground. H. tried to protect his leg, but the officers deliberately hit him there.

The police then brought him to a container close to the border, where he found the rest of the group who had also been arrested. He told us that the container was dark, there were no windows, no light and the air was thin. No food or water. There were no toilet facilities, and people were forced to urinate in plastic bottles. According to H., the group was held for 12 hours in these inhumane and degrading conditions before being removed by the Hungarian police to Serbia, near the small town of Horgoš. Their repeated requests to apply for asylum were completely ignored by the police.

(1) Testimony recorded on 14 April 2020 in Kikinda (Serbia)

Croatia: The prospect of Schengen membership as blackmail

Located at the EU’s external borders, Croatia has become a transit zone for a growing number of exiles on the Balkan route as Hungary locks up its territory. As such, the country poses important challenges for the EU and its Member States in terms of migratory control. A member of the EU since 2013, but outside of the Schengen area, Croatia’s accession to the latter has become an instrument of migration blackmail.

In order to join the Schengen area⁷², Member States must meet a number of prerequisites, which are meant to demonstrate their capacity to respect the Schengen acquis. Countries that have most recently joined the EU follow a transitional regime during which they must show satisfactory progress through regular evaluations conducted by the European Commission⁷³. Once the Commission considers the acquis to be fully respected, the accession proposal goes to the European Parliament for approval and to the Council for a unanimous vote. Currently, Croatia, Romania and Bulgaria are the only three countries that have yet to receive unanimous consent from the Council to join the Schengen area.

While respecting fundamental rights at borders should *technically* be part of the acquis, in practice, the decisive factor behind a state being allowed to join the Schengen area is its proven ability to act as a border guard for the EU. In the case of Croatia, the EU and its Member States have, for several years, instrumentalised the Schengen accession process in service of migration control. In September 2015, Hungary was already threatening to veto Croatia’s accession because

« The decisive factor behind a state being allowed to join the Schengen area is its proven ability to act as a border guard for the EU. »

⁷² The Schengen Area is an area comprising of 26 countries: 22 EU Member States and four non-EU States (Iceland, Norway, Switzerland and Liechtenstein). There are five countries that are members of the EU, without being part of the Schengen Area: Cyprus, Ireland, Croatia, Bulgaria and Romania.

⁷³ During this transition period, countries are eligible for financial aid (the Schengen Facility Instrument) in order to support the implementation of the Schengen acquis.

the country had let migrants cross its territory on their way to Hungary.⁷⁴

In parallel, over the last few years, Croatia has also significantly increased migration controls at the border with Bosnia and Herzegovina, adopting technical and human means of surveillance⁷⁵. Croatian authorities have even cut down several hectares of woodland to use thermal imaging technology⁷⁶ that would help them detect and intercept individuals attempting to cross the border. The arsenal deployed by Croatia at its borders has been supported by European funds. Between 2017 and 2020 alone, the Croatian authorities received 108 million euros as part of the EU's Asylum, Migration and Integration Fund, and another 23 million euros in emergency assistance for migration and border control⁷⁷.

Financial resources have continued to flow despite countless reports of serious rights violations committed by the Croatian border authorities towards exiles, and the increase in pushbacks to Bosnia and Herzegovina⁷⁸. In 2020 alone, the Danish Refugee Council recorded over 16,000 pushbacks, compared to 7,000 in 2019⁷⁹. Assaults, injuries, humiliations, tortures and sexual violence... According to many exiles we spoke to during our research, Croatia has one of the most violent police forces in the region (**see box below**). They are infamously known for their involvement in the death of 6-year-old Madina in November 2016. The little girl was hit by a train after her family was forced back over the border from Croatia to Serbia⁸⁰.

“Police officers ripped the young woman’s clothes and touched her breasts” (1)

Reports of sexual violence perpetrated by the Croatian police have multiplied since 2020. Testimonies collected by the Border Violence Monitoring Network and the Danish Refugee Council (DRC) have revealed incidents where people intercepted at the border were forced to undress at gunpoint – some of whom were sexually assaulted by Croatian police officers (2).

In October 2020, a migrant from Pakistan reported being made to undress after he and two of his friends were intercepted by the Croatian police (3). They were taken to a garage where five other people, including a minor, were already detained. He told us how police officers, dressed in black and with masks over their faces, forced them to lie on the floor with their faces down, entirely naked. The man claimed that police officers then beat them with sticks while another took photographs of the scene. The group was then forced back over the border, still unclothed, to Bosnia and Herzegovina.

- (1) Testimony of M., a man from Algeria who, in December 2020, witnessed the sexual assault of a young Afghan woman during a pushback operation by Croatian police at the border with Bosnia and Herzegovina. Recorded in Kikinda (Serbia) on 13 April 2021.
- (2) InfoMigrants. [“Truly horrifying’: Afghan woman accuses Croatian police of sexual harassment at border”](#), 8 April 2021
- (3) The Guardian, [“Croatian police accused of ‘sickening’ assaults on migrants on Balkans trail”](#), 21 October 2021

⁷⁴ Reuters, [“Hungary could block Croatia's Schengen accession: aide to PM”](#), 19 September 2015

⁷⁵ Total Croatia News, [“PM says is opposed to wire fence on Croatia-Bosnia border”](#), 5 June 2020

⁷⁶ It should be noted that the construction of physical fences at this border have failed multiple times, notably due to the presence of Croatian minorities and the painful memory of war in the region. See Jutarnji, [“Svakodnevno stižu stotine migranata Posječeno 10-ak km šume uz granicu kako bi hrvatska policija nadzirala izbjeglice”](#), 9 June 2020

⁷⁷ Schengen visa info news, [“EU Ombudsman to initiate inquiry into Commission’s complicity in Croatian border violence”](#), 16 November 2020

⁷⁸ Aida, [“Country Report: Croatia, 2020”](#), May 2021

⁷⁹ Amnesty international, [“Europe: pushback practices and their impact on the human rights of migrants and refugees”](#), February 2021

⁸⁰ Emma Graham-Harrison, [“They treated her like a dog’: tragedy of the six-year-old killed at Croatian border”](#), The Guardian, 8 December 2017

While Frontex claims to have no knowledge of these large-scale human rights abuses at the Croatian border, they have little credibility. Since July 2018, the agency has been supporting the authorities with their border control activities through an aerial surveillance programme (MAS, Frontex Multipurpose Aerial Surveillance). This programme “uses surveillance planes that stream video and other data directly to the Frontex Situation Centre (FSC) at the agency’s headquarters in Warsaw where a team of experts analyses the data to provide quick feedback to relevant national authorities”⁸¹. In an email dated 16 April 2021, Frontex’s press office claimed this assistance was no longer in place. However, evidence shows it was functional until at least 2020⁸², when pushback practices at the Croatian borders were at an all-time high. When asked about this, Frontex’s press office reaffirmed that “agency staff have not witnessed fundamental rights violations by the police at the Croatian borders”⁸³. Despite adding that “Frontex’s Fundamental Rights Officer is currently investigating a serious incident linked to an alleged violation of human rights by Croatian officers”, which happened in May 2019, the agency is still operating in Croatia. It has deployed nine agents and provided three CO₂ detectors and two heartbeat detectors⁸⁴.

In 2018, the Commission allocated 300,000 euros of emergency funds to the Croatian authorities to set up a mechanism to monitor potential human rights violations at the borders – one that was never put into place. Faced with large-scale human rights violations, the European Commission has chosen to look the other way and stay silent. During the summer of 2020, EU officials were even accused of covering up evidence of the Croatian government’s inability to supervise its own border police⁸⁵. On 10 November 2020, the office of the European Ombudsman launched an inquiry into the European Commission’s alleged failure to protect the rights of migrants and refugees at Croatia’s borders, during EU-funded operations involving Frontex. However, it did not stop the Commission from announcing, on 13 March 2021, before the release of the Ombudsman’s findings, that Croatia had successfully completed the Schengen Evaluation Procedure⁸⁶.

As noted by Amnesty International, “by continuing to fund border operations and giving a green light for Croatia’s accession to the Schengen area, the Commission abdicated its responsibilities to monitor how EU assistance is used and sent a dangerous signal that blatant human rights violations can continue with no questions asked”.⁸⁷ The Commission has left no doubt as to what the determining factor behind a country’s accession to the Schengen area is: the ability to guard the EU’s external borders, regardless of the human rights violations it may cause. Therefore, in addition to using the EU accession process as a form of blackmail⁸⁸, the EU has also used the promise of joining the Schengen area as a tool to reinforce the externalisation of its borders, even from within its own territory.

Romania: A greater role as transit routes evolve

In Autumn 2020, as violent pushbacks intensified at the Croatian borders, and Bosnia and Herzegovina became increasingly hostile to exiles, a new transit route starting in Serbia appeared.

⁸¹ Frontex, press release, “[Frontex strengthens surveillance in Croatia](#)”, 25 July 2018

⁸² Frontex response to written questions to the European Commission (E-003553/2019, E-003554/2019, E-003555/2019), 14 January 2020. Available here:

[https://www.europarl.europa.eu/RegData/questions/reponses_qe/2019/003553/P9_RE\(2019\)003553\(ANN\)_XL.pdf](https://www.europarl.europa.eu/RegData/questions/reponses_qe/2019/003553/P9_RE(2019)003553(ANN)_XL.pdf)

⁸³ See appendix 1

⁸⁴ *Ibidem*

⁸⁵ The Guardian, “[EU 'covered up' Croatia's failure to protect migrants from border brutality](#)”, 15 June 2020

⁸⁶ Total Croatia News, “[Croatia Successfully Completes Schengen Evaluation Procedure](#)”, 12 March 2021

⁸⁷ Amnesty International, “[EU: Inquiry into European complicity in Croatian border violence against migrants and refugees 'significant'](#)”, 10 November 2020

⁸⁸ See chapter 1. “Migration blackmail in the EU accession process”

Instead of directly crossing the heavily monitored border with Hungary, people on the move started trying to reach the Schengen area by going through Romania, a longer but cheaper route⁸⁹.

As a result, surveillance increased in the triangular border area between Serbia, Romania and Hungary, now seen as a new entry point to the EU. Much like Croatia, Romania is not a member of the free movement area and its border with Hungary (which marks the external boundary of the Schengen area) is closely monitored by both Hungarian and Romanian authorities⁹⁰. Both countries collaborate informally to organise chain pushbacks to Serbia. Thanks to European funds, the Serbian-Romanian border is well equipped: thermal cameras, drones, motion detectors and, more recently, a heartbeat detector⁹¹. In 2019, “mobile centres for registration and very short-term accommodation for irregular migrants” were created at the border⁹². Since January 2021, Frontex has also started deploying agents there⁹³.

« Much like in Hungary and Croatia, when the EU supports Romania to shut its borders, it is at the detriment of the fundamental rights of people on the move »

Much like in Hungary and Croatia, when the EU supports Romania to shut its borders, it is at the detriment of the fundamental rights of people on the move. According to UNHCR, there were over 25,000 pushbacks from Romania to Serbia in 2020, twice as much as the previous year⁹⁴. Furthermore, the Romanian police is no less violent than its Croatian and Hungarian counterparts: humiliations, insults, beatings, thefts, violent dog attacks, etc. Violence like this is the rule at external borders across Europe⁹⁵.

Reception conditions for the few people who successfully apply for asylum are rudimentary, to say the least, and far from so-called European “standards”. Few people see themselves settling long-term in the country. Migrants usually try to avoid the police at all costs, for fear of having their fingerprints taken and recorded in the Eurodac database⁹⁶ and risk being sent back to Romania (as part of the Dublin mechanism, in the event that they managed to reach another Member State). That is what happened to a young Afghan exile we met during the mission. He had been “Dublined” from Germany to Romania after Romanian authorities had forcibly taken his fingerprints⁹⁷.

Bulgaria: Chain pushbacks to Turkey

Although some people also try to cross into Bulgaria from Greece, this route is relatively less travelled. Bulgaria has sealed its border with Turkey by installing a 250 kms long metallic fence equipped with movement detectors, while its border with Greece is also under strict surveillance⁹⁸. There have been reports of chain pushbacks from Bulgaria to Greece and from Greece to Turkey⁹⁹. Like Croatia and Romania, Bulgaria is determined to show the EU that it knows how to protect Europe’s external borders and is therefore deserving of joining the Schengen zone¹⁰⁰.

⁸⁹ L’express, “[‘La route du pauvre’ : des migrants tentent leur chance via la Roumanie](#)”, 28 May 2021

⁹⁰ Europost, “Orban offers help to Romania to seal its border for migrants”, 7 October 2019

⁹¹ The Guardian, “[‘They can see us in the dark’: migrants grapple with hi-tech fortress EU](#)”, 26 March 2021

⁹² European Commission, “[Serbia report 2019, Communication on EU Enlargement Policy](#)”, 20 December 2019

⁹³ Frontex Twitter account, 27 January 2020: <https://twitter.com/frontex/status/1354419812806623236>

⁹⁴ L’express, “[‘La route du pauvre’ : des migrants tentent leur chance via la Roumanie](#)”, 28 May 2021

⁹⁵ Leslie Carretero, “[Quand vous entrez en Roumanie, vous êtes un homme mort: Adama raconte les violences perpétrées par les policiers roumains](#)”, InfoMigrants, 28 January 2021

⁹⁶ The Eurodac database contains the fingerprints of third country nationals who have applied for asylum or have been intercepted during an “irregular” border crossing. The database is used by the EU for the application of the Dublin regulation to determine which Member State is responsible for the asylum claim.

⁹⁷ Testimony of a young man we met in a centre for unaccompanied minors in Bogovada (Serbia) on 9 April 2021.

⁹⁸ Nelly Didelot, “[Pourquoi les migrants bloqués à la frontière grecque évitent-ils la Bulgarie ?](#)”, Libération, 10 March 2020

⁹⁹ Border monitoring Bulgaria, “[Push-Backs and Pull-Backs: Bulgaria and Turkey continue to collaborate closely as ‘gatekeepers’ of the EU](#)”, 16 January 2021

¹⁰⁰ Rick Lyman, “[Bulgaria Puts Up a New Wall, but This One Keeps People Out](#)”, The New York Times 5 April 2015

It should be noted that people on the move also use the Black Sea route, starting their journey in north Turkey to get to Romania and Bulgaria¹⁰¹.

2. A CORRIDOR OF CHAIN PUSHBACKS

From Italy and Austria to Bosnia and Herzegovina, a chain of human rights abuses

The existence of chain pushbacks, which start in Austria and Italy, go through Slovenia and Croatia and end in Bosnia and Herzegovina, has been documented by several organisations and supported by many testimonies (**see box below**). Investigations have clearly shown that the border authorities of these countries collaborate to organise the mass pushback of exiles to outside of EU territory: the Italian and Austrian police turn over intercepted people to the Slovenian police, who pass them on to the Croatian police, who in turn push them back to Bosnia and Herzegovina or sometimes Serbia. Any person intercepted inside this corridor risks being pushed back to the end of the chain, regardless of whether they have journeyed through the country they're being returned to. In other words, if someone is intercepted in Italy after having crossed Serbia, Croatia and Slovenia, they could very well end up in Bosnia and Herzegovina.

Although countries try to justify these practices by pointing to the existence of readmission agreements (see next chapter), authorities cooperating to push “undesirables” back to the periphery of the EU do so informally. They operate outside of any legal framework or official agreement. Along this pushback chain, exiles pass from one authority to another without being informed of their fate. They are often detained outside official detention sites, such as police stations, containers, vans, garages and other informal places of deprivation of liberty, which leave no paper trail behind. The living conditions are usually appalling, with little to no access to water or food. As to their right to claim asylum, it is systematically denied.

“I was in the hands of the Slovenian and Croatian police before being pushed back to Bosnia and Herzegovina” (1)

After leaving Bosnia, I managed to cross Croatia without being stopped. I reached Slovenia and was hoping to make it to Italy. I was travelling with a friend. As we were quietly walking through a forest, we spotted a drone over our heads. We ran, each in a different direction. But it was too late. The Slovenian police caught me. They brought me to a police station where they took my fingerprints. They tried to search me and asked me to undress. Police officers stole the ring I wore on my index finger. They gave me no documentation when I left. Several hours later, the police put me in a windowless van with other exiles. Then they made us exit the van. It was dark.

Other police officers arrived, this time from Croatia. We climbed into another van and were brought to another police station. Like in Slovenia, they took our fingerprints, then locked us up in a garage near the station where we stayed for several hours. We were hungry, thirsty and cold. Two police officers came to get us. They put us in another van. At some point, the van stopped. When we got out, six other officers were standing there, armed with batons, their faces covered by black balaclavas. One of them grabbed me by the hair and crushed my head against the car, breaking my glasses. Other armed men came over and beat me with their baton. I was crying, I was begging, but they kept beating me. One of them told me: “if you come back, we’ll break your legs”. The same thing happened to the other people in the group.

When the Croatian officers left, I walked for several hours before arriving to Velika Kladusa, a village in Bosnia and Herzegovina near the Croatian border. There, villagers saw me and gave me food.

(1) Testimony of A. recorded on 22 January 2021 in Sarajevo (Bosnia and Herzegovina)

¹⁰¹ Mirel Bran, “[Bucarest redoute la création d’une « route roumaine » en Mer Noire](#)”, Le Monde, 14 September 2017

A veneer of legality to shirk responsibilities

Most of the returns that occur in the context of chain pushbacks are conducted within the framework of readmission agreements, aiming to give a veneer of legality to practices that are, in fact, completely illegal:

▣ **Italy - Slovenia:** pushbacks from the north-east of Italy to Slovenia are generally carried out within the framework of a 1996 readmission agreement between the two countries¹⁰², which provides for the immediate return of people who have “illegally” crossed the border¹⁰³. In theory, the agreement only authorises the expulsion of individuals who have just crossed the border (within a 24-hour window) and who have been intercepted within a 10 km distance from the border. However, according to the testimonies of several exiles and the association Linea d’Ombra, which has experience in this border area¹⁰⁴, returnees are often intercepted several dozens of kilometres away from the border, and no checks are made to verify whether the 24-hour delay has expired. Furthermore, people never receive written notification of the removal decision, and some are even removed before having been registered at a police station, even when they have expressed their intent to seek protection. According to official statistics published in September 2020¹⁰⁵, the number of “readmissions” from Italy to Slovenia has quadrupled between 2019 and 2020. Between January and November 2020, 1,240 cases were registered¹⁰⁶.

On 18 January 2021, the Court of Rome ruled that Italy’s informal readmissions were illegal and that they risked exposing individuals in transit to inhuman and degrading treatments along the Balkan route, as well as torture in Croatia¹⁰⁷, since the authorities could not be unaware of the risk of chain pushbacks to Bosnia and Herzegovina.

▣ **Austria – Slovenia:** in 2020, 176 people were readmitted to Slovenia from Austria¹⁰⁸, twice as much as in 2019. As the “Push Back Alarm” initiative¹⁰⁹ has observed, Slovenia’s readmission figures also include pushbacks, with a growing number of intercepted people forced back to Bosnia and Herzegovina. For several weeks in March 2020, the Austrian authorities tried to justify these practices with an ordinance by the Ministry of Social Affairs, Health, Care and Consumer Protection. Issued during the Covid-19 crisis, the ordinance only allowed entry on Austrian soil upon presentation of a valid health certificate. At the time, the interior ministry said this measure also applied to people seeking international protection in Austria¹¹⁰. Found to be in breach of asylum law, the ordinance was modified on 30 April 2020 to allow the entry of people in need of protection to Austria. Despite this change, pushbacks continued, with the interior ministry using the lack of asylum applications as a justification for returns, a claim which has been contradicted by the testimonies of many exiles¹¹¹.

¹⁰² Readmission agreement between Italy and Slovenia, signed in Rome on 3 September 1996.

¹⁰³ The text was accompanied by a cross-border police cooperation agreement between the two countries in 2007, as well as a protocol relating to joint patrols at the Italian-Slovenian border in 2019.

¹⁰⁴ Interview with a member of the association Linea d’Ombra conducted on 16 December 2020 (online).

¹⁰⁵ Italian Parliament, “Comitato parlamentare di controllo sull’attuazione dell’Accordo di Schengen, di vigilanza sull’attività di Europol, di controllo e vigilanza in materia di immigrazione”, 25 September 2020

¹⁰⁶ Rivolti ai Balcani, “[The Balkan route. Migrants without rights in the heart of Europe](#)”, January 2021

¹⁰⁷ Border Violence Monitoring Network, “[Italian court ruling on chain pushback](#)”, 22 January 2021

¹⁰⁸ Slovenian police, [Illealne migracije na območju Republike Slovenije](#), December 2020

¹⁰⁹ A militant initiative, founded in 2020, which follows the Alarm Phone model. It gives people who have crossed the border a phone number, allowing them to ask for support with their asylum application and to avoid removal to another country.

¹¹⁰ Austrian Ministry of Interior, “[Answer to parliamentary question 1503/AB XXVII. GP](#)”, 9 April 2020, available in German.

¹¹¹ Asylum in Europe, “[Covid-19 related restrictions for access to territory and allegations of push-backs – Austria](#)”, 8 April 2021

It should be noted that internal border checks (Italy-Slovenia and Austria-Slovenia) are contrary to the free movement of people within the Schengen area. While the “Schengen Borders Code”¹¹² allows states to temporarily re-establish border controls where there is a serious threat to public policy or public health, these controls are meant to be exceptional and for a limited period of time. And yet, since 2015, this regulation has been generously and persistently used by some Member States to control migration. For example, Austria has restored controls at its borders with Hungary and Slovenia, Germany has done the same with Austria, and so has France with Italy¹¹³. Initially deployed in exceptional circumstances, these controls have become the norm in the Schengen area¹¹⁴. Walls have even been built in a number of countries, including Austria and Slovenia¹¹⁵.

▣ **Slovenia – Croatia:** Slovenia has tried to rationalise its pushbacks to Croatia by evoking a 2006 readmission agreement between the two countries. Yet, once again, there are no procedural guarantees. People who have been intercepted are generally taken to a police station where their fingerprints are scanned and their personal data collected. They receive no information and are often forced to sign documents in a language they do not understand. According to observations carried out by the association Info Kolpa, since 2018, it has become increasingly difficult to apply for asylum¹¹⁶. In 2017, approximately 76% of people apprehended after an “irregular” border crossing applied for international protection, a figure that dropped to 46% in 2018 and 31% in 2019¹¹⁷. In many cases, the police simply ignore people’s intent to apply for asylum. During the first half of 2019, Slovenia’s interior minister declared having returned 3,459 foreigners to Croatia, in line with existing agreements between the two countries¹¹⁸. Returns generally happen on the day of the arrest, or a few days later, and people on the move are often detained in containers at the Slovenian-Croatian border while their removal is organised.

On 16 July 2020, the Slovenian administrative tribunal condemned these practices. The tribunal found that returning a Cameroonian national to Croatia first, and Bosnia and Herzegovina second, despite his intention to seek protection in Slovenia, violated not only his right to asylum but also the principle of non-refoulement¹¹⁹ as he would face genuine risks that would violate article 3 of the ECHR¹²⁰ in both Croatia¹²¹ and Bosnia and Herzegovina.

Practices in continuity with Europe’s border externalisation strategy

In this pushback corridor, countries have put up countless barriers to restrict the mobility of exiles and keep them away from Europe’s external borders. Informal cooperation between states along this corridor clearly builds on previous European border externalisation policies, enabling EU Member States to deflect their responsibilities for international protection.

« Informal cooperation between states along this corridor clearly builds on previous European border externalisation policies, allowing EU Member States to deflect their responsibilities for international protection. »

¹¹² Regulation (EE) 2016/399 of the European Parliament and of the Council of 9 March 2016 governing the movement of persons across borders.

¹¹³ French Senate, Information report n° 499 (2015-2016) by MM. Jean-Yves Leconte and André Reichardt, “L’Europe de Schengen face à la crise des réfugiés”, 24 March 2016

¹¹⁴ Delàs Centre of Studies for Peace, Transnational Institute (TNI), Stop Wapenhandel, “Building Walls. Policies of fear and securitization in the European Union”, 2018

¹¹⁵ Le Monde, “L’Autriche dresse la première clôture dans Schengen”, 28 January 2016

¹¹⁶ Info Kolpa, “Report on illegal practice of collective expulsion on Slovene-Croatian border”, 2019

¹¹⁷ Official statistics of the Slovenian border police: <https://www.policija.si/o-slovenski-policiji/statistika/mejna-problematika/nedovoljene-migracije-na-obmocju-republike-slovenije>

¹¹⁸ Aida Croatia website: <https://asylumineurope.org/reports/country/croatia/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

¹¹⁹ Border Violence Monitoring network, “Court find Slovenian state guilty of chain pushback to Bosnia and Herzegovina”, 20 July 2020

¹²⁰ “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”

¹²¹ According to reports by BVMN, 80% of pushbacks recorded in Croatia in 2019 involved torture or inhuman and degrading treatments.

In the face of chain pushbacks and blatant human rights abuses, the EU isn't just turning a blind eye to the situation. By providing governments with the technical and financial means for the implementation of these abuses on a large scale, the EU is more or less directly taking part in them. For the period 2021-2027, the EU has planned to spend 34.9 billion euros from its budget to reinforce borders and migration controls¹²². Frontex's budget has also skyrocketed, going from 6.3 million to 420.6 million euros from 2005 to 2021¹²³. A significant portion of the human resources, technology and equipment used at borders along this pushback corridor has been directly provided by the EU¹²⁴. The Union is also accused of having paid the salaries of Croatian police despite their well-known involvement in serious violence against people on the move¹²⁵.

The impressive level of cooperation between the different countries involved in chain pushbacks raises the question: has this well-oiled operation been organised by European institutions themselves?

It should be noted that cooperation happens at a bilateral level too. In December 2020, Germany donated 20 vehicles to the Croatian border police worth a total of 835 000 euros¹²⁶. According to Croatia's interior minister, since the 2000s, the German Federal Foreign Office has given the Croatian police material and technical resources worth 3.1 million euros. He added that, *"if Croatian police did not prevent illegal migrations so efficiently, they would spill further into EU territory all the way to Germany"*¹²⁷.

3. ADVANCED TECHNOLOGY AND SYSTEMIC VIOLENCE: THE GROWING USE OF MIGRATION CONTROL TOOLS

A high tech "fortress": the dual business of border controls and smugglers

To restrict the mobility of exiled people, the EU has chosen to militarise its borders and equip them with advanced surveillance technology. At some borders, physical barriers have even been built. The most emblematic one can be found at the border between Hungary and Serbia. Comprising of two rows of fences 175km long and 4m high, this barrier is equipped with technology that can deliver electric shocks, sensors that can detect heat, cameras, as well as speakers that can issue messages to exiles in several languages¹²⁸. Other fences have been built at the external borders of the Schengen area: one between Hungary and Croatia (41 km long) and another between Slovenia and Croatia (196 km).

Whether there is physical infrastructure or not, all of Europe's external borders are fitted with increasingly sophisticated surveillance technology, mobilising huge sums of money. According to an investigation by The Guardian newspaper, *"between 2014 and 2017, with EU funding, Croatia bought 13 thermal-imaging devices for 117,338 euros that can detect people more than a mile away and vehicles from two miles away. In 2019, the Croatian interior ministry acquired four eRIS-III long-range drones for 2.3 million euros. They identify people up to six miles away in daylight and just under two miles in darkness, they fly at 80mph and climb to an altitude of 3,500 metres (11,400ft), while transmitting real-time data. Croatia has infrared cameras that can detect people at up to six miles away and equipment that picks up heartbeats. Romania now has heartbeat detection devices,*

¹²² Le Point, ["L'UE veut tripler son budget consacré à la crise migratoire"](#), 12 June 2018

¹²³ Jean-Pierre Stroobants, ["Frontex, l'Agence européenne de garde-frontières, à nouveau mise en cause pour ses liens avec des lobbyistes"](#), Le Monde, 5 February 2021

¹²⁴ The Guardian, ["They can see us in the dark': migrants grapple with hi-tech fortress EU"](#), 26 March 2021

¹²⁵ Amnesty international, ["EU: Inquiry into European complicity in Croatian border violence against migrants and refugees 'significant'"](#), 10 November 2020

¹²⁶ Croatia-week, ["Germany donates vehicles for Croatian border police worth €835,000"](#), 11 December 2020

¹²⁷ *Ibidem*

¹²⁸ Marton Dunai, ["Hungary builds new high-tech border fence - with few migrants in sight"](#), Reuters, 2 March 2017

alongside 117 thermo-vision cameras. Last spring, it added 24 vehicles with thermo-vision capabilities to its border security force at a cost of more than 13 million euros”¹²⁹.

Surveillance systems aren’t just at the borders, but cover all territories crossed by people on the move. Cameras, some of which have thermal or infrared vision, are positioned along the route as an exile told us in Bihać: *“In some forests in Croatia, cameras are hung in trees. In winter, it is really difficult to escape detection. It is a little easier to hide in spring when the leaves start growing. Drones struggle to see us through the vegetation. But at night, there is nothing you can do, because thermal cameras can detect you immediately.”*¹³⁰

In Slovenia, several exiles have reported the presence of dogs equipped with GPS tracking systems: *“These dogs are different from the ones who attack us. They are trained to track us. When several dogs started trailing my group and I through the forest, we didn’t think much of it at first. But when we saw that their collars had a small box attached to it, we started chasing them away, throwing rocks. Unfortunately, they continued to follow us from a distance. Several hours later, Slovenian police officers intercepted us. I am certain that it was the dogs that allowed them to locate us”.*¹³¹

Drones are also used to extend surveillance technology across the whole territory, making surveillance ubiquitous and the border increasingly “fluid”. We met a group of Afghan exiles near the Hungarian border in Serbia who claimed they often saw drones, operated by the Hungarian police, fly over their encampments, in anticipation of their departure¹³². Even during those few moments of rest, people on the move are placed under intense surveillance with their every move monitored. Movement detectors are said to have been installed at the same border, leading exiles to monitor the weather so they can prioritise foggy, snowy or rainy days to try crossing the border (or, as they call it, “the game”)¹³³.

By enabling pushbacks, these increasingly sophisticated and pervasive means of control are used to violate the human rights of exiles at Europe’s external borders¹³⁴. It can be difficult to denounce the development of this surveillance technology because doing so would be a direct attack on both state security interests and private business interests. In fact, for security professionals, the aviation industry, as well as arms and military weapons manufacturers, the closing of borders has become a huge market in which security and economic interests are easily confused¹³⁵.

« By enabling pushbacks, these increasingly sophisticated and pervasive means of surveillance clearly contribute to the human rights abuses faced by people on the move along the Balkan “route”. »

The reinforcement of controls at the external borders is also a lucrative market for smuggling networks. Far from dissuading people on the move, these structures only make transit routes longer and more dangerous, making smugglers a necessity. According to a report published in May 2021, migrant border crossing between Bosnia and Herzegovina and the EU, and in the border area between Serbia, Hungary and Romania, generate between 14.4 and 21.4 million euros of revenue for smugglers¹³⁶.

¹²⁹ The Guardian, [“They can see us in the dark’: migrants grapple with hi-tech fortress EU”](#), 26 March 2021

¹³⁰ Testimony collected on 3 February 2021 in Bihać (Bosnia and Herzegovina)

¹³¹ Testimony collected on 3 February 2021 in Bihać (Bosnia and Herzegovina)

¹³² Testimony collected on 8 April 2021 in Sombor (Serbia)

¹³³ Testimony collected on 13 April 2021 in Rabe (Serbia)

¹³⁴ Border Violence Monitoring Network, [“OHCHR submission: the role of technology in illegal pushbacks from Croatia to Bosnia-Herzegovina and Serbia”](#), 28 January 2021

¹³⁵ Claire Rodier, *Xénophobie business*, Paris, La Découverte, 2012

¹³⁶ Julia Dumont, [“Dans les Balkans, le passage des migrants représente près de 50 millions d’euros par an pour les passeurs”](#), InfoMigrants, 13 May 2021

The cost of crossing overequipped border fences between Serbia and Hungary is particularly onerous: *“If you want to evade detection from surveillance systems, you need to use professional smugglers. They know where to find the least monitored border crossing points. They know when favourable weather conditions will make us invisible, or when patrols change over... Sometimes, smugglers dig tunnels, but they’re easily detected given their equipment [...] Getting over the border with a ladder can cost up to 4,000 euros: roughly speaking, 1,000 euros to climb to the top of the first fence, another 1,000 euros to come down the ladder and the same with the second barrier. If you don’t want to pay to climb down, you can jump, but many people have broken their legs this way... it’s a risk you have to take. Afterwards, smugglers will organise transportation to Austria. On your own, you won’t survive more than 10 minutes in Hungary. You’ll get pushed back straight away. With drones and everything, you get spotted immediately”*.¹³⁷

The violence of pushbacks: a demoralisation and deterrence strategy

Beatings, electric shocks, dog bites, torn toenails, sexual violence, insults, humiliations, spray painting crosses to mark people who have been intercepted at the border¹³⁸, etc. In many cases, pushbacks go hand in hand with physical and psychological forms of violence¹³⁹. Violence occurs not only at the point of interception, but also during what can only be described as torture sessions. Far from being “collateral damage”, violence appears to play an integral role in border control strategy.

As an exiled person reported during this mission, *“if some police officers hit you so badly and humiliate you, for example by undressing you, it is because they want to break your will, they want you to lose hope and they want you to lose the physical and mental strength you need to cross. That’s why so many people take drugs before attempting to cross the border – so they don’t feel pain and, above all, to give themselves courage, the strength to do it without thinking”*¹⁴⁰. A minor we met in a squat in Bihać told us that: *“Those dogs the Croatian police use, they haven’t just been trained to stop you when you run. When they catch you, they butcher you. Look at what they did to me [the boy showed us the deep bite marks on his body, arms and legs]. Croats want to terrorise you with their dogs”*¹⁴¹. Another person we met in the same squat showed us their broken arm: *“It was Croatian police officers who broke my arm after intercepting me. They told me that if they caught me crossing the border again, they’d break the other one”*¹⁴².

Clearly, violence is part of a broader demoralisation and deterrence strategy¹⁴³. Destroying mobile phones and stealing money or clothes follows a similar logic: delaying the next border crossing attempt for as long as possible by forcing people to find new equipment. In particular, the Croatian police has shown boundless creativity to dissuade and delay people on the move: a family told us they had been separated in Croatia when the police forced the dad back to Serbia while sending the rest of the family (mother and toddlers) to Bosnia and Herzegovina¹⁴⁴. It should be noted that border violence also has an impact on the local population (**see box below**).

¹³⁷ Testimony recorded on 13 April 2020 in Rabe (Serbia)

¹³⁸ Catherine Bennett, [“Croatie : Des migrants marqués de croix à la peinture par la police”](#), France 24, 15 May 2020

¹³⁹ Border Violence Monitoring Network, “Black Book of Pushbacks”, December 2020

¹⁴⁰ Testimony collected on 21 January 2021 in Sarajevo (Bosnia and Herzegovina)

¹⁴¹ Testimony collected on 2 February 2021 in Bihać (Bosnia and Herzegovina)

¹⁴² *Ibidem*

¹⁴³ Karolína Augustová and Jack Sapoch, [“Border Violence as Border Deterrence. Condensed Analysis of Violent Push-Backs from the Ground”](#) *Movements* 5 (1), 2020

¹⁴⁴ Testimony of a Red Cross employee interviewed on 9 February 2021 in Kjluc (Bosnia and Herzegovina)

Reviving war traumas

Located at the border between Croatia and Bosnia and Herzegovina, the “Krajina” region was particularly affected by the Yugoslav wars. A large part of the local population still lives with the trauma of the civil war. For over three years now, inhabitants have witnessed violent pushbacks to Croatia on a nearly daily basis. In some villages, people report hearing gunshots, screams and dogs barking at night, etc. They see pushback survivors walk past their houses, half naked, sometimes covered in blood, thirsty, hungry and exhausted from walking for days. The violence of this spectacle has made residents feel like they’ve gone back 30 years in time and are reliving the war.

Many exiles who have been victim of pushbacks and found themselves in one of those villages say that, for the most part, they’ve been warmly welcomed by the local population: “These people were once refugees, they know what war and leaving your home are like... That’s why they’ve shown us such solidarity. We have the same history” (1).

(1) Testimony collected on 22 January 2021 in Sarajevo (Bosnia and Herzegovina)

B. Third countries: when the EU claims the borders of the Balkan countries as its own¹⁴⁵

The EU is not merely satisfied with reinforcing its external borders, it also wants to monitor the borders of third countries crossed by exiles, who are supposedly making their way to Europe. Given their role as both departure and transit countries at the gates of the EU, the “Western Balkans” have become a prime target for the externalisation of European borders. At a Council meeting in 2014, EU Member States were already emphasising the need to strengthen dialogue with the “Western Balkans” as part of the implementation of the Global Approach to Migration in the regions neighbouring the EU¹⁴⁶. In the aftermath of the 2015 “migrant crisis”, cooperation between the EU and the Balkan countries sped up, turning their borders into barriers designed to hamper the migration of people whom the EU doesn’t want to receive.

1. BUILDING THE BORDER MANAGEMENT CAPACITY OF THE “WESTERN BALKANS”

Promoting “integrated border management”

Enshrined in the Schengen Border Code, legislation relating to “integrated border management” is part of the *Acquis Communautaire* by which Member States, as well as third countries wishing to join the EU, must abide. In 2014, the EU defined “guidelines for integrated border management in the Western Balkans” (which have been updated since). As an ICMPD representative interviewed on the subject emphasised, the issue of integrated border management was particularly crucial to the region: *“In these ex-Yugoslavian countries, where internal borders didn’t really exist, you had to build everything from scratch: create border crossing points, train border guards, encourage cooperation with neighbouring countries, exchange data, including to support Frontex’s risk analysis... all of this despite the border conflicts that exist in the region, whether it’s Kosovo, North Macedonia, Albania...”*¹⁴⁷.

The EU has exported its border management model to the region, contributing to the creation of borders that previously did not exist, had no check points and therefore no physical existence. The EU encourages coordination between authorities and agencies dealing with border security (customs, authorities in charge of migration control, public health authorities, etc.), and supports stronger cooperation between national border authorities, both with one another as well as with the EU and its own agencies, such as Frontex or Europol. Data exchange in particular has been made a priority, with the EU supporting the development of national coordination centres for border control, with similar powers to EUROSUR national coordination centres, already in operation in Member States¹⁴⁸, which allow the sharing of specific data with Frontex. In an answer to a written parliamentary question, the European Commission claimed that Kosovo, North Macedonia and Montenegro already had partially operational coordination centres¹⁴⁹.

It should be noted that the development of an “integrated border management” approach in the Balkans is an integral part of the accession process and the “anti-migration” blackmail perpetrated by the EU.

¹⁴⁵ This phrase takes inspiration from an article by Claudia Charles and Pascaline Chappart, “[L’UE prend les frontières africaines pour les siennes](#)”, *Plein droit* 2017/3 (n° 114)

¹⁴⁶ EU Council, [Council Conclusions on Extending and Enhancing the Global Approach to Migration](#), 18 June 2007

¹⁴⁷ Interview conducted with an ICMPD representative for the Balkan region on 7 April 2021 (remotely)

¹⁴⁸ Created in 2013, the European Border Surveillance System (EUROSUR) is a framework for information exchange and cooperation, which aims to strengthen the management of the EU’s external borders. The system allows Schengen countries and Frontex to increase information sharing thanks a protected communication network.

¹⁴⁹ European Commission, [Response to parliamentary question E-005336/2020](#), 17 December 2020

The Balkan countries are regularly expected to present national strategies to bring their legislation and practices in this area closer to European standards. For example, in February 2020, Montenegro adopted a new strategy for 2020-2024. To fully align with European norms, the Balkan countries have received significant funding from the EU's pre-accession instrument (IPA), as well as training and equipment (including for data collection). At times, the EU has even deployed officials to national ministries in charge of border protection and migration control (**see box below**).

« Balkan states are regularly expected to present national strategies to bring their legislation and practices closer to European standards [on integrated border management]. »

A migration expert deployed by the EU in Bosnia and Herzegovina

The EU hit a new milestone in its border externalisation strategy: in January 2020, the European Commission deployed a migration expert to Bosnia and Herzegovina as part of the pre-accession instrument framework. Based in the office of the security minister, the expert's role is to advise authorities and build their migration management and border control capacities. While they do not have any direct decision-making power, their influence remains important given the fragility of Bosnia's central government, whose operations largely depend on European support. Interestingly, the expert currently in post used to work for the Austrian immigration and asylum ministry.

A joint effort to tackle “illegal immigration” and smuggling along the Balkan route

After the 2015 “crisis”, the fight against “irregular immigration” became a major cooperation priority for EU countries and the Balkan states. In February 2017, members of the Salzburg Forum met in Vienna for a conference entitled “Managing Migration Challenges Together”. The declaration they published at the end of the meeting illustrates their concerns: despite a drastic reduction in the number of arrivals to Greece via the Eastern Mediterranean route, many people on the move “*remain stranded along the Balkan route*”, putting a “*a continuous migration pressure*” on the EU's external borders.¹⁵⁰ One of their fears was that, with migration routes changing quickly, smugglers would take advantage of the situation to “*exploit the desperate situation of migrants*”.

These fears were echoed in an alarmist report jointly published by Europol, Frontex and EASO in January 2020, and made public by Statewatch. In this report, European agencies noted that 94% of people “illegally” staying in the “Western Balkan” region between July 2018 and June 2019 were third country nationals from outside the region. They expressed concern that “*the majority of these third country nationals do not see the region as the final destination but rather as an area to cross on their way to Western Europe*”¹⁵¹ – in other words, these were people ready to “illegally” cross European borders and use smugglers, at least according to the report's authors. In February 2020, partly in response to the conclusions of this report, the European Council made the fight against smugglers a priority¹⁵². They proposed reinforcing joint police operations between the Balkan countries and EU Member States, as well as enhancing information sharing, including by increasing Europol's involvement¹⁵³, deepening social media monitoring¹⁵⁴ and multiplying the number of liaison officers in the region.

¹⁵⁰ Salzburg Forum, “[Managing Migration Challenges Together, Vienna Declaration](#)”, 8 February 2017

¹⁵¹ Europol-Frontex-EASO “[Tackling migrant smuggling in the Western Balkans](#)”, January 2020

¹⁵² Croatian presidency, “Combating migrant smuggling: current operational needs and enhancing cooperation with the WBs”, 24 February 2020. Available on Statewatch's website:

<https://www.statewatch.org/media/documents/news/2020/feb/eu-council-croatian-presidency-wb-smuggling-proposals-5754-20.pdf>

¹⁵³ Europol already monitors social media as part of its European Migrant Smuggling Centre, created in 2016.

In July 2020, a few months after the Greek-Turkish border “crisis” in March¹⁵⁵, a conference was organised in Vienna on the topic of combating “irregular” immigration along the Balkan and the Eastern Mediterranean routes. Bringing together representatives of the “Western Balkan” countries, the Salzburg Forum, the European Commission and the European Council, participants expressed their desire to enhance cooperation in this area: *“In view of the pressure that is again building up we are called upon to join forces in order to tackle irregular migration and protect the EU’s external borders, showing solidarity with frontline EU Member States, and supporting the Western Balkans in protecting their borders, as part of a comprehensive approach to migration. Irregular border crossings will not be tolerated”*¹⁵⁶.

At the end of the conference, participants proposed establishing a “coordination platform for the Eastern Mediterranean route”, which will “focus on a better coordination of measures among Member States and partners in order to ensure the most coherent use of resources in the field of border management, return and readmission, migrant smuggling as well as asylum”¹⁵⁷. The platform aims to strengthen coordination between actors already involved in the externalisation of European borders in the region, such as Frontex, Europol, CEPOL, ICMPD¹⁵⁸, etc. Special attention must be paid to the focus on enhancing “operational cooperation and information-sharing in order to break the business model of smuggling”¹⁵⁹.

Bilateral cooperation and twinning

A large portion of border protection cooperation happens in the context of bilateral or twinning arrangements between one or several Member States and a “Western Balkan” country. In 2020, 15 EU Member States supported these countries through 228 activities¹⁶⁰. Over 50% of these activities were linked to border management and the fight against migrant trafficking¹⁶¹. 16% were about providing equipment, 17% about financial assistance and 67% about sending experts. 24% of the activities benefited Serbia, 23% North Macedonia, 16% Albania, 16% Bosnia and Herzegovina, 12% Montenegro and 9% Kosovo.

2. THE DIVERSITY OF ACTORS INVOLVED IN BORDER EXTERNALISATION

The European Border and Coast Guard Agency (Frontex)

The European Border and Coast Guard Agency started cooperating with the Balkan countries early on. Since 2009, Frontex has concluded working arrangements with North Macedonia, Serbia, Albania, Bosnia and Herzegovina and Montenegro. All following the same model, these agreements set out a framework for cooperation between Frontex and the signatory country to tackle “illegal” immigration and cross-border criminality. A similar arrangement was concluded with Kosovo in 2016.

At first, these working arrangements only provided technical support from the agency, particularly around information-sharing, risk analysis and training, and excluded any operational activity on the territory of the signatory country. However, the revision of Frontex’s mandate in September 2016

¹⁵⁴ Migreurop, “[Data et nouvelles technologies, la face cachée du contrôle des mobilités](#)”, Note #12, December 2020

¹⁵⁵ Cécile Bertrand, “[Migrants : les raisons de la crise entre la Turquie et l’Union européenne](#)”, Libération, 3 March 2020

¹⁵⁶ “Vienna Declaration, Ministerial conference on effectively combating irregular migration along the Eastern Mediterranean Route”, 23 July 2020. Available on Statewatch’s website: <https://www.statewatch.org/media/1402/vienna-declaration-combating-irregular-migration-eastern-med-7-20.pdf>

¹⁵⁷ European Council presidency, “[Western - Balkans - Initiative and "Operational Platform Eastern Mediterranean Route" - Presidency discussion paper](#)”, 18 December 2020

¹⁵⁸ See chapter 2, section B.2 “The diversity of actors involved in border externalisation”

¹⁵⁹ European Council presidency, “[Western - Balkans - Initiative and "Operational Platform Eastern Mediterranean Route" - Presidency discussion paper](#)”, 18 December 2020

¹⁶⁰ European Council, “[Strengthening migration management capacities in the Western Balkan region - Presidency discussion paper](#)”, 12 May 2020

¹⁶¹ See Statewatch’s analysis, “[EU support for "migration management" in the Western Balkans squarely focused on control measures](#)”, 20 July 2020

opened the door to “*carrying out actions at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States [...], including on the territory of that third country*”¹⁶². Since 2019¹⁶³, Frontex has also been habilitated to intervene in third countries that do not neighbour another Member State.

To enable the operational deployment of the agency, countries must additionally sign status agreements. On 5 October 2018, Albania became the first country to sign such an agreement. It was followed by Montenegro (7 October 2019) and Serbia (19 November 2019). While similar agreements with North Macedonia (July 2018) and Bosnia and Herzegovina (January 2019) have been initialled, they have yet to be finalised. In Bosnia and Herzegovina, in order to be ratified, the agreement must be signed by the three members of the presidency, but the Serbian president has so far vetoed the ratification¹⁶⁴. Negotiations with North Macedonia have also been blocked, partly due to Bulgaria’s refusal to recognise the language in which the agreement was written¹⁶⁵.

FRONTEX IN THE WESTERN BALKANS	Working arrangement	Status agreement	Operational plan and deployment
ALBANIA	2009	2018	2019
BOSNIA and HERZEGOVINA	2009	2019	/
KOSOVO	2016	/	/
NORTH MACEDONIA	2009	2018	/
MONTENEGRO	2009	2019	2020
SERBIA	2009	2019	2021

Once ratified, an operational plan, which defines Frontex’s specific means of intervention, must be approved by the host country. Most of these documents are not public, which makes it difficult for civil society to scrutinise provisions that could be detrimental to human rights¹⁶⁶.

On 21 May 2019, Frontex was deployed to a third country, Albania, for the first time in its history. Dimitris Avramopoulos, the EU Commissioner in charge of migration, said on this occasion that “*with the first ever deployment of European Border and Coast Guard outside of the EU, we are opening an entirely new chapter in our cooperation on migration and border management with Albania and with the whole Western Balkan region*”¹⁶⁷. Since then, three other operations have launched in the region: two in Montenegro (July and October 2020) and one in Serbia (June 2021).

It is evident that whenever Frontex has been deployed to a border area, human rights violations have continued, if not intensified (see chapter 2). Yet the agency largely enjoys impunity in both EU Member States and third countries. Articles 6 and 7 of the status agreements signed by the “Western Balkan” countries give Frontex officials in host countries functional immunity, namely immunity

« Frontex has arranged its own impunity in the Western Balkan countries, giving its officials functional immunity »

¹⁶² Article 54, [Regulation \(EU\) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard](#)

¹⁶³ [Regulation \(UE\) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard](#)

¹⁶⁴ See chapter 2, section C. 1. “Bosnia and Herzegovina: planning for the ‘game’”

¹⁶⁵ Bulgaria does not recognise the language of North Macedonian as “Macedonian” and sees it instead “as a Bulgarian dialect”. See François d’Alañon, “[Bulgarie-Macédoine du Nord : la querelle de la langue](#)”, La Croix, 22 October 2020

¹⁶⁶ Jane Kilpatrick, “[Briefing: External action: Frontex operations outside the EU](#)”, Statewatch, 11 March 2021

¹⁶⁷ Frontex, press release, “[Frontex launches first operation in Western Balkans](#)”, 21 May 2019

from criminal, civil and administrative jurisdiction in the host country, for all acts performed in the exercise of their official functions, when these acts are committed within the framework of the operational plan. These agreements also have problematic provisions regarding Frontex's access to the host country's databases¹⁶⁸.

Beyond these operations, the agency has also been involved in the Balkan region since 2016 through the "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey" project, which is funded by the Instrument for Pre-Accession Assistance (IPA II). The project, which also involves EASO, the IOM and UNHCR, aims to support the Balkan countries with improving their border management systems following EU "best practice" in this area. Frontex's role is to support countries with their identification, registration, data-sharing and return mechanisms¹⁶⁹.

Finally, Frontex has deployed two liaison officers in the Balkan region: one based in Belgrade (Serbia) since 2017 and another in Tirana (Albania) since 2021. Since the arrival of the latter, the liaison officer in Serbia has started covering Bosnia and Herzegovina, Montenegro and Serbia, while the officer in Tirana now oversees Albania, Kosovo and North Macedonia. Their mission is to stimulate cooperation, dialogue and data-sharing between Frontex and authorities in charge of border management and returns in the Balkan region.

The Police Cooperation Convention for Southeast Europe (PCC SEE) and the Geneva Centre for Security Sector Governance (DCAF)

A significant part of border control cooperation occurs within the framework of the Police Cooperation Convention for Southeast Europe. Signed on 5 May 2006, the Convention¹⁷⁰ aims to align security standards of the contracting parties with the EU and the Schengen Area.

The cooperation framework aims to disseminate EU security standards and "best practice" and to promote the cross-border cooperation of various law enforcement authorities. Cooperation includes financial support, data sharing¹⁷¹, as well as the exchange of operational officers, experts and techniques relating to border control. It is supported by the Geneva Centre for Security Sector Governance (DCAF), which provides personnel, facilities and administrative support to ensure the operations of the PCC SEE secretariat. In 2012, the DCAF Border Security Programme¹⁷² was transferred from Geneva to Ljubljana in Slovenia.

With a focus on operational cooperation in the areas of "illegal" migration management and the fight against organised cross-border crime, the DCAF programme reflects the EU's desire, since the 2010s, to control migration flows from the Balkan region into Europe.

« The DCAF programme reflects the EU's desire, since the 2010s, to control migration flows from the Balkan region into Europe. »

Several joint operations have been organised in the "Western Balkans"¹⁷³ as part of this framework. Bringing together border police officers, experts from different PCC-SEE members and, occasionally,

¹⁶⁸ See chapter 3, section D. 1. "Frontex: a potential link to connect the Balkan countries' databases to Eurodac"

¹⁶⁹ See chapter 3, section C. "A platform to externalise returns"

¹⁷⁰ It initially brought together several Eastern European countries outside the EU: Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Romania and Serbia. After coming into force in 2007, the Convention was joined by Bulgaria (2008), Austria (2011), Hungary (2012) and Slovenia (2012).

¹⁷¹ On 13 September 2008, contracting parties to the Convention also signed an agreement enabling the automated exchange of DNA data, dactyloscopic data and vehicle registration data. The application of this new framework "aims to begin already before all contracting parties have become EU Member States, while simultaneously contributing to the EU accession efforts of non-EU contracting parties". See PCC-SEE website:

<https://www.pccseesecretariat.si/index.php?page=static&item=2>

¹⁷² Refer to DCAF website: <https://www.dcaf.ch/border-security-programme>

¹⁷³ Since 2012, the DCAF has supervised the running of 27 joint operations, during which 755 denials of entry were issued and 524 "illegal" migrants were intercepted. See DCAF « [BSP Common and Coordinated Operations Overview](#) », 7 February 2020

representatives of Frontex, Europol, the IOM or UNCHR, these operations aim, among other things, to share knowledge and best practice on the topic of border control.

European Union Agency for Law Enforcement Training (CEPOL) and Europol

*“Dedicated to developing, implementing and coordinating training for law enforcement officials”*¹⁷⁴, the EU Agency for Law Enforcement Training (or CEPOL) aims to facilitate cooperation between the law enforcement authorities of EU countries, as well as with certain third countries. All Balkan countries have signed working arrangements with CEPOL: Montenegro in 2011, Albania in 2013, Bosnia and Herzegovina in 2014, Kosovo and Macedonia in 2017, and Serbia in 2018.

Since 2019, all countries have also signed working arrangements with Europol, the EU’s law enforcement agency. Europol has liaison officers in Albania, Serbia and North Macedonia. It encourages countries in the region to create coordination centres to enable the exchange of police information.

Police cooperation in the region focuses on the fight against terrorism, organised crime, as well as so-called irregular migration. It is at the heart of two projects funded by the pre-accession instrument: WB PaCT (CEPOL) and EMPACT (Europol).

Organisation for Security and Co-operation in Europe (OSCE)

As a regional organisation working to promote cooperation on security, the OSCE is very active in the Balkans. One aspect of this cooperation focuses on border management, with the OSCE promoting police cooperation in border areas, including the Balkans, supporting information sharing, organising training and providing technical assistance to secure the borders¹⁷⁵. The organisation also supports the Balkan countries with bringing their national legislation in line with European norms on “integrated border management”. For example, the OSCE helped draft Bosnia and Herzegovina’s strategy on integrated border management for the period 2019-2023¹⁷⁶ (in collaboration with the IOM).

International Organisation for Migration (IOM)

A major EU partner when it comes to border management in the Balkan region¹⁷⁷, the IOM takes part in the Balkan countries’ development of “integrated border management” strategies and plays a key role in the exchange of information related to migration and border control. In 2013, the IOM produced a report on “transit irregular migration in the Western Balkans” commissioned by the European Commission¹⁷⁸. Beyond analysing the situation, the report makes recommendations on how to control and contain “irregular” migration to the EU.

Like Frontex, the IOM takes part in the programme “Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey”. Since 2021, the organisation has also been tasked with implementing the project “Western Balkans Integrated Border Management Capacity Building Facility” (WBIBM), with financial support from the Danish Foreign Affairs ministry. This project aims to support authorities in the “Western Balkans” to “*effectively manage their borders and respond to border security challenges mindful of migrant protection principles*”¹⁷⁹. In particular,

¹⁷⁴ See CEPOL’s website: <https://www.cepol.europa.eu/who-we-are/european-union-agency-law-enforcement-training/about-us>

¹⁷⁵ CfSee OSCE’s website: <https://www.osce.org/border-management>

¹⁷⁶ Available on the website of the Ministry of Security of Bosnia and Herzegovina: <http://msb.gov.ba/PDF/121020204.pdf>

¹⁷⁷ For an analysis of how the IOM is a key element in the EU’s arsenal of deterrents and barriers to migration, see Migreurop, “[The IOM, an organisation working for \(closed\) borders](#)”, note #9, May 2019

¹⁷⁸ IOM, “Feasibility Study on Irregular Migration in Western Balkans FINAL REPORT”, 31 June 2013, available here: https://www.iom.int/sites/default/files/migrated_files/What-We-Do/docs/IOM-Feasibility-Study-on-irregular-migration-in-the-WB.pdf

¹⁷⁹ More information available on the IOM website: <https://bih.iom.int/projects>

the project calls for the strengthening of data collection systems. In some countries, like Bosnia and Herzegovina, the IOM provides direct support to local police forces in charge of protecting European borders¹⁸⁰.

International Centre for Migration Policy Development (ICMPD)

The International Centre for Migration Policy Development¹⁸¹ (ICMPD) is another actor that plays an important role in the EU's externalisation of migration policies¹⁸² in the Balkan region. In the 2000s, the centre took part in the implementation of the EU's "integrated border management" strategy, as well as in improvements to information exchange between countries in the region to facilitate the fight against so-called "irregular" immigration.

Today, the ICMPD plays a more discreet role in the region, primarily supporting regional information sharing in collaboration with the IOM and Frontex. They have three offices in the region: Belgrade (Serbia), Pristina (Kosovo) and Skopje (Macedonia). In Albania, the ICMPD plays a bigger role, having been chosen by the EU to implement a border control support programme for the Albanian police¹⁸³.

Migration, Asylum and Refugees Regional Initiative (MARRI)

Another major actor, the Migration, Asylum and Refugees initiative (MARRI) is a unique regional structure which brings together six countries from the "Western Balkans" and aims to promote *"closer regional cooperation and a common, comprehensive and harmonised approach [...] in the areas of migration, asylum, border control, trafficking in human beings, visa regime, integration and return of refugees, with the ambition to reach international and European standards in these areas"*¹⁸⁴.

MARRI is currently a partner of the PaCT project¹⁸⁵, supported by the German Agency for International Cooperation (GIZ), which aims to combat "trafficking in human beings". Between 2017 and 2020, it was also a partner of the IPA programme "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey". Within this context, MARRI also participated in WB-MIDEX¹⁸⁶ (Regional Platform for Migration Data Exchange in the Western Balkans) and the creation of a joint interpretation pool in the "Western Balkans".

This initiative, which lacks transparency, has clearly been created to further the objectives of Europe's border externalisation policies.

¹⁸⁰ Chapter 2, section C. 1. "Bosnia and Herzegovina: planning for the 'game'"

¹⁸¹ An international organisation created in 1993, which counts 18 members (all EU Member States, except Turkey and Switzerland). Its stated objective is to "build partnerships and effective cooperation along migration routes" (see ICMPD website, fact sheet, October 2020).

¹⁸² Its chief executive, Michael Spindelegger, is an Austrian politician, member of the Austrian's People Party (ÖVP), of which the Austrian chancellor, Sebastian Kurz, belongs and who is known for its alliance with the far right and its extremely conservative positions regarding immigration. See report recently published by FTDES: Sofian Naceur, "[Decrypting ICMPD](#)", June 2021

¹⁸³ See chapter 2, section C. 2. "Frontex's involvement in illegal practices".

¹⁸⁴ See MARRI website: <http://marri-rc.org.mk/about-us/>

¹⁸⁵ GIZ programme called "Preventing and combatting trafficking in human beings in the Western Balkans"

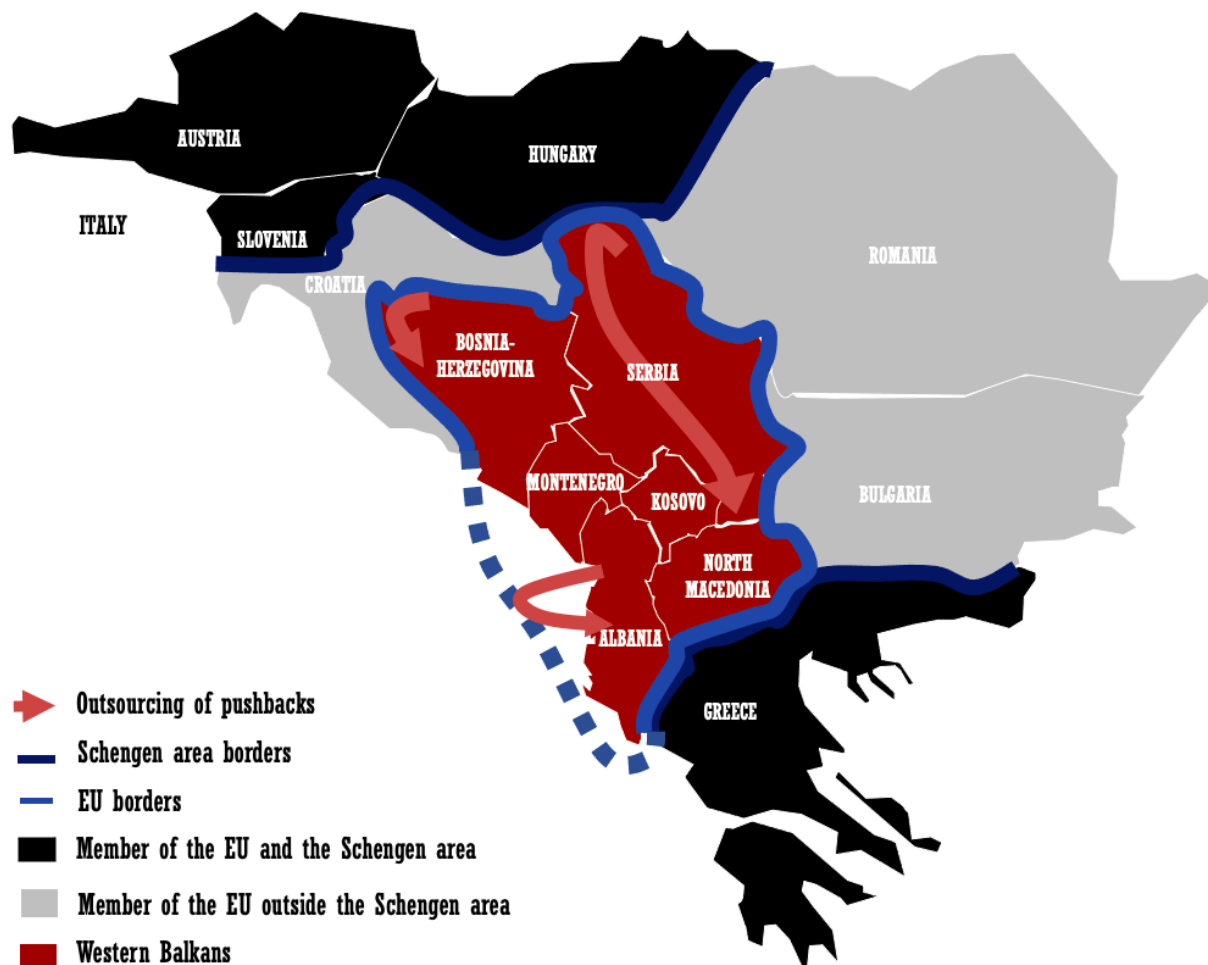
¹⁸⁶ See MARRI website: <https://wbmidex.marri-rc.org.mk/>

C. Outsourcing human rights abuses at borders

In 2015, the Balkan countries' strategy consisted of trying to close the region's southern borders while keeping the northern borders open to avoid exiles remaining on their territory. Since 2016, however, the EU has started requiring the Balkan countries to monitor their own borders, with new border control arrangements turning them into *de facto* "subcontractors" of EU migration policy:

- Countries at the "exit" of the Balkan route (Serbia, Bosnia and Herzegovina and other coastal countries with access to Italy via the Adriatic Sea) essentially took on a particular role, preventing exiles from reaching Europe's external borders. Their role was to intercept people before they reached the EU, to stop them from leaving their territory or to push them back to countries far away from the gates of the EU.
- Countries at the "entrance" of the Balkan route (North Macedonia and Albania) were effectively tasked with stopping exiles from following this route from Greece at any cost. In these countries, the EU has supported pushback practices on a large scale. Paradoxically, people on the move are being pushed back from non-EU Member States to EU Member State, in this case Greece, which emphasises this country's special status in the European border regime – in the last few years, it has become a large refugee camp where other EU countries "store" exiles they do not want.

1. KEEPING EXILES AWAY FROM EUROPEAN BORDERS



Serbia: intercept, remove, deter

A major transit country since 2015, Serbia has increasingly been involved in the EU's border externalisation policies. Since the beginning of 2021, several Serbian civil society organisations have noted a sharp rise in the number of exiles reporting having been intercepted by the Serbian police before even reaching the Romanian, Hungarian or Croatian borders¹⁸⁷. They also claim that the Serbian police regularly organise raids on squats near these borders¹⁸⁸. This is the case in Madjan, a village in the north of Serbia, located a few hundred metres away from the Romanian border and where the police intercept people on the move. They also carry out similar raids in reception centres.

In many cases, exiles report having been taken directly to the Macedonian border, or occasionally to the centre in Preševo, before being forced across the border to Macedonia (**see box below**). These practices have been documented several times by the Border Violence Monitoring Network¹⁸⁹. In some cases, exiles have fallen victim to chain pushbacks all the way to Greece¹⁹⁰. The Serbian police have also pushed people back to Bulgaria, a practice which the Serbian Constitutional Court recently found to be in breach of international law¹⁹¹.

On 10 March 2021, the National Assembly of Serbia gave the green light¹⁹² to Frontex's operational deployment in the country. In a declaration supporting the parliament's ratification of the agreement¹⁹³, Serbian MP Dušica Stojković said: *"By protecting our borders, we do not only protect our country, but we also protect EU citizens and the EU"*¹⁹⁴. As was the case with the "humanitarian corridor" in 2015, Serbia wants to be seen by the EU as willing to cooperate on migration control in view of its potential accession¹⁹⁵. The operational deployment of Frontex is a crucial symbolic milestone in this process, all the while enabling the Serbian government to pursue its discriminatory and securitarian policies towards people on the move.

« Because its employees benefit from immunity, Frontex seems to have free rein to conduct its activities in Serbia, whereas it had to suspend them in Hungary after its officers were accused of being complicit in human rights abuses. »

Thanks to this agreement, border guards in Serbia have benefited from Frontex's support, both in terms of equipment and human resources. Furthermore, the agreement gives Frontex agents functional immunity in the performance of their duties. This provision is a source of concern for civil society organisations, particularly as national legislation forbids independent civil society organisations from accessing border areas to exercise scrutiny. Because its employees benefit from immunity, Frontex seems to have free rein to conduct its activities in Serbia, whereas it had to suspend them in Hungary in 2021, for fear of being seen as complicit in the country's human rights abuses – indeed, the ECJ found that Hungary's pushback operations to Serbia and its violations of the right to asylum were in breach of EU law¹⁹⁶. The first Frontex officers in Serbia were deployed along its border with Bulgaria in June 2021¹⁹⁷.

¹⁸⁷ Information collected during an interview with a Klikaktiv representative on 8 April 2021 in Sombor (Serbia), and another interview conducted with an MSF representative on 13 April 2021 in Majdan (Serbia).

¹⁸⁸ These practices have been documented by several organisations since 2018.

¹⁸⁹ See for instance the testimony collected by BVMN, "They told us to leave van one by one and all of them together beat us", 20 October 2020

¹⁹⁰ BVMN, Pushed-back from a Camp in Serbia to N. Macedonia, and then to Greece, 3 April 2020, available at: <https://bit.ly/2SRhfWJ>

¹⁹¹ Nemanja Rujevic, "Serbia: Court confirms illegal pushbacks into the EU", Deutsch Welle, 25 January 2021

¹⁹² See chapter 2, section C. 1. "Serbia: intercept, remove, deter"

¹⁹³ See chapter 2, section B. 2. "The European Border and Coast Guard Agency (Frontex)"

¹⁹⁴ Klikaktiv - Centar za razvoj socijalnih politika on Facebook on 26 March 2021:

<https://www.facebook.com/klikaktiv/posts/4094186803976242/>

¹⁹⁵ See chapter 1, section C. 1. "'Humanitarian' corridor, 'security' corridor"

¹⁹⁶ See chapter 3, section B. 2, "Screening asylum seekers at Europe's external borders" Here, we focus with outsourcing human rights abuses to non-EU countries.

¹⁹⁷ Frontex, press release, "Frontex expands presence in Western Balkans with operation in Serbia", 16 June 2021

Throughout 2020, Serbia, like many other countries, heavily relied on the pandemic as a pretext to increase its border pushback practices, with the imposition of an absolute travel ban to Serbia between 15 March and 6 May 2020¹⁹⁸. In August 2020, the Serbian authorities launched the construction of a barbed wire fence at the border with North Macedonia, highlighting the need to “prevent the propagation of the virus” in case of “mass border crossings”¹⁹⁹. It has not been established where the funds for the construction of this fence have come from. When asked about this, a spokesperson for the European Commission acknowledged that the EU did indeed support Serbia in its “migration crisis” management, but that their support did not necessarily “imply the construction of a fence”²⁰⁰. Despite their efforts to identify where the money has come from, Serbian civil society organisations have had no answer and have denounced a complete lack of transparency.

“Whenever the Serbian police arrest us, they drive us hundreds of kilometres away from the Hungarian border to the south of the country” (1)

A. fled Afghanistan over a year ago. He lives in hiding, along with 15 other Afghan nationals, in abandoned wagons in a train station in Sombor, a small Serbian village close to the Hungarian border. He and his group have already tried the “game” – crossing the border – over ten times, in vain. Each time, the Hungarian police have violently pushed them back. Many are hurt, with broken limbs or cuts to their hands from trying to climb the barbed wire fences. But the Hungarian police aren’t their only concern.

A. claims that, on several occasions, they were intercepted by Serbian police officers before they’d even reached the border with Hungary and were brought to the Preševo centre, approximately 600 kms away from Sombor, at the other end of the country. “It’s a closed centre. First, you need to figure out how to escape, because there’s a risk that the Serbian police will push you back to North Macedonia. Then, the journey back to north Serbia is costly and time-consuming. It’s discouraging to be brought back to where you started nearly every time. It’s happened to me three times. Often, police officers steal our money, take away our tents and destroy anything that could help us in the “game”. That’s why we are in hiding. If the Serbian police stopped us, we’d risk being sent back to the south again”.

Once in the south of Serbia, it is very difficult for exiles to reach the north again: “In the town of Preševo, unofficial agreements with local officers at the bus station [have] prevented people to board busses going back north [...] As a consequence, several people in Preševo [have] started to ask to be “voluntarily deported” to North Macedonia. It has been mentioned that the only way to move north was to go back to North Macedonia and pay smugglers again in order to cross back into Serbia, thereby overcoming Preševo area, to reach Belgrade”. (2)

(1) Testimony collected on 8 April 2021 near Sombor station (Serbia)

(2) Andrea Contenta, “[From Corridor to Encampment. Mapping EU Strategies of Containment in Serbia](#)”, *Movements* 5 (1), 2020

Bosnia and Herzegovina: planning for the “game”

Although Bosnia and Herzegovina was not seen as part of the Balkan route in 2015, since 2018, it has become the preferred entry point to EU Member States. This shift has happened as a result of the intensification of violence and the gradual closing of borders in the northern Balkan region (primarily at the Serbian-Croatian and Serbian-Hungarian borders). Once in Bosnia, exiles first try to cross the Croatian border, and then the Slovenian border, before entering Italy or Austria²⁰¹. Most people

¹⁹⁸ Decision on the Declaration of the State of Emergency, Official Gazette no. 29/2020; IDEAS, Hod po žici - uticaj epidemije zarazne bolesti COVID-19 na sistem azila u Republici Srbiji - U susret „drugom talasu“ - preliminarni nalazi, March 2020, available in Serbian at: <https://bit.ly/2MNN1nt>, p. 18-19. hereinafter: Hod po žici.

¹⁹⁹ Le courrier du Vietnam, “[La Serbie silencieuse sur la construction d’une clôture à sa frontière](#)”, 22 August 2020

²⁰⁰ *Ibidem*

²⁰¹ See chapter 2, section A. 2 “A corridor of chain pushbacks”

arriving in Bosnia have come from informal camps in Serbia, but many have also taken the “new” Adriatic route, going through Albania and Montenegro from Greece. In total, between 2018 and 2021, 70,000 people are said to have arrived in Bosnia with the intent of reaching EU countries²⁰². At the start of 2021, the UN estimated that approximately 8,000 people were in the country.

Because Croatia shares a 1,604 km long border with Bosnia and Herzegovina, which is particularly difficult to monitor due to natural obstacles (mountains, dense forests, rivers and canyons), the question of securing the border has quickly become a priority for the EU, especially since border crossings from Bosnia increased in 2018. While monitoring mechanisms have been primarily set up on the Croatian side of the border²⁰³, Bosnian authorities have also been asked to contribute to the monitoring of this European border.

« While these emergency funds were presented by the EU as a response to the catastrophic humanitarian situation of people on the move in Bosnia, a significant part of the financial package was in fact meant to build the capacity of law enforcement agencies. »

Since 2018, in addition to the regular funds allocated to building Bosnia’s border management capacity, through the pre-accession instrument, the EU has unlocked exceptional additional support worth over 88 million euros to help Bosnia cope with the increase in arrivals to the country. Most of the funds have not been directly allocated to Bosnian authorities, going instead to partner organisations such as the IOM, which has received 80 million euros. While these emergency funds were presented by the EU as a response to the catastrophic humanitarian situation facing people on the move in Bosnia, a

significant part of the financial package was in fact meant to build the capacity of law enforcement agencies.

Of the 80 million euros allocated to the IOM by the EU to respond to the migrant “emergency” in Bosnia and Herzegovina, only 7% (approximately 5.6 million euros) have been dedicated to supporting Bosnian authorities in charge of migration management under the direction of the security minister²⁰⁴. Various types of equipment have been provided to the border police and the foreign affairs service (in charge of recording foreigners on Bosnian territory): vehicles, protection gear, uniforms, etc. Part of the budget has also been allocated to the Una-Sana Canton police (a canton located by the Croatian border and where many exiles are stranded) to build its border monitoring capacity, including via drones, thermal cameras and patrol boats.

²⁰² Margot Davier, “[En Bosnie-Herzégovine, l'enfer des migrants après l'incendie de leur camp](#)”, Libération, 6 January 2021

²⁰³ See chapter 2, section A. 1. “Croatia: The promise of Schengen membership as blackmail”

²⁰⁴ IOM website, “Information on the implementation of the projects related to Emergency Response to the Migrant and Refugee Situation in Bosnia and Herzegovina funded by the European Union”, 13 January 2021, available here: <https://bih.iom.int/bs/node/1088>

Limiting freedom of movement within Bosnia and Herzegovina

Since the rise in arrivals to Bosnia and Herzegovina in 2018, the question of migration has been instrumentalised to political ends, including by national groups interested in reviving “ethnic” tensions. For example, the Serb nationalist leader of Bosnia, Milorad Dodik, has refused to let any migrant enter the Serb entity, claiming that, as Muslims, they could only be welcomed by Bosniaks. He has even gone as far as claiming that the arrival of people on the move was part of a conspiracy aimed at increasing the Muslim population in the country (1).

There have been reports of “internal pushbacks” within Bosnia and Herzegovina, from the Serb entity (Republika Srpska) to the Croat-Bosniak entity (Federation of Bosnia and Herzegovina). For example, in Otoka, Serb authorities regularly remove people they’ve intercepted in the Republika Srpska. In the summer of 2020, these pushbacks led to an impossible situation as the Federation’s local authorities had also decided to block migrants from entering their canton. Nearly 200 people were stranded near Otoka for two weeks, unable to reach either side (2).

There are also obstacles to mobility for exiles trying to reach the Una-Sana Canton. At a meeting held in October 2018, local authorities decided to put a control check point in place in the municipality of Ključ to restrict access to the canton. The IOM was present at the meeting (3). At the check point, the canton police stop and search vehicles for migrants. Buses are systematically searched and people on the move ordered to exit the vehicle. They are then either forced to turn round or continue on foot to Bihać, or other towns in the canton, though they have to hide from the police. Red Cross volunteers, which operate near the check point, have been assisting people forced to interrupt their journey, providing them with water, food, clothes and temporary shelter.

The introduction of the check point has had an impact, not just on people on the move but also on the local population, as a Red Cross volunteer we met in Ključ told us: “It’s important to realise that the check point was set up at a symbolic point, at the boundary between the two entities. For local residents who lived through the war, it is very complicated to see armed individuals stop vehicles, so close to their homes... it inevitably reminds them of a dark period in their lives” (4).

- (1) Daniel McLaughlin, “Bosnians protest in Bihać as migration strain grows”, Irish Times, 13 August 2018
- (2) Danijel Kovacevic, “No Man’s Land’: Migrants, Refugees Stranded at a Bosnian Roadside”, 2 September 2020
- (3) Marta Stojić Mitrović, Nidžara Ahmetašević, Barbara Beznec and Andrej Kurnik “The dark sides of Europeanisation. Serbia, Bosnia and Herzegovina and the European border regime”, Rosa Luxemburg Stiftung, 2020
- (4) Interview conducted on 9 February 2021 in Ključ (Bosnia and Herzegovina)

Like Serbia, Bosnia and Herzegovina has gradually started monitoring Europe’s external borders on behalf of the EU. It is not rare for migrants about to cross the border to be intercepted by Bosnian police officers before they’ve even reached the Croatian border²⁰⁵. Bosnia and Herzegovina’s border police do not try to hide these practices, asserting in a press release published in May 2021 the need to tackle “irregular” migration to the EU by not only reinforcing exit points from Bosnia to Croatia, but also by further controlling entry points into the country from Serbia and Montenegro. The director of Bosnia and Herzegovina’s border police even expressed satisfaction that, between January and May 2021, they had “dissuaded over 2,000 migrants from attempting to illegally cross the State’s

²⁰⁵ Azra Bajrić, “[Plješevica raspršila migrantske nade](#)”, Radio Slobodna Evropa, 21 December 2018

border”²⁰⁶. It should be noted that there are many obstacles to exiled people’s mobility within Bosnia and Herzegovina itself (see box above).

As for Frontex, its operational deployment to Bosnia and Herzegovina has been in the works for several years. However, while the Bosniak and Croat members of the presidency have given the green light to the agreement, their Serb counterpart, Milorad Dodik, has put a brake on it. In February 2020, he vetoed the agreement invoking “the protection of the vital interests” of one of the three “constituent peoples” of Bosnia and Herzegovina²⁰⁷. Drawing on the rhetoric of Serb nationalists, Dodik portrays the prospect of reinforcing the border between Serbia and the Serb entity of Bosnia and Herzegovina as a danger, likely to isolate Serbs living in Bosnia from Serbia and to interfere with the fantasy of a “Great Serbia”. At the same time, he uses xenophobic arguments, stirring the fear that an even greater number of migrants could be left stranded in the country if Frontex had a presence in Bosnia and Herzegovina to monitor the Croatian border²⁰⁸.

Pushbacks by proxy in the Adriatic Sea

Since the 1990s, the Adriatic Sea has been identified by the EU as an “irregular” entry point into the Schengen area. In particular, the “Vlora” cargo ship incident of 1991 made a lasting impression: photos of the ship in the port of Bari, carrying over 15,000 Albanian refugees fleeing their country after the fall of the dictatorship, travelled the world and fuelled the fantasy of an “invasion” of Europe²⁰⁹. Albanian refugees used the Adriatic Sea route until Italy decided to pay the Albanian government millions of dollars to stop its nationals from emigrating²¹⁰. In the 2010s, the route was yet again in use by people from Africa, or occasionally the Middle East, looking to reach Italy by sea from Greece. The Greek city of Patras, where many ferries depart for Italy, became a major departure point, with people travelling to the ports of Bari, Brindisi, Ancona or Venice, hidden in the holds of cargo ships or the containers of merchant ships²¹¹.

After 2016, the gradual closure of the Balkan route encouraged more and more people on the move to reach Italy by sea instead of land, from Greece. Pushbacks from Italy to Greece have since multiplied, with the Italian authorities relying on a bilateral readmission agreement signed on 30 March 1999 by the two countries²¹². According to testimonies collected by several civil society organisations, returnees who are sent back under this framework rarely have the chance to claim asylum in Italy. On some occasions, it seems that they are directly shipped back to Greece, locked in a cabin²¹³. Between September 2018 and January 2019 alone, at least 195 people were “readmitted” to Greece from Adriatic ports²¹⁴.

Sea crossings from Albania to Italy have also multiplied. In April 2016, despite the low numbers of exiles transiting through Albania, the Albanian navy and police started training in the Adriatic Sea to deal with a possible “influx” of refugees. Since 2018, with Greek ports increasingly under surveillance and with part of the Balkan route moving to the coast, a growing number of exiles have started trying

²⁰⁶ Bosnia and Herzegovina border police, press release, “Sastanak direktora GPBiH Zorana Galića s načelnicom TU Zapad Viktorijom Damjanović”, available here:

<http://www.granpol.gov.ba/Publication/Read/938060?title=Sastanak%20direktora%20GPBiH%20Zorana%20Gali%C4%87a%20s%20na%C4%8Delnicom%20TU%20Zapad%20Viktorijom%20Damjanovi%C4%87&pageId=57>

²⁰⁷ Courrier des Balkans, “Milorad Dodik ne veut pas voir Dukanović ni Frontex en Bosnie-Herzégovine”, 27 February 2020

²⁰⁸ Danijel Kovacevic, “Dodik Stops Bosnia From Cooperating With Frontex”, Balkan Insight, 20 February 2020: “It’s a bad decision. Frontex would only go to the border of Bosnia and Croatia and I think that’s bad; it would seal Bosnia and Herzegovina hermetically, and keep the migrants here”.

²⁰⁹ Migrants at sea, “20th Anniversary of the Arrival at Bari, Italy of 15,000 Albanian Boat People”, 29 July 2011

²¹⁰ Courrier international, “Après la route des Balkans, la route albanaise”, 11 March 2016

²¹¹ Aram Balakjian, “The city where young migrants risk everything to escape Greece’s immigration nightmare Analysis”, The new Arab, 6 August 2020

²¹² Rivolti ai Balcani, “The Balkan route. Migrants without rights in the heart of Europe”, January 2021

²¹³ Border Violence Monitoring Network, “PushbackUSHconaNCOrtORT4 April 2020, available here:

<https://www.borderviolence.eu/violence-reports/april-23-2020-2000-ancona-port/>

²¹⁴ Information request made by Altreconomia

to cross from Albania. In most cases, they organise their departure from Vlora or Durrës ports, hiding in containers or under trucks headed to Italy by sea²¹⁵.

These two ports are heavily monitored, with the *Guardia di Finanza* (Italy's financial and customs police) operating there as part of a bilateral agreement between Italy and Albania²¹⁶. At times, some people have been caught swimming in the port of Durrës, in an attempt to board a ferry to Italy²¹⁷. Exiles have reported pushbacks from Italy to Albania, as well as to Greece, claiming to have been intercepted by the Italian police off the ferry, put back on a ship then handed over to the Albanian police while at sea (**see box below**). In addition to trying to reach Italy by ferry, some people have tried using small wooden or rubber boats departing from the Albanian and Montenegrin coasts. In January 2021, an inflatable boat carrying 55 Syrian nationals was rescued off the coast of Vlora²¹⁸.

“The Italians handed me over to the Albanians while at sea” (1)

I've been trying to cross over to Italy from the Port of Durrës for several months now. It's difficult. First, there are two fences to climb in order to reach the port. The second is covered in barbed wires. That's why my brothers and I have blood all over our hands. We often fall off the fence. At times, we've broken a leg or an arm. I've even seen someone die after a fall, trying to get away from the police. After that, you need to find a truck to hide under. We pick vehicles that have already gone through the “scanner”. It's a device that will definitely spot you. You need to avoid being detected by cameras too. They're everywhere in the port. If the police catch you, they will often beat you. That's why I'm limping: last time, they kicked me in the shinbone repeatedly.

On four occasions, I managed to board a ferry and reach Italy. But every time, the same thing happened: after getting to the Port of Bari, I discreetly left the ferry and tried to hide, but Italian police officers spotted me. They gave me no documents, no information on what was going to happen to me. They then put me on a small boat, and we left the port. While we were at sea, another boat with Albanian police officers on board arrived. The Italians handed me over to the Albanians and they brought me back to Albania. I was back to square one: the Port of Durrës. This has happened four times! Once you're back in Durrës, a number of things can happen. Sometimes, they immediately free you; other times, they lock you up in a small room in the port for a while, and then they free you. Once, in January 2021, the police put me on a bus with other migrants. They drove us to the mountains, near Korçë at the Greek border, and abandoned us there. It was so cold that three Moroccans died.

(1) Testimony of a Moroccan exile, collected on 14 March 2021 in Durrës (Albania)

In the last few years, fearing the growing use of the Adriatic Sea route from Albania and Montenegro, the EU has worked to improve monitoring in the area. In October 2020, Frontex therefore launched an operation in Montenegro to control “*the country's sea borders, including the smuggling of drugs and weapons, smuggling of migrants, trafficking in human beings and terrorism*”²¹⁹. Within the context of this operation, Frontex is primarily “*providing aerial support to help Montenegro patrol its sea borders*”. According to multiple sources, Frontex is also planning to launch a maritime mission off the coasts of Albania.

²¹⁵ Aline Wavreille and Nora Khaleefeh, “L'Albanie: nouvelle route de l'exil pour les réfugiés ?”, RTBF, 21 March 2016

²¹⁶ Interview conducted with an ICMPD representative on 7 April 2021 (online)

²¹⁷ <https://top-channel.tv/video/klandestinet-me-not-drejt-anijeve-durres-si-largohen-drejt-italise-ata-qe-vijine-nga-lindia-e-mesme/>

²¹⁸ Emma Wallis, “[Syrian migrants rescued off Albanian coast](#)”, InfoMigrants, 11 January 2021

²¹⁹ Frontex, press release, “[Frontex launches second operation in Montenegro](#)”, 14 October 2020



Rowboat on Vlorë beach, Albania (Sophie-Anne Bisiaux, April 2021)

Furthermore, the EU provides the Albanian police with maritime surveillance equipment as part of its “EU4SAFEALB” programme (Effective Management of Green and Blue Borders in Albania), which has received 6 million euros in funding for the period February 2020 to April 2022. The programme provides, among other things, for the allocation of patrol boats equipped with radars²²⁰. As a representative of the EU delegation in Albania admitted, while the stated goal of the project is to combat drug trafficking, training and equipment will also benefit the fight against “irregular” immigration²²¹ because, according to him, the same people are generally involved in both. The equipment provided to the Albanian police under this programme is designed to be interoperable with Frontex’s own equipment to anticipate the agency’s future deployment at the Albanian sea border.

« Faced with the prospect of a new Adriatic route from the Albanian and Montenegrin coasts. The EU appears to be guided by a strategy of “pushbacks by proxy”. »

Faced with the prospect of a new Adriatic route leaving from the Albanian and Montenegrin coasts, the EU appears to be guided by a strategy of “pushback by proxy”. Already happening in Libya²²² and in many other regions of the world, this strategy aims to build the capacity of law enforcement authorities in third countries, which have been identified as departure or transit countries, in order to externalise interceptions and to try to bypass the principle of non-refoulement. In this configuration, Frontex’s role is usually to detect

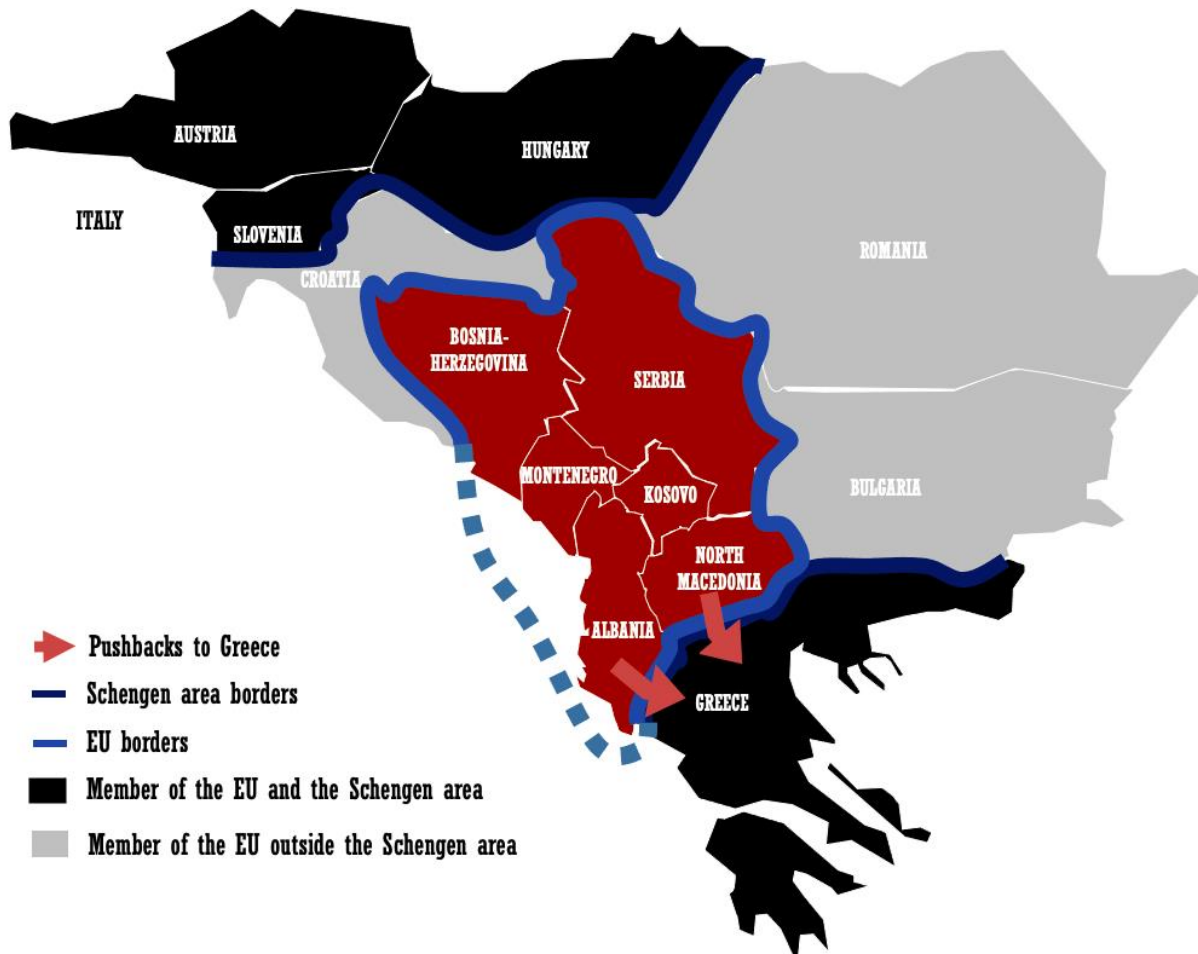
ship departures as early as possible through aerial surveillance technology, so that they can be intercepted before reaching the European coastline and returned to their point of departure (pushback by proxy or “pull-back”).

²²⁰ See appendix 5

²²¹ Interview with a representative of the EU delegation in Albania conducted on 23 March 2021 (online)

²²² Forensic oceanography, “[Mare Clausum: Italy and the EU’s undeclared operation to stem migration across the Mediterranean](#)”, May 2018

2. EU PARTICIPATION IN THIRD COUNTRY PUSHBACKS TO GREECE



North Macedonia: Violence and mass pushbacks supported by the EU and its Member States

While pushbacks from North Macedonia to Greece have been common since the official closing of the Balkan route in March 2016, they have particularly intensified with the pandemic. According to a post by NGO Grupa 484, dated 3 April 2021²²³, there were approximately 3,000 pushbacks from North Macedonia to Greece between January and March 2021. Returns at this border are conducted outside of any legal framework, as the existing readmission agreement with Greece (the EU-Macedonia readmission agreement) has practically never been used. Furthermore, pushbacks affect people who have just crossed the Greek border, as well as people intercepted in the north of the country.

Once intercepted, people are usually registered at the camp of Gevgelija (near the Greek border) before being pushed back, including when they've expressed their intent to make an asylum claim. According to a representative of the EU delegation in North Macedonia²²⁴, the Macedonian authorities have not registered a single person between March 2020 and January 2021, opting instead to send exiles immediately back to Greece without any form of identification. These pushbacks apply indiscriminately to men, women or children.

²²³ Post available here: <https://www.facebook.com/484Grupa/photos/3846227148748102>

²²⁴ Interview conducted on 6 April 2021 (remotely)

There are different actors cooperating at this border, which sees mass human rights violations and violence on a daily basis. Since the declaration of the state of emergency in 2015, the Macedonian army has been operating there, alongside the border police. Since the end of 2015, over 100 police officers²²⁵ have also been deployed by seven EU Member States (Austria, Croatia, Czech Republic, Hungary, Poland, Slovakia and Slovenia), operating under bilateral police cooperation agreements with Macedonia. In 2019, for example, Croatian authorities boasted that, between December 2015 and February 2019, over 560 Croatian police officers deployed at the border had helped intercept almost 6,000 people²²⁶. Serbian officers are also present at the border. Although Macedonian and foreign police officers patrol together, only local officers are theoretically²²⁷ allowed to use force.

Since March 2016, the EU has paid for the accommodation of officers involved in joint patrols, as well as their meals and the fuel used by their vehicles. In recent years, the EU has also provided Macedonian border police with thermal cameras, identification document validation technology, and vehicles fitted with surveillance technology. In February 2017 alone, the border police received over thirty vehicles from the EU²²⁸.

The EU's support has continued, despite reports of serious human rights abuses at this border (**see box below**). Gunshots, beatings, use of electric rods to return exiles to Greece, people thrown into rivers, etc. As both Statewatch and the Border Violence Monitoring Network have noted, many "incidents" at the border have quite obviously involved officers from EU Member States²²⁹.

« The EU's support has continued despite reports of serious human rights abuses at this border. Gunshots, beatings, use of electric rods to return exiles to Greece, people thrown into rivers, etc. »

Furthermore, several testimonies have mentioned seeing European flags on the uniforms of officers, which suggests that Frontex agents may be operating at the border, despite the lack of a legal framework (working arrangements between Frontex and Macedonia have not been finalised yet due to Bulgaria's veto). When asked about this, Frontex denied having officers deployed at the Macedonian border and claimed that it was not in a position to comment on rights violations happening at this particular border²³⁰. These denials, however, are unconvincing, especially as the agency continues to deny any involvement in Aegean Sea pushbacks despite overwhelming evidence to the contrary²³¹. Frontex has also refused to share any statistics regarding its activities at the Greek-Macedonian border, claiming that it "*would jeopardise the work of law enforcement officials and pose a hazard to the course of ongoing and future operations aimed at curtailing the activities of such networks*"²³².

²²⁵ According to the representative of the EU delegation in North Macedonia, interviewed on 6 April 2021 (online), 112 foreign police officers are currently deployed at this border.

²²⁶ Croatian Government, "Croatian interior minister visiting North Macedonia", 25 February 2019, available here: <https://vlada.gov.hr/glavni-izbornik-14951/news/croatian-interior-minister-visiting-north-macedonia/25390>

²²⁷ According to a representative of the organisation Legis, there have been times when foreign police officers have used their weapons against people on the move without any consequence (interview conducted on 3 April 2021 in Skopje, North Macedonia).

²²⁸ See appendix 4

²²⁹ See testimony published by BMVN: "He said like, there is two flags every, every clothes so, there is the flag from the EU, like blue and with stars", 20 August 2020, available here: <https://www.borderviolence.eu/violence-reports/august-20-2020-1000-15-minutes-driving-the-north-macedonian-greek-border-near-gevgelija/>

²³⁰ See appendix 2

²³¹ Nikolaj Nielsen, "[Frontex's 'serious incident reports' – revealed](#)", EU observer, 8 March 2021

²³² Frontex's reply to a request for information from Statewatch. See Chris Jones, "[Foreign agents and violence against migrants at the Greek-Macedonian border](#)", Statewatch, 8 June 2021

“They shot at me” (1)

This happened in September 2020. I was in a group with eight other people, trying to get into Macedonia from Greece. As we were walking near the border, seven police officers arrived. We got scared and started running in different directions. The police shot at us. I felt a bullet enter my leg while another entered my back (2). A third went through my jacket without hitting me. I fell to the ground, unable to move. Police officers came closer to me. They took my clothes and my shoes and left me in my underwear. They saw I was hurt and I asked them for help, but they left me where I was. I was alone, in the middle of nowhere, while the people I was travelling with had managed to flee. I got up but I was in agony whenever I tried to walk. I was afraid of dying, I was losing blood.

I saw that some police officers were still around, a bit further away. I slowly walked towards them and begged them to help me. One of them hit me. They talked among them and finally decided to drive me to the hospital in Gevgelija (a town in North Macedonia, near the Greek border). They asked the doctor to get the two bullets out of my body. The surgery was really painful because I had no anaesthesia. After the operation, the doctor gave me a prescription for medicine to buy, but a police officer took it off me and tore it up.

The police brought me back to their car and made it clear that they were going to take me back to Greece. But instead of letting me get into the car, they forced me to walk for 7 kms, shouting threats from their vehicle. I had no shoes on, and I was in terrible pain. My feet were bleeding. When we got close to the border, they turned around. That's where the people I was travelling with found me, half dead. I'm only alive because of them.

(1) Testimony of a Syrian exile, collected on 13 April 2021 in Majdan (Serbia)

(2) Examined by a medical doctor, the man had two scars that could match the bullet wounds described in his account.

Albania: Frontex's involvement in illegal practices

In 2018, as the Adriatic Sea route developed due to Hungary increasing its border control checks, Albania became a transit country alongside the Balkan route. Known to be less monitored than the Macedonian border, the Albanian border has been increasingly targeted by people on the move as a way out of Greece and into the EU, either by land or sea.

According to Albanian law, people intercepted in an irregular situation in Albania must be registered at a police station. If they are intercepted near the Greek border, this procedure must be carried out in one of two “registration and temporary accommodation centres” in Gjirokastër and Kapshticë. During registration, there are two possible situations:

- If the person expresses their intention to seek asylum, they must be transferred to the centre for asylum seekers in Babrru and be given documentation to regularise their stay for a period of 72 hours (“72-hour document”), during which they can make a formal asylum claim.
- If the person does not express their intention to seek asylum, they receive an “order to voluntarily leave the territory”, usually within seven days.

Until 2019, people on the move used these two types of documents to continue their journey north, seeing Albania more as a transit country than a destination country. Police would generally let them through without any hindrance, although perhaps sometimes requiring a bribe. According to civil society actors we spoke to, pushback practices were relatively rare.

However, the situation seems to have significantly evolved since then. According to a lawyer from the RMSA (a UNHCR partner in Albania)²³³, 9,000 people expressed their intent to claim asylum at the Greek border in 2019 (having, for the most part, obtained the 72-hour document and been transferred to Tirana). By June 2020, however, that number dropped to zero, despite continued interceptions at the border. According to a representative of Caritas Albania, an NGO operating in those centres, there was a change in the recording procedure in the summer of 2020: if, during their registration interview, an intercepted person expressed an intention to continue their journey to an EU country, they were unable to make an asylum claim or receive the 72-hour document²³⁴.

According to a high-ranking Albanian border police official²³⁵, intercepted people generally agree to leave the territory “voluntarily”. However, testimonies of exiled people tell a different story: they claim that applying for asylum has become impossible and that returns to Greece are anything but “voluntary”. In fact, container centres where exiles go through registration (“registration and temporary accommodation centres”) have become closed centres where intercepted people are “stored” while they wait to be identified, before usually being forced back to Greece outside of any legal framework²³⁶.

Therefore, pushbacks have *de facto* become systematic practices. Illegal returns don’t just apply to those intercepted at the Greek border either: any person intercepted in an irregular situation in Albania can be subjected to one. Several cases of mass pushbacks from the port city of Durrës (where ferries depart for Italy)²³⁷ to Greece have been reported during this investigation, including by the Border Violence Monitoring Network²³⁸. According to testimonies, pushbacks go hand in hand with ill-treatments which can endanger the lives of those who are being pushed back (**see box below**).

²³³ Interview conducted on 18 March 2021 in Tirana (Albania)

²³⁴ Interview conducted on 17 March 2021 in Tirana (Albania)

²³⁵ Interview conducted on 18 March 2021 in Tirana (Albania)

²³⁶ While there is a readmission agreement between Albania and the EU, no technical agreement, which would provide a legal framework to readmissions at this border, has been signed between Albania and Greece.

²³⁷ See chapter 2, section C. 1. “Pushbacks by proxy in the Adriatic Sea”

²³⁸ BVMN, “Balkan region report – February 2021”, 15 March 2021. Available here: <https://www.borderviolence.eu/balkan-region-report-february-2021/>

“My friend froze to death in the mountains” (1)

It was in February 2021. I had been in Durrës for several months and I was looking to board a ferry to Italy. I was staying in a small hotel, not far from the harbour, the only one renting out rooms to undocumented people like me. At the hotel, I lived with people who also wanted to attempt the crossing. We each paid 7.50 euros for the room. It was a lot, but we had nowhere else to go. One morning, around 6 am, while everyone was asleep, police officers burst into our rooms. They forced us onto a bus. There were about 60 of us. The bus drove for several hours to the Greek border, in the region of Korçë. The police made us get off the bus and left us behind in the mountains, far from any village. I had snow up to my waist. We had no warm clothes, no phones, no water, no food. Some of us didn't even have shoes on. I didn't know where to go and I was very cold. At some point, my friend Ayoub lied down. He never got up again. I later understood that he froze to death. Another Moroccan died that night too. As for me, I fell asleep and lost consciousness. Thanks to God, I was able to wake up later. Their bodies were still next to me. I managed to walk to a village and that's how I survived.

It wasn't the first time the police had left us stranded in the middle of nowhere. In total, I was caught and sent back to Greece sixteen times. Every time, the police abandoned us in the mountains. On several occasions, the police officers who arrested us were Austrian, German or even Hungarian. I know this because I saw the flag on their uniform. Some even told me their nationality. They had big white cars, sometimes grey. Land Rovers. Yes, just like those (2). Those were the ones stopping us. They would spot us with their see-in-the-dark cameras. They would take us to containers to take our photos and fingerprints. Then they'd call the Albanian police, who'd leave us in the mountains.

I am so tired now. Since my friend Ayoub died, I've lost hope. I can't bring myself to tell Ayoub's mum that her son died like that, frozen to death in the mountains. If the police arrest me again, I won't be able to handle it, I will kill myself. I've been suffering for too long.

(1) Testimony of a Moroccan exile, collected on 15 March 2021 in Durrës (Albania)

(2) Upon being shown a photograph, he recognised vehicles used by Frontex agents in the region.

The EU has played a clear role in these human rights abuses. Since Frontex was deployed to Albania and its border guards started operating at the Greek border in May 2019²³⁹, the agency's strategy has been to position itself as the guardian of human rights, its presence supposed to prevent the Albanian border police from carrying out illegal practices against people on the move. Yet when their operation launched, Frontex's spokesperson wanted to make it clear that, while pushbacks were illegal, “Frontex [didn't] have any power over the behaviour of national border guards”²⁴⁰.

Although it claims to be powerless to deal with the Albanian border police's illegal activities, Frontex has actively participated in worsening human rights violations at the Greek border. Indeed, since May 2019, the agency has significantly increased its interception capabilities, having deployed over 50 officers, 16 patrol vehicles and a van equipped with a thermal vision camera²⁴¹. Joint patrols bringing together Frontex officers and Albanian police officers have been put in place. They're equipped with state-of-the-art technology, such as infrared binoculars or thermal cameras with a range of up to 25 kms²⁴². In recent years, their operational and technical means have continuously been

²³⁹ Leslie Carretero, “[Les garde-frontières de l'UE patrouillent en Albanie pour "lutter contre l'immigration illégale"](#)”, InfoMigrants, 22 May 2019

²⁴⁰ Statement by Izabella Cooper, Frontex spokesperson, in an Arte documentary called “Frontex: mission Albanie”, 2019: <https://www.arte.tv/fr/videos/092802-000-A/frontex-mission-albanie/>

²⁴¹ Frontex, press release, “[Frontex launches first operation in Western Balkans](#)”, 21 May 2019

²⁴² Interview with a Frontex officer conducted on 31 March 2021 in Korçë (Albania)

strengthened²⁴³. In May 2021, two years after the launch of its operation, Frontex reported a total of 130 officers deployed to Albania²⁴⁴.

In addition to the zeal shown by Albanian authorities in monitoring the border, one thing appears to have changed since Frontex's deployment: the agency now ensures that, once they have been intercepted, exiles are identified before their removal. Individuals are taken to a centre, one of two operated by Frontex and the Albanian border police, where they have their fingerprints scanned²⁴⁵ and go through an interview process to gather information in aid of investigations into smuggling networks. Once this procedure is over, they are handed back to the Albanian police for the actual pushback. According to some testimonies, pushback operations sometimes involve Frontex officers²⁴⁶. But even when its officers are not directly participating in pushbacks, Frontex cannot claim to ignore the human rights abuses taking place during these operations. The agency is an essential link in the chain of actions that lead to pushbacks.

« [Frontex] is an essential link in the chain of actions that lead to pushbacks. »

There is no doubt that mass pushbacks at the Greek border are a direct consequence of the anti-migration blackmail the EU is exerting on Albania as part of its border externalisation policies. By encouraging the Albanian authorities and giving them the means to monitor their borders, Frontex has played a key role in this strategy. National authorities know all too well that cooperating with Frontex is a crucial first step in the accession process. In March 2021, Albania signed a second agreement with Frontex to “strengthen their cooperation in border management, fighting cross-border crime and return”²⁴⁷. According to sources who wished to remain anonymous, Albania is said to have agreed to the launch of a Frontex aerial surveillance mission at its border with Greece as part of this agreement.

The EU has also provided the Albanian police with border monitoring equipment as part of the “EU4SAFEALB” programme implemented by the ICMPD²⁴⁸. When asked how the ICMPD would prevent this equipment being used to carry out human rights abuses, an ICMPD representative explained that they had no interest in what the recipient authorities did with the equipment supplied: “Respect for human rights is not explicitly mentioned in our projects. Our view is that, since the Balkan countries are EU candidate countries, they are sufficiently advanced in terms of upholding human rights for the centre not to have to worry about it... However, I agree with you, it’s only theoretical”²⁴⁹.

Beyond Frontex and the ICMPD, the EU also counts on the IOM to externalise its external border control to Albania. The IOM has supported the creation of two “registration and temporary accommodation centres” at the Greek border, which are used to register and round up exiles prior to their expulsion. In addition to operating in those centres, the IOM also works to build the capacity of the Albanian border police on “managing migratory flows in line with relevant European and international standards”²⁵⁰. It should be noted that the construction of the centre in Kapshticë was supported by the “Migrant and Refugee Fund” of the Council of Europe Development Bank²⁵¹.

²⁴³ In addition to surveillance equipment provided by the agency, the EU directly provides similar equipment to the Albanian police as part of the “EU4SAFEALB” programme (Effective Management of Green and Blue Borders in Albania)

²⁴⁴ Tweet by Frontex published on 27 May 2021: <https://twitter.com/Frontex/status/1397840812239691778>

²⁴⁵ Chapter 3, section D. 1. “Frontex: a potential link to connect the Balkan countries’ databases to Eurodac”

²⁴⁶ Florian Schmitz and Idro Seferi, “Is Frontex involved in illegal ‘pushbacks’ in the Balkans?”, Deutsch Welle, 8 January 2021

²⁴⁷ Frontex, press release, “Frontex and Albania strengthen their partnership”, 17 March 2021

²⁴⁸ See appendix 5

²⁴⁹ Interview conducted on 23 March 2021 with a representative of the EU delegation in Albania (online)

²⁵⁰ COE Bank, “Albania: New Registration and Temporary Accommodation Centre for Migrants”, 30 October 2019:

<https://coebank.org/en/news-and-publications/news/albania-new-registration-and-temporary-accommodation-centre-migrants/>

²⁵¹ Ibidem

Chapter 3

A “hotspot” working for the
European Union



Exiles living in an abandoned building in the town of Bihać in Bosnia and Herzegovina, near the Croatian border (Sophie-Anne Bisiaux, February 2021)

A key element of European migration policies since 2015, the “hotspot” approach has been exported far beyond the EU’s external borders. Strengthening reception capacity, outsourcing asylum claims, creating a mass deportation and data collection platform: all the ingredients of this approach can be found in the “Western Balkan” region.

A. A storage place for “undesirables”

Mobility control in the Balkans, far from being confined to the physical boundaries of sovereign states, applies to any territory through which people on the move have travelled. Theorised by several researchers, the phenomenon of “encampment” is one of the tools used by the EU to keep people on the move away from its borders. As the “left hand of the Empire”²⁵², the humanitarian nature of the camps is intrinsically linked to the securitarian policies the EU and its Member States have been implementing on the Balkan route to impede the mobility of exiles. Since the launch of the accession process, and particularly since 2015, the EU has increased the number of camps in the Balkans, turning the region into a storage place for “undesirables”.

1. A GROWING ARCHIPELAGO OF CAMPS



Locations of camps identified since 2015. Some are not yet open or alternate between opening and closing.

²⁵² Michel Agier, “The Empire’s Left Hand. Order and Disorders in Humanitarian Action”, *Multitudes*, 2003/1 (no 11), p. 67-77

A large scale “campization” supported by the EU

Most countries in the Balkan region have had years of experience with camps. After the Yugoslav wars, multiple sites were selected to accommodate hundreds of thousands of displaced people. This was the case in Bosnia and Herzegovina, Kosovo and Serbia in particular. In 1996, Serbia alone had close to 700 refugee camps on its territory²⁵³. Although the vast majority have since been closed, in recent years, some camps have been rehabilitated, while new ones have been built from scratch. They no longer aim to provide refuge to Balkan nationals, but instead aim to contain migrants travelling to the EU through the Balkan countries.

These camps have a range of statuses. Some are open, others are *de facto* closed, without necessarily being places of detention. Some are reserved for asylum seekers, others for those in transit. Some accommodate children and families, others only accommodate men. While some camps have a “permanent” structure, others are just containers or tents. Living conditions vary considerably from one camp to another.

Serbia and Bosnia and Herzegovina, the two main bottleneck countries where exiles are blocked at the EU’s borders, have the greatest number of camps on their territories – most of which have been supported by European funds.

▣ **Serbia:** between 2008 and 2014, Serbia opened five “asylum seeker reception centres”. After the so-called 2015 “crisis”, the number of camps increased, this time under the label of “transit centres”. Between 2015 and 2017, no fewer than 15 camps were created, with 14 “transit centres” and one centre for people in need of protection. These centres have benefited from ECHO funding (EU budget for European Civil Protection and Humanitarian Aid Operations), MADAD funding (EU Regional Trust Fund in Response to the Syrian Crisis), as well as support from international or non-governmental organisations such as UNHCR, the IOM, Oxfam and the Danish Refugee Council²⁵⁴. In total, Serbia has received tens of millions of euros to increase its reception capacities²⁵⁵. The prospect of joining the EU and receiving significant funding were two major factors that encouraged Serbian authorities to cooperate in this area. Today, Serbia can accommodate a population of about 6,000 people (at least theoretically²⁵⁶). Since 2018, however, camps in Serbia have seen their population decline with the preferred transit route shifting to Bosnia and Herzegovina.

▣ **Bosnia and Herzegovina:** towards the end of 2017, Bosnia and Herzegovina became a transit point for a growing number of people. While Bosnian authorities reported identifying 755 migrants on their territory in 2017, this number grew to over 24,000 in 2018²⁵⁷. In May 2016, the country adopted a strategy and an action plan on migration and asylum for 2016-2020²⁵⁸, in anticipation of an increase in arrivals. However, it quickly became overwhelmed by the situation. Until May 2018, Bosnia and Herzegovina only had two reception centres: the centre for asylum seekers in Delijaš (160 beds) and the centre for refugees in Salakovac (250 beds)²⁵⁹. Between June 2018 and January 2021, over 88 million euros were made available by the European Commission to strengthen Bosnia and Herzegovina’s “migration management” capabilities. Almost all the funding was allocated to the IOM. In total, seven “reception” centres with a capacity of 7,830 beds were created in Sedra, Bira, Miral, Usivak, Borici, Blazuj and Lipa.

²⁵³ Kirs, “[Republika Srbija Komesarijat za izbeglice: Stanje i potrebe izbegličke populacije u Republici Srbiji. Komesarijat za izbeglice](#)”, 2008

²⁵⁴ Andrea Contenta, “From Corridor to Encampment. Mapping EU Strategies of Containment in Serbia”, *Movements* 5 (1), 2020

²⁵⁵ Between 2015 and 2017 alone, the European Union allocated 130 million euros to Serbia to manage the “migration crisis”. A significant part was used to create camps.

²⁵⁶ See chapter 3, section A. 1. “Undignified and inhuman conditions”

²⁵⁷ See IOM website in Bosnia and Herzegovina: <https://bih.iom.int/iom-migration-response>

²⁵⁸ See Bosnian security ministry’s: http://www.msb.gov.ba/PDF/Strategija_ENG_2016.pdf

²⁵⁹ Gorana Mlinarević and Nidžara Ahmetašević, “[Stuck in the corridors to the EU: people on the move in Bosnia and Herzegovina in 2018](#)”, Heinrich Böll Stiftung, February 2019

Building reception capacity in anticipation of a new “crisis”

“Never again”: this has been the motto of European institutions since the poorly named “migration crisis” of 2015. In anticipation of a new “influx” of exiles, the EU has increased the number of programmes aimed at building the reception capacity of the Balkan countries. The vision is to turn the region into a buffer zone where any person attempting to reach an EU Member State could be stopped and held back.

In Kosovo, accommodation for 2,000 people in an old KFOR military site

In its 2020 annual report on the accession process, the European Commission noted the progress Kosovo had made to improve its reception capacity by proactively revising its contingency plan. While Kosovo only had capacity for 70 people in 2019, by 2020, it was able to offer an additional 200 beds at the reception centre of Vranidollë. The Commission also welcomed refurbishment works in the Belvedere camp, which would expand its capacity by an additional 2,000 beds (1).

Located in Mitrovica, Belvedere is a former French KFOR military camp handed over by France to the Kosovo authorities in 2011 (2). The city is known for its ongoing tensions between Serb and Kosovar nationalists (3). Consisting of old barracks, containers and surrounded by barbed wires, the camp has failed to provide decent accommodation to exiles. It should be noted that, in October 2020, the centre was temporarily used after a fire broke out in the Vranidolle reception centre, before it itself burnt down in January 2021. Six people were hurt in the incident (4).



Photo : Top News - Zjarr në kampin e refugjatëve/ Mitrovicë, gjashtë të lënduar në inciden, 28 January 2021

- (1) European Commission report, Kosovo, 2020
- (2) French Ministry of Defence, “[Kosovo : rétrocession du camp du Belvédère](#)”, 27 June 2011
- (3) Le Point, “[Kosovo : Mitrovica, cité de l’angoisse](#)”, 16 February 2018
- (4) Are you Syrious, [Daily Digest 28/1/21: Fire in a refugee camp in Kosovo leaves six injured](#),

In 2015, the Balkan countries were asked to develop “contingency plans” to enhance “governments’ capacity and preparedness to manage mass mixed migration flows by ensuring that appropriate and timely assistance and protection can be provided to all vulnerable migrants and asylum seekers transiting through the Western Balkans”²⁶⁰. In September 2015, an initial programme was launched in

²⁶⁰ IOM, Fact sheet “[Enhancing Preparedness for Migration Management Through Contingency Planning in the Western Balkans](#)”, July 2016

the region with support from the IOM²⁶¹. First targeting Serbian and Macedonian authorities, the programme was also, to a lesser extent, aimed at Bosnian, Albanian, Montenegrin and Kosovo authorities in anticipation of a shift in migratory routes. The most crucial element of these contingency plans was the increase in migrant reception capacity in camps.

Since then, the Balkan countries have been regularly called on by the European Commission to define or update their contingency plans, receiving extra support to do so as part of the IPA II project “Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey”²⁶². Every year, the Commission assesses progress made by countries to improve their contingency plans and their reception capacity. The most emblematic example is perhaps Kosovo, a small country of roughly 1.9 million inhabitants (**see box above**).

Undignified and inhuman conditions

Although most camps in the Balkan region have benefited from European funds, they are far from meeting the minimum standards set out by EU law regarding reception conditions²⁶³. In particular, camps in Bosnia and Herzegovina are often overcrowded. For instance, over 3,000 people were crammed into the camp of Blazuj in Sarajevo in the winter of 2021²⁶⁴. Similarly, in the Miral camp in the Una-Sana Canton, exiles told us that more than 12 people lived in containers designed for eight, forcing several people to sleep together in the same bed. Overcrowding is often a source of tension, sometimes even conflict²⁶⁵, between residents. In some camps, exiles have to queue for hours to receive their meals.

Hygiene conditions are also alarming. In many camps, people on the move face scabies and other skin problems. Despite the efforts of some organisations to provide medical care, access to health care in the camp remains uncertain. In 2018, a young man died of pneumonia in the Bira camp (Bosnia and Herzegovina) due to a lack of appropriate health services²⁶⁶. The Covid-19 pandemic has made sanitary conditions even worse in the camps, with proximity preventing people from following preventative measures to limit the spread of the virus.

« Sending a message of hostility and inhospitality, the camps act as a repelling mechanism »

In some camps in the north of Serbia, living conditions are extremely unsafe too. If Serbian authorities try to make a good impression to keep receiving European funding for migrant accommodation, in reality, conditions are far from what they advertise. Exiles we met at the Sombor centre (near the Serbian border) told us that, despite being officially registered with the Serbian Commission for refugees, they had been forced to sleep on cardboard and under plastic tarpaulins due to a lack of facilities²⁶⁷.

²⁶¹ Ibidem

²⁶² See EASO, “[Third workshop on Contingency Planning, 18 – 19 October 2018, Skopje, former Yugoslav Republic of Macedonia](#)”, 19 October 2018

²⁶³ See the [directive of 26 June 2013 laying down standards for the reception of applications for international protection](#).

²⁶⁴ With a capacity of about 2,400 beds in January 2021.

²⁶⁵ Zeljko Trkanjec, “[Riot breaks out at migrant centre outside Sarajevo](#)”, Euractiv, 22 January 2021

²⁶⁶ Interview with Nidzara Ahmetasevic conducted on 23 January 2021 in Sarajevo (Bosnia and Herzegovina)

²⁶⁷ Interview conducted with exiled people on 8 April 2021 in Sombor



Makeshift shelters built by exiles in front of the official camp of Sombor in Serbia (Sophie-Anne Bisiaux, April 2021)

In addition to the violence inflicted at borders, the European strategy of dissuasion and deterrence also relies on undignified living conditions for people on the move, particularly in camps, and especially for those set up along the Balkan route. Sending a message of hostility and inhospitality, the camps act as a repelling mechanism. On this point, European and Balkan leaders have found common ground. Neither are interested in making the region appealing to people on the move and both believe in the “*appel d’air*” theory, whereby making a country or region attractive to migrants will increase migration to that region. They share the same end goal: forcing exiles to go back home by any means necessary and to the detriment of their rights.

2. SYSTEMS TO CONTROL MOBILITY

Keeping people on the move away from European borders

Far from being neutral spaces, camps are instruments of mobility control. Fully integrated into the global border regime, they are first and foremost strategic spaces, with the EU encouraging the construction of camps as far away from its borders as possible. In Serbia, the variation in living conditions from one centre to the next has been cynically used to manage migratory flows. Indeed, under the influence of the EU, Serbian authorities and NGOs have prioritised improving living conditions in camps in the south of the country to the detriment of those in the north, which are closer to Europe’s borders²⁶⁸.

In Bosnia and Herzegovina, the integration of camps in the regime of mobility control is even more obvious. We interviewed a representative of the EU delegation in Bosnia and Herzegovina who expressed regret that camps in the country were all concentrated in the Una-Sana Canton, close to European borders. He also lamented the fact that, in Bosnia, camps were too few and too crowded, preferring the Serbian model where smaller, more numerous camps could make monitoring people on the move easier whenever they tried to leave the camp, *en masse*, to cross the border²⁶⁹. In a resolution proposed in June 2021, the European Parliament called for improving reception capacities in Bosnia and Herzegovina, though “*preferably at migrants’ entry points to the country*”²⁷⁰.

²⁶⁸ Andrea Contenta, “From Corridor to Encampment. Mapping EU Strategies of Containment in Serbia”, *Movements* (1) 5, 2020

²⁶⁹ Interview conducted on 26 January 2021 in Sarajevo (Bosnia and Herzegovina)

²⁷⁰ European Parliament, “[Motion for a European Parliament resolution, on the 2019-2020 Commission Reports on Bosnia and Herzegovina](#)”, 1 June 2021

The standoff between the EU and the Una-Sana Canton authorities is particularly indicative of how camps are used as tools of political manipulation and are integral to mobility control strategies. Since the end of 2017, there has been a significant increase in the number of people on the move in the canton. After the border with Croatia was strengthened and pushbacks increased, many people found themselves stranded in the region, creating a bottleneck situation at the EU’s doorstep. Of the seven camps funded by the EU and managed by the IOM, five were built in the canton. As official camps quickly became saturated, hundreds of people started squatting in abandoned buildings in towns and villages close to the border.

Used for political and electoral ends, the issue of migration has divided the local population. For some, solidarity is waning while the feeling of having been abandoned by the national government and the EU is increasingly taking hold. That is the case in Bihać, a city of 60,000 inhabitants where hundreds of exiles have found refuge, not only in the camps of Borici and Bira (built and managed by the IOM inside the city itself) but also in improvised squats. For the local population, it feels like being caught between a rock and a hard place: between the EU closing its borders and the national authorities in Sarajevo letting the Una-Sana Canton carry the responsibility for receiving people on the move.

In June 2019, the mayor of Bihać, supported by the cantonal government, decided to move every exiled person living outside of official centres to a new site in Vučjak. Approximately 8 kilometres away from Bihać, and less than 3 kilometres from the border with Croatia, the camp’s location was approved by the central government but rejected by the EU and the IOM. According to them, the camp was “dangerous”: it was close to landmine fields and to forests full of wolves and snakes, had no infrastructure to ensure basic living conditions, or any connection to the electricity or the running water networks, and it posed significant health risks as a former chemical dumping site. But the camp’s location near Vučjak also raised concerns because of its close proximity to European borders and its potential use as a basecamp by people attempting to cross the border. By October 2019, the camp was accommodating over 2,000 people²⁷¹. Only the local Red Cross was operating there, trying

« But the camp’s location near Vučjak also raised concerns because of its close proximity to European borders and its potential use as a basecamp by people attempting to cross the border »

to offer displaced people two meals a day, despite the lack of infrastructure. In December 2019, the camp was evacuated after the Council of Europe Commissioner for Human Rights, Dunja Mijatovic, requested that the camp be shut down without further delay. Some of the camp’s residents were transferred to Sarajevo, while others went back into hiding, living in squats and makeshift shelters in forests by the border.

In April 2020, in response to the pandemic, the IOM opened an emergency tent camp in Lipa near Bihać. Presented as a temporary solution, while more sustainable reception facilities were being established in the canton, the camp was solely designed to operate in the summer. By the end of the summer, however, international NGOs and Bosnian authorities had yet to agree on alternatives and more than 1,500 people were living in dire conditions at the camp site. With only four sleeping tents, the camp had neither heating nor electricity. In October, the situation worsened when the cantonal authorities, following tensions with the local population, decided to close the Bira camp in Bihać and transfer some of the residents to the already overcrowded Lipa camp²⁷². The “crisis” reached its height on 23 December 2020 when the camp caught fire as it was being evacuated. In the middle of a harsh winter, thousands of people in the Una-Sana Canton found themselves without any accommodation²⁷³. The EU and the IOM condemned the Bosnian authorities

²⁷¹ Julia Dumont, “Bosnie : plus de 1 000 migrants transférés dans le camp de Vucjak, l’ONU craint une “urgence humanitaire””, InfoMigrants, 18 October 2019

²⁷² InfoMigrants, “En Bosnie, des centaines de migrants expulsés d’un camp de l’OIM”, 1 October 2020

²⁷³ InfoMigrants, “Bosnie : le camp de Lipa ravagé par un incendie, 1 300 migrants à la rue”, 23 December 2020

for the situation, blaming them entirely for leaving displaced people out on the streets, and pressured them to reopen the Bira camp²⁷⁴.



The Bira camp, which was closed after protests from the local population and political instrumentalisation of people on the move by local authorities in Bihać (Sophie-Anne Bisiaux, February 2021)

In the end, the compromise was to rehabilitate the Lipa camp. Approximately 30 kilometres away from Bihać, isolated from everything in the mountains, Lipa proved to be a good location for the local authorities who wanted to keep migrants away from the city. As for the IOM and the EU, they felt that the camp was far enough from Europe’s borders, could be sufficiently monitored, and offered more or less acceptable living conditions in the eyes of the international community. As a result, a project to “winterise” the Lipa camp was launched, with a view to install containers that would make the camp habitable in winter and turn it into a sustainable structure.

In January 2021, the EU released additional funds for this project²⁷⁵. The camp has now reached a capacity of 1,500 people, a number that is likely to rise in the future. While we cannot know if the camp will remain open or not, as the Border Violence Monitoring Network stresses²⁷⁶, the extreme remoteness of the camp is in itself a restriction on the freedom of movement of exiles. The police regularly evacuate occupied buildings in Bihać and systematically send people on the move to the Lipa camp. As an exile told us: “Lipa isn’t a place for living, it’s a place for surviving”²⁷⁷.

Camps under strict surveillance

Camps are the ultimate surveillance tools, providing the authorities that run them with opportunities to monitor almost every aspect of the lives of people held there. First of all, access to the camps is conditional on registration with the state authorities. To access humanitarian services, a person must first disclose their identity and generally have their photograph and fingerprints taken. They are rarely told how their personal information will be used, and there is no guarantee that it won’t be used for their deportation at a later stage. It is likely that their fingerprints will not only be recorded in

²⁷⁴ EEAS, press release, “[BiH: High Representative Josep Borrell spoke to Presidency Chairman Milorad Dodik](#)”, 11 January 2021

²⁷⁵ European Commission, “[Bosnia and Herzegovina: EU allocates additional €3.5 million to support vulnerable refugees and migrants](#)”, 3 January 2021

²⁷⁶ Interview with a BVM network member conducted on 13 February 2021 (remotely).

²⁷⁷ Interview conducted on 21 January 2021 in Sarajevo (Bosnia and Herzegovina).

European databases, but also used against them to prevent them from reaching an EU Member State²⁷⁸.

In addition to data collection technologies, which are increasingly common, camps also have a wide range of surveillance equipment at their disposal. In Bosnia and Herzegovina, the IOM has allocated part of the European budget to providing accommodation centres with video surveillance systems²⁷⁹. They have also hired private security agencies whose staff members have been involved in cases of violence against people on the move on multiple occasions. According to several testimonies, these agencies use batons and tasers²⁸⁰. In May 2020, a Kurdish father reportedly died after being violently beaten by security guards at Usivak camp²⁸¹.

It should be noted that the Covid-19 pandemic has been used by governments in the Balkans and the EU to strengthen their control over migrants and refugees. Thousands of people were confined inside camps along the Balkan route during the pandemic. For example, shortly after Serbia declared a state of emergency on 15 March 2020, the government deployed the army to camps in the north of the country to prevent exiles from leaving²⁸². In Bosnia and Herzegovina, thousands of people were also confined to the camps at the height of the pandemic. The police evacuated many squats and forcibly moved their residents to official camps, under the pretext of combating the spread of the virus.

In the Gevgelija camp, the Macedonian authorities went as far as detaining people inside containers for the duration of their quarantine. This practice continued into 2021 with no legal basis, long after the state of emergency ended in June 2020²⁸³. It should also be noted that quarantine, initially set to last 25 days, then to two weeks, was far longer for people on the move than for the rest of the population in North Macedonia. People who were quarantined inside containers in the camps were only allowed access to sanitary facilities in the presence of a police escort. These detention practices also applied to minors.

Preventing autonomous migration and citizen solidarity at all costs

Since camps are such useful tools to control migratory flows, governments have made efforts to ensure they become vital transit points. Any form of independent organising by people on the move is discouraged, whether their goal is to rent private accommodation, set up informal camps in forests, pitch tents in urban parks or occupy abandoned buildings. The police frequently expel exiles from these spaces, driving them away from cities, taking them by force to official camps or, in some cases, deporting them²⁸⁴.

In parallel, governments have criminalised any form of “autonomous solidarity”, which must be differentiated from institutional humanitarian aid: *“Autonomous migrant solidarity distinguishes itself from what we address as the ‘Humanitarian Industrial Complex’ in its active refusal to the legal obligations to control and report undocumented migrants to the authorities; its resistance to the racialised hierarchies entailed by humanitarian aid; as well as in its contestation of the commodification of migrant lives. Rather than ‘filling in the gaps’ of the state or ameliorating borders and their violence, autonomous practices of migrant solidarity seek to ‘create cracks’ in the smooth operation of border regimes”.*²⁸⁵ The “campization” along the Balkan route has seen a parallel

²⁷⁸ See chapter 3, section D. “Towards an extra-European Dublin?”

²⁷⁹ See IOM website: <https://bih.iom.int/news/information-implementation-projects-related-emergency-response-migrant-and-refugee-situation-bosnia-and-herzegovina-funded-european-union>

²⁸⁰ Interview with Nidzara Ahmetasevic conducted on 23 January 2021 in Sarajevo (Bosnia and Herzegovina).

²⁸¹ Emma Wallis, “[The death of a Kurdish migrant in Bosnia](#)”, InfoMigrants, 6 May 2021

²⁸² VOA, “[Serbia Deploys Army to ‘Secure’ 3 Migrant Camps](#)”, 16 May 2020

²⁸³ Interview with a representative of ONG Myla conducted on 7 April 2021 (remotely)

²⁸⁴ See chapter 2, section C. 1. “Serbia: intercept, remove, deter”, and chapter 2, section C. 2. “Albania: Frontex’s involvement in illegal practices”.

²⁸⁵ Deanna Dadusc, Pierpaolo Mudu, “[Care without Control: The Humanitarian Industrial Complex and the Criminalisation of Solidarity](#)”, April 2020.

criminalisation of “autonomous solidarity”, with state authorities attempting to ban various forms of solidarity that normally escape their control.

« ‘Campization’ along the Balkan route has seen a parallel criminalisation of autonomous solidarity »

There were a number of solidarity initiatives with people on the move in 2015, organised by both international and local volunteers. These were gradually placed under official surveillance before being completely prohibited. In Serbia, for example, after the Balkan route closed in March 2016, the authorities launched a campaign which stigmatised individuals who help people on the move, accusing them of being smugglers or causing “chaos” in the country by encouraging

exiles to spend time outside the camps. Any organisation refusing to follow the Serbian government’s vision and abide by their screening strategy were forced to stop their activities²⁸⁶. The goal? Forcing people on the move to rely on official camps alone. In November 2016, the Serbian government requested that all NGOs and volunteers stop providing services to the 1,200 refugees stranded in Belgrade, with a view to move all exiles living in the capital to official camps as quickly as possible²⁸⁷.

In Bosnia and Herzegovina, the authorities have tried to target solidarity work by criminalising the support offered to people on the move outside the humanitarian aid available in the camps, and by banning organised distributions by non-authorized NGOs. Citizen action in Una-Sana Canton in particular has been forced underground, as the local police target both international volunteers and local solidarity groups. During this mission, we met individuals who claimed that they had gotten in trouble with the authorities for supporting migrants. Among them: a journalist who had tried to report on the dire living conditions in the camps²⁸⁸, two young women who had distributed clothes and food to migrants in the city of Zenica²⁸⁹, international volunteers in Velika Kladusa who had organised solidarity activities in squats, etc. All had been criminalised in one way or another.

²⁸⁶ Marta Stojić Mitrović, Nidžara Ahmetašević, Barbara Bezec and Andrej Kurnik “[The dark sides of Europeanisation. Serbia, Bosnia and Herzegovina and the European border regime](#)”, Rosa Luxemburg Stiftung, 2020

²⁸⁷ Letter from the Serbian government, dated 4 November 2016, available on the BVMN website: <https://serbia.bordermonitoring.eu/2016/11/04/open-letter-to-ngos-operating-in-serbia/>

²⁸⁸ Interview with a journalist based in Banja Luka conducted on 1 February 2021 (remotely)

²⁸⁹ Interview conducted on 28 January 2021 in Zenica (Bosnia and Herzegovina).

B. A centre to process asylum claims

The idea of outsourcing asylum applications to some Balkan countries is nothing new. In 2003, the British government was already proposing to create asylum processing centres in non-EU states²⁹⁰, including Albania²⁹¹. Although these centres were never established by the UK, over the last decades, the EU has taken up the idea and increased mechanisms to externalise asylum to the Balkan region. In a document dated 12 May 2020, the Croatian presidency lamented the fact that the “Western Balkans” still saw themselves as a transit region and emphasised the need for them to recognise their role as destination countries, which could be encouraged by helping them to strengthen their asylum system²⁹².

1. STRENGTHENING CAPACITIES RELATING TO ASYLUM PROCESSING AND INTEGRATION

Aligning asylum law and practice with European standards

To encourage the “Western Balkan” countries to strengthen their asylum system, the EU has relied on their accession candidate status, as asylum is one of the areas where countries must align their laws and practices with European standards. After the 1999 European Council in Tampere, Member States gradually adopted a common asylum policy, which included a single common procedure, a uniform status for beneficiaries of subsidiary protection, as well as mechanisms for determining the state responsible for examining an asylum application. Between 2000 and 2013, the Common European Asylum System (CEAS) was established through various legislative and non-legislative texts, such as directives on asylum qualification, reception conditions and procedures, as well as the Dublin and Eurodac regulations.

To be considered for EU membership, the “Western Balkan” countries were told to gradually join the CEAS. Every year, the European Commission reviews progress made by each country in this area. In its 2020 report, for example, the Commission called on Albania to strengthen its asylum appeal procedures and to better identify vulnerable people during the asylum registration procedure at the border²⁹³. In 2019, the Commission congratulated Kosovo on adopting new asylum legislation in line with European standards but lamented their limited capacity to collect biometric data²⁹⁴. That same year, it also emphasised progress made by Montenegro in revising its asylum legislation and developing a list of safe countries of origin, aimed at accelerating the process of some applications²⁹⁵. On the other hand, in its report on North Macedonia, the Commission regretted the lack of effective access to free legal aid for asylum seekers²⁹⁶. As for Serbia, it was encouraged to improve the training of its protection officers, including in dealing with asylum claims based on gender²⁹⁷. Finally, the

« The EU and its Member States have tactically used accession blackmail to pursue their own agenda: to strengthen asylum systems in accession countries, so they can externalise their own responsibilities for international protection. »

²⁹⁰ See Migreurop brief #11, “[Protect and control: the Janus face of the UNHCR](#)”, May 2020

²⁹¹ Esther Addley, “[Welcome to camp Tirana It’s been suggested that asylum-seekers arriving in the UK will be sent on to Albania. So how would they fare there?](#)”, The Guardian, 11 March 2003

²⁹² Croatian presidency of the EU Council, “Strengthening migration management capacities in the Western Balkan region”, 12 May 2020. Available on Statewatch site: <https://www.statewatch.org/media/1233/eu-council-western-balkans-migration-management-7896-20.pdf>

²⁹³ European Commission, “[Albania report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

²⁹⁴ European Commission, “[Kosovo report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

²⁹⁵ European Commission, “[Montenegro report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

²⁹⁶ European Commission, “[North Macedonia report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

²⁹⁷ European Commission, “[Serbia report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

Commission called on Bosnia and Herzegovina to provide better access to asylum and ensure faster processing of their claims²⁹⁸.

Through its accession process, the EU has significant influence on the direction of the “Western Balkan” countries’ asylum policies. The EU and its Member States have tactically used accession blackmail to pursue their own agenda: to strengthen asylum systems in accession countries, so they can externalise their own responsibilities for international protection.

The role of the European Asylum Support Office (EASO)

The EU relies on the European Asylum Support Office (EASO) to strengthen asylum systems in the Balkan countries. A centre of expertise on asylum issues founded in 2010, the EASO is responsible for supporting the implementation of the Common European Asylum System and helping Member States fulfil their European and international responsibilities for international protection. Since its creation, the agency has significantly expanded its operations, not only in Member States but also in third countries, including the Balkan region since 2016.

As part of the EU-funded IPA programme “Regional Protection Sensitive Migration Management in the Western Balkans and Turkey”, the EASO supports countries to align their legislation and practice on asylum and reception conditions with European standards. To do so, the EASO offers “roadmaps” detailing the different stages to reach to fully implement the Common European Asylum System. Serbia and North Macedonia were the first two countries to adopt such roadmaps in 2017, which have been revised since. In 2020, Albania and Bosnia and Herzegovina also adopted roadmaps. Kosovo and Montenegro, however, are still at the needs assessment phase²⁹⁹.

As part of the aforementioned project, several workshops and conferences were also organised in 2019 to strengthen information exchange regarding the countries of origin of people transiting through the region. One workshop in particular focused on Pakistan and Iraq³⁰⁰. The purpose of information exchange is, among other things, to support the Balkan countries with identifying “safe” countries of origin. Defined by article 38 of the Procedures directive, the concept of a “safe third country” enables the application of a fast-track asylum procedure (**see box below**). The support countries receive to adopt lists of “safe third countries” could, in turn, help them build their return capacities³⁰¹. It should be noted that the EASO supports the Balkan countries with the development of contingency plans, the training of protection officers, as well as the assessment of reception conditions in asylum centres.

An accelerated procedure in Albania’s new asylum legislation

In February 2021, Albania adopted a new law on asylum (1). Written with the support of the EASO, the department for Migration and Home Affairs (European Commission) and UNHCR, the law introduces the concept of an “accelerated procedure” inspired by EU asylum law. The procedure provides for faster processing of certain asylum applications, based on the applicant’s country of origin, among other factors. According to an EASO representative, the procedure is aimed at nationals from Algeria and Morocco in particular, as many transit through the country (2). Albanian authorities are considering using this procedure in the event of a relocation of the asylum process to the Greek border (see chapter 3, section B. 2. “Investing in border screening”).

- (1) Law n° 10/2021 on Asylum in the Republic of Albania.
Available here: <https://www.refworld.org/docid/60533c8c4.html>
- (2) Interview with an EASO representative conducted on 16 April 2021.

²⁹⁸ European Commission, “[Bosnia and Herzegovina report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

²⁹⁹ Interview with an EASO representative conducted on 16 April 2021.

³⁰⁰ See EASO website, “EASO outside the EU”: <https://www.easo.europa.eu/easo-outside-eu>

³⁰¹ See chapter 3, section C. “A platform to externalise returns”

The “Western Balkans”: “safe third countries”?

Building the asylum capacity of the “Western Balkans” raises major challenges for the EU, which go far beyond the remote and uncertain possibility of their potential accession³⁰². While the EU and its Member States have shown a willingness to improve the fate of people on the move in the region, they have barely hidden their attempts to offload their international protection responsibilities onto the Balkan countries. The goal behind such capacity building appears to be, first and foremost, about making these countries seem like “safe third countries”. Laid down in the asylum procedures directive (2013)³⁰³, this concept helps to facilitate the return of asylum seekers to third countries without a thorough examination of their asylum claim (by applying the accelerated procedure).

For many years, the European Commission has tried to add the Balkan countries to a European list of “safe third countries”³⁰⁴. Although the concept is currently voluntary for Member States, the Commission plans to make it mandatory in its New Pact on Migration and Asylum. This would mean that any person on the move who’s been apprehended during an “irregular” border crossing, and who makes an asylum claim in an EU Member State after transiting through one of the Balkan countries, could be returned there on the pretext that they would have received adequate protection there (thus making their asylum application “inadmissible”).

The country of return would then be responsible for examining the asylum application and, if rejected, for the deportation to the country of origin. A person arriving in Italy who can be shown to have travelled through Sarajevo could therefore be returned to Bosnia. This configuration would be helped by the creation of a large-scale data collection and exchange system in the Balkan region, which the EU has been working towards in recent years³⁰⁵. It should be noted that the notion of “safe third country” could apply to the border screening procedure proposed by the New Pact on Migration and Asylum³⁰⁶. If the text is adopted without any changes, this procedure would apply to any “irregular” person presenting themselves at the EU’s external borders, with some limited exceptions³⁰⁷.

« Mass pushbacks and violence at the borders, arbitrary imprisonment in unsanitary and overcrowded camps, a failed asylum process... When looking at the facts, no one can argue that these countries are “safe”. »

The European Commission may spend millions of euros to make the “Western Balkans” seem like “safe” countries, but the reality on the ground paints a completely different picture. Mass pushbacks and violence at the borders, arbitrary imprisonment in unsanitary and overcrowded camps, a failed asylum process³⁰⁸, etc. When looking at the facts, no one can argue that these countries are “safe”.

³⁰² See chapter 1, section A. 2. “An accession process at a standstill?”

³⁰³ To be considered “safe”, a country must first and foremost respect the right to asylum and the principle of non-refoulement, in accordance with the Geneva Convention of 1951.

³⁰⁴ See Forum réfugiés, [“Le concept de “pays tiers sûr” de nouveau en discussion dans le pacte sur la migration et l’asile”](#), 4 December 2020

³⁰⁵ See chapter 3, section D. 1. “The development of a system for collecting and sharing data on a large scale”

³⁰⁶ [Proposal for a regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders](#) (2020)

³⁰⁷ See chapter 3, section D. “Towards an extra-European Dublin?”

³⁰⁸ See chapter 3, section B. “A lack of protection”

2. INVESTING IN BORDER SCREENING

Screening asylum seekers at Europe’s external borders

Although the UK’s 2003 proposal to create processing centres for asylum seekers in the Balkans did not materialise, mechanisms to externalise the asylum procedure have come back in force since the 2015 “crisis”.

Hungary is a perfect example of this. At the end of 2015, in parallel to building a fence at its border with Serbia and conducting pushbacks³⁰⁹, Hungary established two “transit zones”. Running alongside the Serbian border in Hungary, these border areas are considered, thanks to a legal fiction, outside of Hungary, meaning that exiles in those transit zones have not officially “entered” the country. Those areas consist of closed container camps surrounded by barbed wires, which are essentially detention sites. They are mandatory transit points for anyone wanting to make an asylum application in Hungary and it is where they will be detained during the examination of their application.

Asylum applications are processed under an accelerated procedure, which offers few safeguards and has a low rate of recognition of refugee status. According to Human Rights Watch, most asylum claims made by single men are summarily dismissed without considering their protection needs³¹⁰. Once rejected, they are forced back across the border to Serbia, which Hungary views as a “safe” country, without even informing Serbian authorities (outside of any regular procedure). Over time, Hungarian authorities have increasingly restricted access to these transit zones. In 2016, a waiting list was established in cooperation with Serbia: only people who had previously been registered in reception centres in Serbia were authorised access to Hungary’s transit zones. This led to a significant drop in admission rates, from 10 people a day in 2016 to less than one person a day in 2018. In March 2020, under the pretext of the sanitary crisis, all admissions were suspended for a whole month³¹¹.

« Moving the asylum procedure from the transit zones to the embassies has only served to further externalise Hungary’s asylum policies and restrict access to its territory. »

The transit zones were finally shut down after a ruling by the European Court of Justice on 14 May 2020, which held that conditions in these zones amounted to arbitrary detention according to EU law³¹². And yet, this has not improved access to asylum in Hungary. Since the adoption of a new governmental decree on 26 May 2020, people seeking protection in Hungary must now submit a “declaration of intent for lodging an application for asylum” with the Hungarian embassy in Belgrade

(Serbia) or Kiev (Ukraine). Unsurprisingly, the Hungarian Helsinki Committee has found that only a small number of people are allowed to go to Hungary to make an asylum application. Moving the asylum procedure from transit zones to embassies has only served to further externalise Hungary’s asylum policies and restrict access to its territory³¹³.

An increase in screening at reception centres in third countries

Over the past few years, there has been an increase in the use of camps in the “Western Balkans” as “screening centres”, with clear support from the EU.

³⁰⁹ See chapter 2, section A. 1. “Hungary: human rights abuses at the borders, Frontex’s complicity and the EU’s timid condemnation”

³¹⁰ Human rights watch, “[Hungary: Migrants Abused at the Border](#)”, 13 July 2016

³¹¹ See report on the Hungarian Helsinki Committee website: <https://helsinki.hu/en/akta/transit-zone/>

³¹² Amnesty international, “[Hungary: European Court declares authorities broke EU law by detaining asylum-seekers in transit zone](#)”, 14 May 2020

³¹³ Hungarian Helsinki Committee, “Registration of the asylum application - Hungary”, on the website Asylum in Europe, last updated on 15 April 2021: <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/registration-asylum-application/>

▣ **Albania:** Albania has two screening centres at the country’s two main entry points from Greece, one in Gjirokastër and another in Kapshticë. Albanian authorities have deplored the “abuse of asylum claims”, with people on the move systematically declaring their intent to seek asylum at the border, so they can be transported to Tirana and continue their journey northward³¹⁴. Since June 2020, however, transfers from the border to Tirana have been suspended and people on the move have been nearly systematically pushed back over the border to Greece³¹⁵.

The European Commission and UN agencies have also observed potential “abuses of asylum claims”. In the summer of 2020, under the guise of wanting to “resolve” the situation, they made a proposal

« This set up would therefore follow a similar model to the pre-entry screening procedure laid out in the New Pact on Migration and Asylum, with the new screening centres at the Albanian border acting as additional obstacles for people on the move. »

to the Albanian authorities to relocate the asylum procedure to the border, thus avoiding the transfer of prospective asylum seekers to Tirana. The proposal recommends housing people in military barracks, by the Greek border, during the examination of their asylum claim³¹⁶. It is not known whether the sites will be open or closed. This set up would therefore follow a similar model to the pre-entry screening procedure laid out in the New Pact on Migration and Asylum, with new screening centres at Albania’s borders acting as additional obstacles for people on the move.

▣ **North Macedonia:** located in the south of the country by the Greek border, the camp of Gevgelija bears all the characteristics of a screening centre. Exiles who have been intercepted by Macedonian police are brought there to be registered, then screened. Like in Albania, only people who declare their intent to seek asylum can be transferred to the Vizbegovo centre, near Skopje. As rights organisations Myla and Legis have noted, it is not uncommon for people to be pushed back before having been registered or had the chance to express their need for protection. Myla also told us of a family that was pushed back to Greece from the Gevgelija centre after having made an asylum application at the police station in Skopje. The family was transferred to the camp under the pretext of needing to quarantine before moving to the asylum seeker centre in Vizbegovo.

▣ **Montenegro:** until recently, Montenegro did not have a screening centre at its borders, and the registration of new arrivals happened in Spuz centre, which is north of the capital, Podgorica. In August 2020, a new container camp was opened in Bozaj at the border with Albania. With a capacity of 60 beds, the camp’s main purpose is to identify people who are allowed to apply for asylum (who will then be transferred to Spuz) and those who aren’t and must leave Montenegro³¹⁷. The construction of the camp was supported by an EU contribution of up to 400,000 euros through the IPA fund. The centre also benefited from EU funding through a Covid-19 response programme focused on migration³¹⁸. An IOM mobile team operates there on a daily basis to support the authorities. At its inauguration, the interior ministry of Montenegro highlighted that its construction was “the best way to affirm Montenegro’s European perspectives, based on the successful application of best practices in the field of integrated migration and asylum management”³¹⁹.

▣ **Kosovo:** although, over the last few years, the European Commission has encouraged the creation of screening centres at Kosovo’s borders with Albania and Macedonia, their construction was temporarily abandoned after the IOM conducted an assessment, which found that the authorities

³¹⁴ Interview with an Albanian border police representative conducted on 18 March 2021 in Tirana (Albania).

³¹⁵ Chapter 2, section C. 2. “Albania: Frontex’s involvement in illegal practices”

³¹⁶ Interview with a representative of the EU delegation in Albania conducted on 23 March 2021 (remotely)

³¹⁷ Interview with a representative of the EU delegation in Montenegro conducted on 7 April 2021 (remotely)

³¹⁸ IPA programme, “Adressing COVID-19 challenges within the Migrant and Refugee Response in the Western Balkans”

³¹⁹ Mladen Dragojlovic, “Montenegro inaugurates New Reception Centre for Migrants and Asylum Seekers”, IBNA, 4 August 2020

mostly apprehended people on the move once they were inside the country and not at the border³²⁰. It was therefore decided that the centre would not be built in the border area but near Vranidollë, the capital, where a detention and deportation centre and a reception centre for asylum seekers already exist. Only people allowed by the authorities to apply for asylum can be transferred from the screening centre to the reception centre. Those who are not allowed to apply are offered a “voluntary return” and have the option to stay in the centre until they leave. When asked about this, the EU delegation in Kosovo confirmed that the construction of the centre would benefit from European support, as well as support from UNHCR and the IOM³²¹. They added that the new centre would follow the model set out by existing screening centres at the border between Greece and Albania and would be equipped with biometric data collection technologies. With a capacity of 55 beds, the centre should be operational by the end of 2021.

3. A LACK OF PROTECTION

Inequitable and inefficient access to asylum procedures

In most of the Balkan countries, access to asylum is a minefield. Exiles who have not been pushed back at the border must still find ways to access the competent authorities to submit their asylum application.

In Bosnia and Herzegovina, individuals who have expressed their intent to claim asylum must go to the camp assigned to them by the authorities and await an official invitation from the Service for Foreign Affairs to formally make their application. The law states that this invitation should be sent within 14 days. In practice, however, this invitation is often only received after several months, though it never seems to reach individuals residing in camps in Una-Sana Canton³²². The procedure that follows is very long. A Pakistani national we met in Bosnia and Herzegovina told us that, after lodging his asylum application with the Bosnian authorities, he had to wait a year and half for an interview and several months for a decision (which, in his case, was negative)³²³.

In September 2019, following a visit to Bosnia and Herzegovina, the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, deplored that “only 5.4% of those who had expressed intention were able to formally lodge an asylum claim with the Sector for Asylum due to multiple barriers in law and in practice that hinder fair and efficient access to asylum procedures”³²⁴. He stressed the existence of several factors hindering access, including “the requirement of an officially registered address, which is not feasible for the majority of asylum seekers in the country who live outside the two official reception centres; the requirement of a BAM 10.00 (approximately 5 euros) administrative fee; lack of legal aid and interpretation service; and lack of capacity of the Ministry of Security to process asylum claims”³²⁵.

Furthermore, few exiles have managed to secure international protection in the “Western Balkan” countries. For example, in 2019 in Kosovo, only 33 out of 2,081 asylum applications received a positive response³²⁶. That same year in Albania, the recognition rate was even lower, with only one person receiving refugee status and 23 people receiving subsidiary protection out of 6,677 asylum applications³²⁷. Beyond administrative obstacles, there is a high rate of people who do not complete

³²⁰ Interview with an IOM representative conducted on 30 March 2021 in Kosovo (remotely)

³²¹ Interview with a representative of the EU delegation in Kosovo conducted on 30 March 2021 in Kosovo (remotely)

³²² Interview with a representative from Vasa Prava, a legal aid organisation for asylum seekers and people on the move, conducted on 4 March 2021 (remotely). The organisation claims that, since 2019, no one in Una-Sana Canton has been able to make an asylum claim.

³²³ Interview conducted on 22 January 2021 in Sarajevo (Bosnia and Herzegovina)

³²⁴ OHCHR, “[End of visit statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales - Bosnia and Herzegovina](#) (24 September – 1 October 2019)”, 1 October 2019

³²⁵ Ibidem

³²⁶ European Commission, “[Kosovo report 2020, Communication on EU Enlargement Policy](#), 6 October 2020

³²⁷ European Commission, “[Albania report 2020, Communication on EU Enlargement Policy](#), 6 October 2020

the asylum procedure, as few exiles envisage settling permanently in the region (lack of economic opportunities, poor reception conditions, language barrier, etc.). While to some people, applying for asylum is a way to access basic services they would otherwise have no access to, to others, it is part of a real project to seek protection and settle in the Balkan countries – either because they do not have the strength to go further, or they have found opportunities in the country concerned. However, these cases are relatively rare.

A difficult integration

Even for those who are successful in applying for asylum and receiving international protection, integration prospects remain limited, despite a growing number of EU-supported integration programmes in the region.

For instance, Serbia has established several programmes to facilitate refugees’ social integration, access to housing, language learning and access to the labour market. Since 2017, Serbian authorities have also created programmes to support migrant children’s access to school. But according to NGOs on the ground, these projects have not yet materialised. The authorities have not provided translation or made arrangements to welcome foreign children in schools and civil society organisations have been left to organise support for these children³²⁸.

In Kosovo, the authorities have also tried to improve the integration of refugees into society. At the end of 2018, a new department for integration was created within the interior ministry with the ambition to draft an action plan on the issue. Despite these positive developments, living conditions for people who have been granted international protection remain precarious, with a meagre sum of 60 euros per month to support living costs and, in some cases, help with rent³²⁹.

³²⁸ Interview with a member of the organisation Grupa 484 conducted on 5 March 2021 in Belgrade (Serbia)

³²⁹ Interview with a JRS Kosovo representative conducted on 25 March 2021 (remotely)

C. A platform to outsource returns

What if Frontex had the power to organise returns from the territory of a third country? This is what the European Commission and the Council had hoped for during negotiations around the agency’s renewed mandate. Fortunately, the European Parliament put an end to the idea, which would have opened the door to even worse practices in outsourcing EU return policies. And yet, the idea of creating a deportation platform in the Balkan region, as well as other regions seen by the EU as transit areas (for example, North Africa), has not been abandoned.

Although Member States are already able to remove third country nationals who have come through a Balkan country, thanks to readmission agreements³³⁰, the EU is now working to equip third countries with tools to return people on the move to their country of origin. In an attempt to continue outsourcing its return policies, and the rights abuses that result from them, the EU has been building the capacity of the Balkan countries to carry out both forced and so-called “voluntary” returns.

1. INCREASING THE RATE OF DEPORTATIONS

Promoting the signature of readmission agreements with countries of origin

As candidates for EU accession, the Balkan countries are required to align with EU return policies. To this end, they are encouraged to sign readmission agreements with the countries of origin of people “illegally” staying on their territory. In its 2020 report on Serbia’s progress in the accession process, the Commission noted that *“the lack of enforceable bilateral readmission agreements with third countries is a serious obstacle for Serbia to manage returns effectively, notably with the main countries of origin including Afghanistan, Pakistan, Iraq and Iran”*³³¹.

Over the last few years, the Balkan countries have been working towards signing readmission agreements with various countries of origin. In 2020, Albania sent draft readmission agreements for approval to the relevant authorities in Morocco, Afghanistan, Iraq and Iran³³². During the same year, Montenegro started negotiating with Pakistan, Iran, Iraq, Morocco and Algeria³³³.

Bosnia and Herzegovina was the first country in the region to sign a readmission agreement with Pakistan, whose nationals are most represented on the Balkan route³³⁴. The agreement, signed on 4 November 2020, authorises Bosnia to deport Pakistani nationals “illegally” staying on its territory, who, according to the security minister at the time, numbered at approximately 3,000. The agreement addresses one of the main problems faced by Bosnian authorities during the return procedure, namely identifying the person’s nationality, which often requires the cooperation of the authorities in the country of origin. Negotiations are also underway with Bangladesh and Afghanistan.

When asked about this, a representative of the EU delegation in Bosnia and Herzegovina stressed the need to improve identification systems to confirm nationality and facilitate expulsion³³⁵. According to him, the only solution would be to collect and exchange biometric data at a regional level to avoid people declaring different nationalities at different points of their journey on the Balkan route. Until this system is established³³⁶, however, he suggested using a more rudimentary, and rather controversial, method of confirming nationality: by observing the behaviour of the person in the camp in which they are staying. For example, if a person has declared to be of Syrian nationality at

³³⁰ See chapter 1, section B: “Trading visas for readmission agreements”

³³¹ European Commission, “[Serbia report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

³³² European Commission, “[Albania report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

³³³ European Commission, “[Montenegro report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

³³⁴ Danijel Kovacevic, “[Bosnia Signs Deal with Pakistan to Send Back Migrants](#)”, Balkan Insight, 4 November 2021

³³⁵ Interview with an EU representative in Bosnia and Herzegovina met on 26 January 2021 in Sarajevo (Bosnia and Herzegovina)

³³⁶ See chapter 3, section D. “Towards an extra-European Dublin?”

registration but is regularly seen in the camp with Tunisians, then Bosnian authorities could conclude that they’ve falsely declared their nationality... According to the European official we spoke to, this nationality identification mechanism is being implemented in some camps in cooperation with the IOM, which manages surveillance systems for those camps³³⁷.

Building regional cooperation on returns

As the representative for the EU delegation in Kosovo told us, regional cooperation is key to building the capacities of the “Western Balkan” countries on returns. Given the fact that, due to its status, Kosovo struggles to sign readmission agreements with third countries (the country is not recognised by the UN or the EU), a regional approach to returns would help bypass such difficulties: every country could participate according to their abilities. This way, countries that have signed a readmission agreement with Iran would be responsible for deporting Iranian nationals, while those with an agreement with Pakistan would be responsible for the return of Pakistani nationals, etc.³³⁸

In fact, the idea of building regional cooperation has been raised multiple times between the EU and the Balkan countries. A 2013 IOM feasibility study on combating “irregular migration” in the “Western Balkans”, which was commissioned by the European Commission, already suggested this direction: *“It is clear that readmissions only between Western Balkan countries do not constitute a sustainable solution to the issue of irregular migrants stranded/apprehended in the region, as they do not preclude these migrants attempting to pass through either the same or other Western Balkan country again in order to reach EU Member states [...] The provision of support for joint operations in relation to voluntary and non-voluntary return could benefit countries in the region through facilitating increased economies of scale [...] a regional centralised system for the coordination of assisted voluntary return activities led by an international organization/regional initiative could have a positive impact on the effective management of these operations”*³³⁹.

In May 2019, the IOM and the Presidency of Bosnia and Herzegovina jointly organised a regional meeting on readmission, bringing together members of the MARRI regional initiative³⁴⁰. The objective of the meeting was to *“discuss readmission practices, challenges and opportunities at a regional level, therefore fostering further regional cooperation and harmonisation with EU standards and practices on readmission”*³⁴¹. Part of the discussions focused on *“possibilities for readmission cooperation with countries of origin”*. On this occasion, the IOM also mentioned the possibility of extending the European Readmission Capacity Building Facility (EURCAP) project to the Balkans. Launched in 2016, EURCAP is a vast EU-funded programme implemented by the IOM, which aims to *“strengthen partner countries’ capacities to manage returns and cooperate on readmission with the EU, as well as to prevent irregular migration”*³⁴².

In 2021, this initiative saw the light of day with the launch of the Western Balkans Readmission Capacity Building Facility (WBCAP) programme, which aims to build the readmission capacity of the Balkan countries³⁴³. Funded by the Danish Foreign Ministry, the programme runs from 1 January 2021 to 31 December 2023. No information has been made public about the measures taken under the programme or its partners (except the IOM). While “voluntary” return programmes are at the heart of the messaging of the EU and the IOM, these institutions appear to be suddenly quiet around a programme that explicitly support deportation mechanisms in third countries...

³³⁷ See chapter 3, section A. 2. “Camps under strict surveillance”

³³⁸ Interview conducted online with a representative of the EU delegation in Kosovo, 30 March 2021

³³⁹ IOM, [Feasibility Study on Irregular Migration in Western Balkans](#), 31 January 2013

³⁴⁰ MARRI, [“Regional Meeting on Readmission in the Western Balkans”](#), 14 May 2019

³⁴¹ Ibidem

³⁴² See IOM website: <https://eea.iom.int/european-readmission-capacity-building-facility-eurcap>

³⁴³ Twitter account of the IOM in Bosnia and Herzegovina: <https://twitter.com/iombih/status/1395715413930037248> (21 May 2021)

The idea of strengthening regional cooperation was also echoed at the Vienna Conference in July 2020, during which participants launched the “Operational Platform for the Eastern Mediterranean Route”, which includes cooperation on returns. As for the WBCAP programme, almost no information on the implementation of the platform has been made public. It is possible that a recent initiative from Austria, which looks to support deportation charter flights from Bosnia and Herzegovina, could be run as a bilateral “pilot” for what the EU wants to scale to the region (**see box below**).

Frontex also offers capacity building training on returns as part of the “Protection-Sensitive Migration Management in the Western Balkans and Turkey” programme. For example, in 2016, they ran workshops on nationality identification mechanisms³⁴⁴. In June 2017, Frontex also organised a three-day workshop on returns³⁴⁵ for six “Western Balkan” countries. On this occasion, the agency shared its expertise on various topics: “*pre-return assistance, possibilities for a local or regional cooperation on identification and return [...], identifying third country nationals, acquiring travel documents and providing practical information on countries of return*”³⁴⁶. According to an IOM representative in Kosovo, Frontex is currently training people intended to train return officers³⁴⁷.

It should be noted that, in April 2019, Serbia and Austria supposedly signed an agreement on the admission of “irregular” migrants and asylum seekers to Serbia, at the request of Austria³⁴⁸. This agreement has never been made public and its implications are, so far, unknown.

³⁴⁴ [“One year of capacity building in the Western Balkans and Turkey”](#), 27 January 2017

³⁴⁵ Frontex, press release, [“Frontex hosts workshop on return operations as part of IPAll project”](#), 1 June 2017

³⁴⁶ *Ibidem*

³⁴⁷ Interview conducted remotely, 30 March 2021

³⁴⁸ Belgrade Centre for Human Rights, [“BCHR Calls on the Serbian Authorities to Immediately Respond to Claims about the Existence of an Alleged Serbia-Austria Agreement Migrants and Asylum Seekers”](#), 17 April 2020

Deportation charter flights from Bosnia, funded by Austria: the pilot phase of a European project?

In November 2020, several months after the Vienna Conference, there was a meeting which brought together members of the European Council working group Justice and Home Affairs / Foreign Relations (JAI-RELEX). On this occasion, Austria proposed a number of measures to implement as part of the “Operational Platform for the Eastern Mediterranean route”. The following proposal could be seen in a presentation by Austria (see appendix 6): “Conducting a joint return operation from Bosnia and Herzegovina: delivering support for organising and financing a charter flight for voluntary returnees; supporting Bosnia and Herzegovina diplomatically in negotiating with countries of origin; organising a video conference on matters of return”. There is no sign of this proposal in any official European document.

In April 2021, it was announced that Austria and Bosnia and Herzegovina had signed an agreement to strengthen cooperation to tackle “irregular” immigration. While the agreement has not yet been made public, the Austrian interior minister declared that returning people who are “illegally” staying in the country would be one of the key pillars of this cooperation (1). He added that Austria was ready to “support those activities in Bosnia and Herzegovina, especially those concerning the issue of forceful readmissions based on the signed agreements and [...] to fund charter flights that security structures in Bosnia and Herzegovina will organise towards the implementation of this measure” (2). They also discussed sending Austrian experts and police officers to build the capacity of Bosnian authorities on return operations. The Austrian interior minister also committed to supporting Bosnia and Herzegovina in the negotiations of the agreement which would allow Frontex’s operational deployment in the country.

Although no official document makes it possible to state with any certainty that this Austrian initiative is the result of European negotiations carried out in the context of the new platform, it does not seem far-fetched to envisage that it could be part of a broader pilot where Austria tests, on a bilateral level, what the EU would like to eventually implement on a multilateral level in the Balkans.

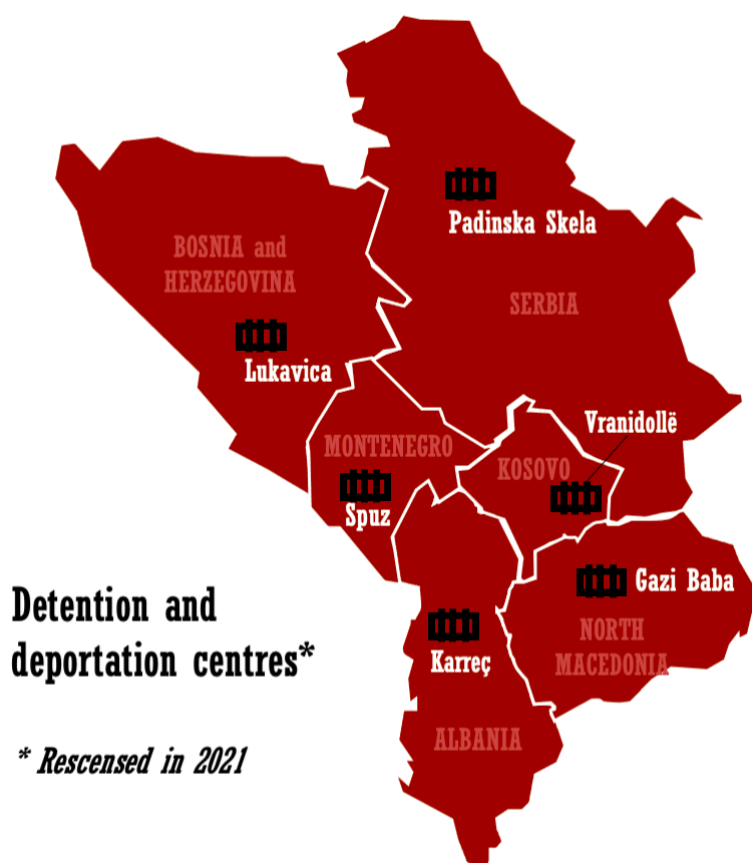
- (1) Sarajevo Times, “[Cikotic: Austria will support BiH when it comes to the Return of Migrants to their Countries of Origin](#)”, 29 April 2021
- (2) N1 Sarajevo, “[Austria offers support to BiH in returning migrants to their countries of origin](#)”, 28 April 2021

Creating detention and deportation centres

In 2008, the EU issued its first regulation on the detention and deportation of people “illegally” staying on the territory of a Member State as part of the Returns Directive. The text directs Member States to issue a return decision to any third country nationals “illegally” staying on their territory and to take any measures necessary to execute this decision. The directive specifies that detention may be used as a last resort to successfully carry out the removal.

Although the provisions of the directive primarily apply to EU Member States, they also affect the “Western Balkan” states as accession candidates, therefore allowing the EU to outsource its detention and deportation practices³⁴⁹.

³⁴⁹ Stop Wapenhandel and Transnational Institute, “[Outsourcing oppression: How Europe externalises migrant detention beyond its shores](#)”, Border wars briefing, April 2021



The EU started releasing funds from the Pre-accession instrument (IPA) for the construction of detention centres in the Western Balkan countries very early on. In 2006, the Ministry of Security of Bosnia and Herzegovina signed a memorandum of understanding with the IOM and the European Commission on the establishment of a “reception centre for irregular migrants in line with international and European standards”³⁵⁰, a not-so-subtle euphemism for what was essentially a detention centre. The EU allocated a million euros from the Community Assistance for Reconstruction, Development and Assistance (CARDS) programme for this project. The centre was established in Lukavica, on the outskirts of Sarajevo. Its opening in 2009 was welcomed by the head of the EU delegation in Bosnia and Herzegovina, who took

the opportunity to stress that the construction was a necessary pre-condition to the visa liberalisation process³⁵¹. In the centre, which bears the flag of the European Union and is supposed to comply with “European standards”, rights abuses and ill treatments seem to have become the norm (see box below)³⁵². Since then, more detention centres have been built across the Balkan region: in 2004, the Padinska Skela centre in Serbia³⁵³; in 2007, the Gazi Baba centre in North Macedonia; in 2018, the Karreç centre in Albania; in 2012, the Magura centre in Kosovo (later converted into a centre for asylum seekers); in 2013, the Spuz centre in Montenegro; and in 2014, the Vranidollë centre in Kosovo. It is still unclear whether the EU provided financial support to the construction of these centres, as funding sources sorely lack transparency. In all these centres, NGOs and institutions have reported fundamental rights violations towards detained people.

In 2018, news outlets in North Macedonia reported that the EU had promised to support the construction of a new detention centre for “irregular” migrants, with a financial package of 14.57 million euros from the IPA fund³⁵⁴. The centre was meant to replace the one in Gazi Baba, where unacceptable detention conditions have been regularly denounced by human rights organisations³⁵⁵.

³⁵⁰ IOM, “European Union Provides One Million Euro for the Establishment of a Reception Centre for Irregular Migrants”, 8 September 2006. Available here: <https://bih.iom.int/news/european-union-provides-one-million-euro-establishment-reception-centre-irregular-migrants>

³⁵¹ EU delegation in Bosnia and Herzegovina, “[Handover ceremony of the EU funded Reception Centre for Irregular Migrants in BiH](#)”, 20 November 2009

³⁵² See also Migreurop, “[Le camp d'étrangers de Lukavica : mauvais traitements et grève de la faim](#)”, 28 January 2011

³⁵³ In 2020, the European Commission reported that work had been initiated to increase the centre’s capacities, see European Commission, “[Serbia report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

³⁵⁴ Nezavisen Vesnik, “[The migrants’ camp will cost 16m euros, the EU is paying](#)”, 17 July 2018

³⁵⁵ Human Rights Watch, “[As Though We Are Not Human Beings](#)”: Police Brutality against Migrants and Asylum Seekers in Macedonia, 21 September 2015

“It felt like we were in Guantanamo” (1)

“As a Kurd, I fled Turkey to avoid political persecution from the government. As I had no visa, I had to travel on the Balkan route to get to Europe where I wanted to seek protection. At the end of 2019, I reached Bosnia and Herzegovina. One day in December, as I was praying in a mosque in Sarajevo, the Bosnian police arrested me for no reason and brought me to the Lukavica centre after taking my money and my phone. I never found out why I was arrested. At the centre, I met other people in a similar situation, including two Pakistani men who had arrived eight months ago after being arrested by the police at a bar. There was also a young afghan boy. One day, his stomach was hurting so he called an ambulance, but it was the police who arrived, and that’s how he ended up in this nightmare of a situation.

You don’t know why you were brought in, and above all, you don’t know when you’ll get out. If you have identification papers that prove your nationality, the police will try to send you back. They don’t care that you could be a refugee. They threatened to turn me in to the Turkish embassy, even though they knew the risks it would present for me. If your documentation shows that you went through a neighbouring country, the police will send you there instead. That was my case: I had a registration card from a camp in Serbia. That’s why they freed me quite quickly, only after a month: to send me back to Serbia. But if you have no documentation, it gets complicated. You could be detained for a long time. There were two people from the IOM who regularly came to visit to convince us to “return voluntarily”. Police officers were also pressuring us to accept the IOM’s offer. Sometimes, they’d leave us out in the cold. But for many of us, going home wasn’t an option: we’d face prison, torture, or even death. At the same time, police officers did everything in their power to make you want to leave. They verbally abused you, beat you, humiliated you... We were made to feel like criminals even though we’d done nothing wrong. The police weren’t even the worst – employees of the private security company working at the centre were. A real mafia. They’d steal your money, abuse you... The food they gave us was inedible, even a dog wouldn’t have eaten it. The rooms were very cold, without any heating in the winter. They’d give us tranquilisers so we wouldn’t fight back. I saw some people become completely addicted. Honestly, it felt like we were in Guantanamo.”

B’s case is not an isolated one. A lawyer who regularly works in the centre, and whom we met in Sarajevo during this investigation, confirmed the catastrophic conditions of detention and the wholly arbitrary nature of the deprivation of liberty there: *“It’s hard to know who is detained in this centre. Some were apprehended as they tried crossing the border into Croatia. Others were arrested despite having done absolutely nothing wrong. Foreigners who have committed an offense are generally sent to common law prisons: they appear before a judge and the State provides them with an attorney. It’s different in Lukavica. People rarely go before a judge, and if they want a lawyer, they generally have to pay for it. Vasa Prava [an NGO] is meant to provide free legal assistance but, in practice, people in detention do not have access to it” (2).*

After visiting the centre in 2019, the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, reported several rights violations: *“On the day of my visit, one migrant was put in solitary confinement through an administrative decision for a period of 7 days because of violent behaviour. At least 2 migrants detained at the facility claimed to be minors and that their claims had allegedly been dismissed by relevant authorities without any age assessment. I also learned that some detainees were deprived of outdoor activities for over months. Detainees at the facility virtually do not have access to free legal aid” (3).*

(1) Testimony of B. collected during an online interview on 14 February 2021

(2) Interview with a lawyer in Sarajevo on 16 February 2021

(3) OHCHR, “End of visit statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales”, 1 October 2019

Shut down in 2015 after an intervention by UNHCR, local organisations and international groups, the centre was reopened several months later³⁵⁶ and continues to operate in 2021.

³⁵⁶ Human Rights Watch, “[Macedonia: New move to lock up asylum seekers](#)”, 22 December 2015

In its 2020 report on North Macedonia, the European Commission observed that *“the arbitrary detention of people apprehended in irregular movements in the reception centre for foreigners in the Gazi Baba municipality to ensure their testimony as witnesses in court cases against smugglers continued”*. It added that *“as of the end of November 2019, a total of 214 asylum seekers (48% of all asylum applicants) were detained in the centre for foreigners in Gazi Baba before being released and admitted to the reception centre for asylum seekers in Vizbegovo”*³⁵⁷. While the EU may deplore Macedonia’s arbitrary detention practices, they have not deterred European institutions from supporting the construction of a new place of detention. A “law on foreigners”, adopted in 2018 by the Macedonian Parliament, stipulates that exiled people must cover the costs of their own detention and removal. It also authorises the detention of minors, including unaccompanied minors.

2. ENCOURAGING “VOLUNTARY” RETURNS

A more neutral and consensual concept, promoted by the EU

For several years, the European Commission has encouraged Member States to choose “voluntary returns” over removals. Although the underlying reasons behind this trend are, for the most part, financial (a removal costs approximately 15,000 euros, whereas a “voluntary return” costs approximately 3,000 euros³⁵⁸), the EU has emphasised the more dignified nature of “consensual” returns, which are theoretically carried without a police escort or physical constraints and, as a result, should imply a lesser risk of human rights abuses. A voluntary returnee is usually given a period of time to leave the territory, as well as financial assistance for reintegration though they may not always receive it upon arrival. Seemingly more neutral and consensual, the concept of “voluntary return” also has the advantage of depoliticising the question of deportations³⁵⁹.

While the EU promotes voluntary returns to Member States, it has also become a key part of its policies to externalise returns. In its new strategy, announced in April 2021, the European Commission promised that it would *“continue to provide assistance for voluntary return and reintegration of migrants stranded in other countries”*³⁶⁰. In the “Western Balkans”, the main partner for this area is the IOM. The organisation has operated in the region for a while, having been involved, in the 1990s, in assisted voluntary return and reintegration activities for refugees after the Yugoslav wars. Since then, the IOM has remained in the region and continued to support return activities, this time for people on the move using the Balkan route.

In January 2019, the IOM launched a new two-year programme to *“support sustainable return and reintegration of migrants voluntarily returning from the Western Balkans to their countries of origin”*³⁶¹. Jointly funded by the IPA II fund, the German Federal Foreign Office, Austrian Ministry of Interior and Dutch Ministry of Justice and Security, the programme includes an information campaign on “voluntary” return, logistic and financial support in travel planning, support in procuring travel document, support at the airport upon arrival and, for *“the vulnerable categories, a monetary compensation [...] for reintegration”* as well as *“support that may be used for the purpose of education, initiating business or business investments, medical requirements or, if necessary, partial coverage of accommodation costs”*³⁶². Between 2018 and 2020, the IOM congratulated itself on

³⁵⁷ European Commission, “North Macedonia report 2020, Communication on EU Enlargement Policy”, October 2020

³⁵⁸ Claire Lapique and Jean-Pierre Cassarino, “Entre expulsion et retour volontaire, la frontière est fine”, Dialogues économiques, 5 February 2020

³⁵⁹ Antoine Pécoud, “Les campagnes d’information de l’organisation internationale pour les migrations”, Actuels 1 (1): 36-49, 2012.

³⁶⁰ European Commission, “Migration management: New EU Strategy on voluntary return and reintegration”, 27 April 2021

³⁶¹ IOM, “Assisted Voluntary Return and Reintegration Programme (AVRR) In Western Balkans”. Available here: <https://serbia.iom.int/node/791>

³⁶² Ibidem

having “helped” 1,448 people to “voluntarily” return to their country of origin³⁶³. Among them, 519 returned to Iran, 239 to Iraq, 120 to Algeria, 116 to Pakistan and 99 to Tunisia.

Information campaigns on “voluntary” return aimed at people on the move are pervasive throughout the region, mobilising significant resources. The IOM has deployed teams to squats where migrants live to tell them about voluntary return programmes, and it has even created a dedicated website on the programme³⁶⁴. In North Macedonia, where the IOM provides two reception centres with internet access, people who go online are first directed to this site³⁶⁵. Between 2019 and 2020, the IOM claims to have told over 30,000 people in the region about “voluntary returns”, including 7,579 from Afghanistan, 2,241 from Iraq and 1,188 from Syria, countries which are unlikely to be “safe”³⁶⁶.

A questionable “voluntary” basis

Beyond the pervasive nature of the IOM’s information campaigns on voluntary returns aimed at exiles, the fact that these activities are, in many cases, happening in places of detention raises serious doubts about the “voluntary” nature of returns. According to several testimonies and documents gathered during this investigation, the IOM is operating and providing “voluntary” return services in

« Exiles often give in out of fatigue and accept to “voluntarily” return to their country of origin out of sheer desperation, return being the only “solution” to escape inhumane and degrading detention conditions. »

multiple detention and deportation centres: in Vranidollë in Kosovo³⁶⁷, Gazi Baba in North Macedonia³⁶⁸, Padinska Skela in Serbia³⁶⁹, Lukavica in Bosnia and Herzegovina³⁷⁰, etc. As former prisoners have told us, exiles often give in out of fatigue and accept to “voluntarily” return to their country of origin out of sheer desperation, return being the only “solution” to escape inhumane and degrading detention conditions.

When asked about this, the IOM’s head of mission and coordinator for the “Western Balkan” region stated categorically that “*the IOM did not operate voluntary return operations from closed centres*” and that “*the IOM had strict red lines on voluntary return that they do not cross*”³⁷¹.

The Balkan region has turned into a giant open-air prison for people on the move trying to reach EU Member States. As a result, the “voluntary” nature of return operations should be systematically questioned. How can someone give meaningful consent after living in terrible conditions for months, sometimes years, deprived of their right to move and to seek protection so they can build a better life?

³⁶³ IOM, “[AVVR Bulletin, Assisted Voluntary Return and Reintegration Programme \(AVRR\) in Western Balkans](#)”, September 2020

³⁶⁴ Website: <https://avrr-wb.com/#>

³⁶⁵ Interview with an IOM representative in North Macedonia, conducted on 2 April 2021 (remotely)

³⁶⁶ IOM, AVVR Bulletin, [Assisted Voluntary Return and Reintegration Programme \(AVRR\) in Western Balkans](#), September 2020

³⁶⁷ Interview conducted remotely on 18 March 2021 with a UNHCR representative in Kosovo

³⁶⁸ Interview conducted remotely on 2 April 2021 with an IOM representative in North Macedonia

³⁶⁹ See “Government of the Republic of Serbia negotiation group for chapter 24 – Justice, Freedom and Security”, 2020.

Available here: http://www.mup.gov.rs/wps/wcm/connect/9be2669f-e783-4911-9471-7f20ae6145ce/Revised+AP24_worksheet.pdf?MOD=AJPERES&CVID=nbcu44H

³⁷⁰ This information was not only confirmed by the testimonies of several migrants detained in the centre, but also by a lawyer who visited the premises on multiple occasions. In a document from 2014, the IOM openly stated that 87 people had benefited from its return programme in Lukavica between 2012 and 2013 (IOM, [Feasibility Study on Irregular Migration in Western Balkans](#), 31 January 2013).

³⁷¹ Interview with Laura Lungarotti conducted on 17 February 2021 in Sarajevo (Bosnia and Herzegovina)

D. Towards an extra-European Dublin?³⁷²

“We will abolish the Dublin Regulation and we will replace it with a new European migration governance system”³⁷³. These were the words of European Commission president Ursula von der Leyen in September 2020, a week before the Commission presented its new Pact on Migration and Asylum³⁷⁴.

In fact, the Dublin Regulation has faced significant criticism for many years. Except for family criteria, the system requires that the country one first enters on EU territory, and in which a person’s fingerprints are taken, is responsible for examining their asylum application. Dublin places a disproportionate burden on the Member States located at the external borders of the EU to receive people in need of protection³⁷⁵.

Yet as externalisation is increasingly becoming the crux of the New European Pact, and as a migrant data collection system is underway in the Balkans, one must ask: would the EU go as far as expanding the Dublin mechanism beyond its borders, at the risk of worsening human rights abuses on the Balkan route?

1. THE DEVELOPMENT OF A SYSTEM FOR COLLECTING AND SHARING DATA ON A LARGE SCALE

Eurodac in the Balkans

Over the last few years, the EU has particularly focused its efforts on building the capacity of the Balkan countries on data collection and sharing. In a report commissioned by the European Commission and published in 2013, the IOM advised the EU to strengthen this aspect so it could tackle “irregular” immigration to Europe and noted that: “*The establishment of a mini-EURODAC type system would also allow countries to more effectively tackle the issue of multiple applications by asylum seekers using a number of false identities, an emerging issue in the region*”³⁷⁶.

More recently, in its conclusions of 5 January 2020, the European Council affirmed its commitment “*to reflect and support the development by partners in the Western Balkans of interoperable national biometric registration/data-sharing systems on asylum applicants and irregular migrants*”³⁷⁷. Furthermore, the Council mentioned that data collection and sharing system should “*be modelled on the Eurodac technical and data protection principles, thus enabling regular information exchange and ensuring their future interoperability and compatibility with EU systems*”.

This desire to build the capacity of the Balkan countries on data collection and exchange can also be found in the EU-funded IPA programme “Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey Phase II”. While there is a lack of transparency by the European Commission around the type of data exchanged in the context of this programme, several testimonies³⁷⁸ have confirmed the development of a regional database modelled on, and

³⁷² This section is based on an article jointly published by Migreurop and Statewatch: Sophie-Anne Bisiaux and Lorenz Naegeli, “[Blackmail in the Balkans: How the EU is externalising its asylum policies](#)”, 1 June 2021

³⁷³ Ursula von der Leyen, “[State of the Union speech 2020](#)”, 16 September 2020

³⁷⁴ European Commission, “[A new Pact on Migration and Asylum](#)”, 23 September 2020

³⁷⁵ A reminder that the European Union only takes on a small proportion of refugees worldwide. According to UNHCR, 73% of displaced people globally live in a country neighbouring their country of origin which is, in most cases, far from Europe and its external borders.

³⁷⁶ IOM, “Feasibility Study on Irregular Migration in Western Balkans FINAL REPORT”, 31 June 2013, available here: https://www.iom.int/sites/default/files/migrated_files/What-We-Do/docs/IOM-Feasibility-Study-on-irregular-migration-in-the-WB.pdf

³⁷⁷ General Secretariat of the Council, “[Council conclusions on enhancing cooperation with Western Balkans partners in the field of migration and security](#)”, 5 June 2020

³⁷⁸ Interviews with representatives of the EU delegation in Albania (23 March 2021) and in Kosovo (30 March 2021)

compatible with, the Eurodac database³⁷⁹. A confidential document summarising discussions with the Balkan countries at a JHA (Justice and Home Affairs) Council meeting also confirms this EU initiative: *“The Western Balkan partners expressed support to enhance information exchange with the EU, and in the region through the development of interoperable domestic information systems, modelled on European standards, to record data on migrants. The EU expressed readiness to provide technical support”*³⁸⁰. According to several EU delegations in the Balkan countries, Frontex is in charge of assessing, for each country, which measures are needed to ensure interconnectivity of national databases on a regional level and their compatibility with European databases.

The European Union has been gradually equipping the Balkan countries with state-of-the-art data collection and exchange systems. After Serbia³⁸¹, it is now Bosnia and Herzegovina’s turn to be equipped with AFIS (Automated Fingerprint Identification System) technology, which allows for the automatic recognition of fingerprints and is a prerequisite for the implementation of the Eurodac database. To improve its capacities in terms of data collection related to migration, the latter has received a total of 17 million euros from the IPA fund between 2015 and 2020³⁸², with the ultimate objective of implementing an operational database, an analytical tool and a system for monitoring migrants’ biometric data. It should be noted that Switzerland is also providing significant support in this undertaking³⁸³.

In Bosnia and Herzegovina, to access most camps and basic humanitarian services, people on the move are now required to have each of their ten fingerprints scanned. However, they are not told how this data will be used. In Blazuj, an overcrowded and unsanitary container camp near Sarajevo where more than 3,000 people are crammed together, the level of sophistication of the data collection technologies contrasts with the archaic living conditions to which the people on the move are subjected.

Connecting to European databases before joining the EU?

The European Commission has made no secret of the fact that its ambition is eventually to integrate the Balkan countries into the Eurodac database. However, it has specified that this connection will not be possible before their accession to the European Union³⁸⁴. Therefore, the current development of biometric data collection systems for migrants in the Balkan countries is arguably only intended to prepare them for future membership.

But the lack of short and even medium-term prospects for accession of most of the Balkan countries raises questions: why spend millions to help states set up data collection and exchange systems that they will not be able to use for several years, or even decades, at the risk that the technologies used will become obsolete in the meantime? In fact, the accession process has long seemed to be at a

³⁷⁹ It should be noted that Eurodac is due to be significantly expanded as part of the new European Pact on Migration and Asylum. See ECRE, *“Transforming Eurodac from 2016 to the New Pact”*, 2020

³⁸⁰ European Council, “EU-Western Balkans Justice and Home Affairs Ministerial videoconference on 22 October 2020 - summary of discussions”. Available on Statewatch’s website: <https://www.statewatch.org/media/2450/annexe-1-clean.pdf>

³⁸¹ Government of the Republic of Serbia, “Development Strategy of the Ministry of Interior for the period 2018-2023”, 2020. Available on Statewatch’s website: <https://www.statewatch.org/media/2453/annexe-4-clean.pdf>

³⁸² Document shared by the EU delegation in Bosnia and Herzegovina on 28 January 2021: “Regular IPA II assistance on migration & border control”. Available on Statewatch’s website: <https://www.statewatch.org/media/2454/annexe-5-clean.pdf>

³⁸³ State Secretariat for Migration (SEM), “Support to efficient migration and border management in Bosnia and Herzegovina”. Available on Statewatch’s website: <https://www.statewatch.org/media/2455/annexe-6-clean.pdf>

³⁸⁴ See European Commission response to parliamentary question E-005336/2020, 17 December 2020: https://www.europarl.europa.eu/doceo/document/E-9-2020-005336-ASW_EN.html

standstill³⁸⁵, even more so for Bosnia and Herzegovina, which has not yet been awarded official candidate status.

Raising further suspicion, Serbia indicated that it would implement the Dublin and Eurodac Regulations two years before joining the EU³⁸⁶. As the Belgrade-based NGO Klikaktiv notes, “*this would be a unique case of a country signing the Dublin and EURODAC regulations before becoming an EU Member State*”³⁸⁷. In its 2020 report on the state of Serbia’s EU accession process, the European Commission also revealed that the Serbian Ministry of Interior was now using a single database to identify and register asylum seekers and that “preparations for connecting to the EU asylum fingerprint database (Eurodac) [were] in their initial phase”³⁸⁸. According to the assessment of Klikaktiv, this connection would be illegal, as Serbian law does not allow the exchange of this type of data with EU countries³⁸⁹.

The interconnection of Eurodac and the databases of the Balkan countries before the completion of the accession process would additionally constitute a flagrant violation of European standards on the protection of personal data. It seems that the EU is not so far away from illegality in this area³⁹⁰. As one can read in a Council of the EU document summarising the positions of the Balkan countries on the prospect of interconnection: “*The claim that [connection to the Eurodac database] cannot be done because of the fact that data protection legislation does not stand, as the Western Balkan countries have already signed an operational cooperation agreement with Europol, while national legislation is approximated to that of the European Union*”³⁹¹. Whether the interconnection of databases is legal or not, the EU could consider the possibility of integrating the Balkan countries into the Eurodac system, without them being part of the EU.

Frontex: a potential link to connect the Balkan countries’ databases to Eurodac

To enable early interconnection of databases, the EU could rely on Frontex. Indeed, agreements between Frontex and the Balkan states give the agency certain consultation rights to national databases. As Statewatch notes, “*the agreements with Albania and Montenegro allow the host state to authorise [Frontex] members of the team to consult national databases if necessary for operational aims or for return operations*”³⁹².

³⁸⁵ See chapter I, section A. 2. “An accession process at a standstill?”

³⁸⁶ Government of the Republic of Serbia, “Development Strategy of the Ministry of Interior for the period 2018-2023”, 2020

³⁸⁷ Klikaktiv, “[On the situation of refugees in Serbia – Legal analysis and field report](#)”, 2019. It should be noted that Switzerland, Lichtenstein and Norway are part of the Dublin system without being EU members. Unlike Serbia, however, they do not aspire to join the EU.

³⁸⁸ European Commission, “[Serbia report 2020, Communication on EU Enlargement Policy](#)”, 6 October 2020

³⁸⁹ Klikaktiv, “What is (not) written in the Non-paper for Chapters 23 and 24 regarding Serbian progress in EU accession?”, September 2020. Available here:

https://static1.squarespace.com/static/5e3766f903c72c513a16796c/t/5f647862c648c4471cba1b5a/1600419943310/KlikAktiv_Non-paper+Jan-June+2020.pdf.

³⁹⁰ On the European Union’s illegal connections to third countries, see Matthias Monroy, “[Western Balkans: Clandestine connection to EU databases](#)”, 29 February 2020.

³⁹¹ European Council, “EU-Western Balkans Justice and Home Affairs Dialogue - Senior Officials Meeting: Informal written consultation - Summary of the replies of the Western Balkans partners in the area of Home Affairs”, 18 June 2020. Available on Statewatch’s website: <https://www.statewatch.org/media/2456/annexe-7-clean.pdf>

³⁹² Statewatch, “[Briefing: External action: Frontex operations outside the EU](#)”, 11 March 2021. Agreements signed with Serbia and Bosnia and Herzegovina are more restrictive, only allowing the exchange of certain data under specific circumstances.

In parallel, the adoption of the "interoperability" regulation in 2019³⁹³ facilitates Frontex access to the various European databases, including Eurodac. Thanks to this double access, the agency would be able to compare the data collected by the national authorities of the Balkan countries with the ones in the Eurodac database.

This possibility seems to be exploited in Albania where, according to various testimonies³⁹⁴, Frontex officers deployed at the Greek border compare data collected during the registration procedure with the data of various European databases (SIS, Europol, Eurodac, etc.). According to the current legal framework and until the new amendments have been adopted, this would be an illegal practice regarding Eurodac. When asked about this, the Frontex Press Office denied that it conducts such data cross-checks as part of its Balkan operations, contrary to information received on the ground³⁹⁵.

The Council raised this possibility regarding Frontex in January 2020: *“It is expected that either the current Status Agreements with Western Balkan countries will be revised, or a dedicated international agreement is to be elaborated, allowing FRONTEX (and its Standing Corps) to collect and process personal data in those Western Balkan countries, resulting in the exchange of data at regional level. The data would be also accessible to EU Member States. Joint Investigation Teams are a good model of cooperation. Trainings in further data analysis could be offered to Western Balkan countries who received training on screening/debriefing. Staff exchanges and development of professional exchanges and contact points could be envisaged in order to stimulate operational cooperation and fostering of law enforcement cross border efficiency”*³⁹⁶.

Frontex could thus serve as an intermediary link allowing the EU to access the databases of the Balkan states³⁹⁷. By allowing only one-way consultation (the Balkan countries do not have direct access to Eurodac), this strategy has the advantage of circumventing the various restrictions on personal data protection and maintaining a centre-periphery relationship with these countries, in which the EU can continue to serve its own interests in migration management.

2. HOTSPOTS FOR THE EU, OUTSIDE THE EU

The potential interest of the European Union in extending the Eurodac system to the Balkan countries is clear. This would be a prelude to the establishment of an “extended Dublin mechanism” and would complete the implementation of the EU’s “hotspot approach” in the region.

As a result, the extension of the Eurodac database into this region would allow authorities to know which countries people on the move - those apprehended crossing a border “irregularly” or applying for asylum in an EU Member State – have previously crossed during their migratory journey. These countries would then be responsible for examining the person’s asylum application or, if the application is rejected, for deporting the person to their country of origin.

³⁹³ Regulation (EU) 2019/818 of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending several regulations. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0818>

³⁹⁴ Interview with a representative from the Albanian border police conducted in Tirana on 18 March 2021, and interview with a Frontex officer deployed at the Greek border conducted on 29 March 2021.

³⁹⁵ Which Frontex denies in its written response dated 31 May 2021 – See appendix 2

³⁹⁶ See European Council Presidency, Enhancing Cooperation with the Western Balkan Countries: Combating Migrants Smuggling - Presidency Discussion Paper, 14 January 2020. Available on Statewatch’s website: <https://www.statewatch.org/media/2457/annexe-8-clean.pdf>

³⁹⁷ Frontex already has two liaison officers in the Balkan region, one in Belgrade (Serbia) and another in Tirana (Albania).

At a meeting of the inter-institutional working group preparing the integration of North Macedonia into the European Union, the representative of the Macedonian Ministry of Interior expressed concern that Brussels “imposes the idea of establishing so-called BALKANDAC, following the EURODAC template, a fingerprint database in EU. This database is accepted by the countries in the region, but it does not offer an opportunity for us to access it. This is a trap for us because countries in the EU will know which migrants were registered here and will return them, and we will not be able to return them to Greece. There is no bad intention in this, but it is still evident that the EU is treating us in a paternalistic way”³⁹⁸.

The possibility for a Member State to return a third-country national who has transited through the territory of one of the Balkan countries is already possible via readmission agreements signed by the EU and the latter³⁹⁹. However, the implementation of a data collection system could, in the future, make the dream of an “extra-European Dublin” a reality. Several months after the publication of the Pact on Migration and Asylum by the European Commission, which relies on solidarity between Member States to keep people on the move away from European borders, this scenario is far from improbable. With the prospect of a “BALKANDAC” database, Ursula von der Leyen’s promise to abolish the Dublin system and replace it with a “strong solidarity mechanism” (between Member States)⁴⁰⁰ could lead to the Dublin system being externalised to the “Western Balkan” countries, turning them into real hotspots in service of the EU.

³⁹⁸ Meeting of the working group on the European integration of North Macedonia (Chapter 24), “Waiting on Frontex: Border security through the prism of mixed migration flows”, 18 December 2019 : <https://nkeu.mk/2020/10/28/second-cycle-first-session-of-working-group-4-chapter-24-waiting-on-frontex-the-border-security-through-the-prism-of-the-mixed-migration-flows/>. Frontex’s press office contradicts this version in a written response (dated 31/05/2021), claiming that “the idea of a regional Eurodac platform to be created at the regional level has been assessed from a purely technical perspective, included in the study, but never proposed.” – see appendix 2

³⁹⁹ See readmission agreements signed by the EU with Albania in 2005, and Bosnia and Herzegovina, Montenegro, Macedonia and Serbia in 2007.

⁴⁰⁰ Ursula von der Leyen, "[Speech on the State of the Union](#)", 16 September 2020

Conclusion

Barbed wire fences all along the Balkan route, endless police violence, pervasive human rights abuses, the rise of nationalism and hate speech, and the growing criminalisation of solidarity: this is the depressing legacy of the EU's externalisation of migration policies in the Balkans. In the aftermath of the Yugoslav wars, the EU offered the Balkan countries the prospect of integration as an opportunity to overcome years of horror and bloody conflicts. But its role in the region has now become a lot more ambiguous. By putting cooperation on border control and migration management at the centre of accession negotiations, it has fundamentally altered the principles at the heart of the European project – democracy, rule of law, human rights, and even socio-political cohesion.

More than anything, European migration policies in the Balkans have shown just how much the EU's so-called values are in crisis. This report has tried to go beyond a binary analysis opposing two approaches (on one hand, the promotion of hostile policies by the Visegrad countries, and on the other the promotion of human rights by the European Commission) and show how the EU has "Orbanised" its migration policies in recent years. By further strengthening the border externalisation process and viewing migrations through a securitarian lens, the new Pact on Migration and Asylum revealed by the Commission in September 2020 has only confirmed this race to the bottom.

Already a testing ground for strategies, old and new, to contain and deter migration, the Balkan route is now a site where various anti-hegemonic struggles play out. We can see it in the people who continue to challenge both state violence and the military arsenal deployed in border areas, with their relentless attempts to cross borders. We can see it in the connections between the fight for mobility⁴⁰¹ and local struggles against EU colonial power, opposing its great "universalist" values through acts of solidarity⁴⁰². Creating cracks in the European border control regime, this *"myriad of struggles for freedom of movement and acts of solidarity by local people contribute to Europe's opening"*⁴⁰³.

⁴⁰¹ Sandro Mezzadra and Brett Neilson, ["Border as Method, Or, the Multiplication of labor"](#), Durham, NC: Duke University Press, 2013

⁴⁰² Gorana Mlinarevic, ["Why we must show feminist solidarity with people on the long road West"](#), Kosovo 2.0, 27 May 2021

⁴⁰³ Barbara Beznec, Andrej Kurnik, ["Old Routes, New Perspectives. A Postcolonial Reading of the Balkan Route"](#), *Movements* 5 (1), 2020.



Squat near Subotica, in the north of Serbia, not far from the Croatian border (Sophie-Anne Bisiaux, April 2021)

« Creating cracks in the European border control regime, this “myriad of struggles for freedom of movement and acts of solidarity by local people contribute to Europe’s opening” »

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Appendices

APPENDIX 1 – WRITTEN EXCHANGES WITH FRONTEx PRESS OFFICE (16 APRIL 2021)

- Is there a specific Frontex mission in Croatia? If yes, are there any information (such as name of the mission, budget, number of officers, etc.) publicly available?

Frontex: The Agency does not have a dedicated operation in Croatia, nevertheless some operational activities are implemented there within the framework of the Joint Operation Focal Points Land 2021 and Flexible Operational Activities Land 2021.

- How many Frontex-Officers are currently at the Border between Croatia and Bosnia and Herzegovina?

Frontex: 9 officers

- What is their scope of work?

Frontex: The operational activities aim to facilitate the implementation of the Integrated Border Management concept at the EU external borders by establishing a permanent Focal Points system at the selected Border Crossing Points and using them as a platform for specific operational activities and information gathering in order to control irregular migration flows towards the territory of the member state and to fight cross-border crime.

- How many and what kind of assets did Frontex allocate to the border region between Croatia and Bosnia and Herzegovina?

Frontex: three CO2 and heartbeat detectors

- What is the budget-allocation for Frontex activities in Croatia?

Frontex: The budget is allocated to all the activities in the framework of the joint operation, its allocation is not split by the border section.

- Is there any Frontex presence in police stations in the border area? If yes, in which ones?
- In particular: are there any Frontex personnel or any Frontex assets stationed in the Croatian Police station of Cetingrad?

Frontex: Frontex officers as well as equipment are deployed in border crossing points.

- It seems that Frontex role at this border is to help the Croatian authorities by providing air surveillance. What is the scope of this mission?

Frontex: The Agency is not providing any such services to Croatia.

- In the light of the current reporting about systematic pushbacks by Croatian borderguards in this region: Did Frontex staff ever noticed human rights violations perpetrated by the Croatian border police, as reported by many NGOs? If not, how can you explain that?
- Has there been a human rights assessment about the current situation on the Croatian Bosnian border? If yes, can it be publicly assessed?

Frontex: The Agency's staff has not witnessed any human rights violations by Croatian border police. The Frontex Fundamental Rights Officer is currently reviewing one Serious Incident Report related to an alleged violation of human rights by Croatian officers.

- In early 2020, the president of the Serb entity in BiH, Milorad Dodik, refused to give his approval for a Frontex mission in Bosnia and Herzegovina. So currently, Frontex has no clear mandate in BiH. From the point of view of the agency: how do you see this decision? Are there ongoing negotiations to start a mission in the future? And: if Frontex starts a mission in BiH, what would be its main pillar/focus (also in terms of region)?

Frontex: The Agency is able to launch operations in a country neighbouring the European Union only once a Status Agreement has been concluded between the European Union and the country. As there is no such agreement between EU and Bosnia and Herzegovina, Frontex cannot run an operation there.

Since 2009, a Working Arrangement defining the general framework of cooperation is in place between Frontex and the Ministry of Security, encompassing areas such as risk analysis via the Western Balkans Risk Analysis Network (WB-RAN) and operational cooperation in preventing and addressing illegal migration and cross-border crime.

Frontex supports the Bosnian-Herzegovinian authorities in strengthening their migration management capacities as part of the IPA II funded project on "Protection-sensitive migration management in the Western Balkans and Turkey". The IPA II project is implemented by our agency in close cooperation with other international partners such as IOM, UNHCR and EASO. The initiative helps Bosnia and Herzegovina also to align its policies and practices in the area of migration management to the EU acquis and standards in view of future accession to the Union.

- **Still, according to information received by representatives of the EU-delegation, Frontex is supporting activities on the ground in Bosnia and Herzegovina.**
 - **How many Frontex officers work in BiH? In what activities are they involved?**
 - **On what mandate do they act?**

Frontex: *There are no Frontex officers deployed to Bosnia and Herzegovina.*

- **Furthermore: did Frontex provide any material support to the government of BiH (or other actors active in the country)? If yes: what kind of support did you provide?**
- **If Frontex teams would be able to operate on the Bosnian territory, would they be protected by immunity from Bosnian law?**

Frontex: *It is too early to discuss any such details.*

Kind regards,

Frontex press office

APPENDIX 2 – WRITTEN EXCHANGES WITH FRONTEX PRESS SERVICE (31 MAY 2021)

North Macedonia

- Negotiations are currently ongoing for the signing of a border management agreement between Frontex and North Macedonia. The European Commission and many civil society organizations report violent practices from the Macedonian police as well as illegal push-backs.
 - According to the NGO Grupa 484, during the first 3 months of 2021, 2952 push-backs of migrants were detected from North Macedonia to Greece
 - According to a testimony collected by Migreurop on 13/04/2021, a migrant was wounded by two bullets shot by the Macedonian police during a collective expulsionAre these incidents known to Frontex?

Frontex: Frontex has no operation in North Macedonia and is not taking part in any operational activities in the territory of the country. Frontex can only launch an operational activity in the country outside the EU when a Status Agreement regulating border management cooperation between that country and the European Union is concluded.

- In the light of such accusations: what assessments or evaluations has Frontex made with regard to the fundamental/human rights situation in Macedonia?

Frontex: The Agency has no mandate to comment on this.

- According to the protocol of the "SECOND CYCLE FIRST SESSION OF WORKING GROUP 4 (CHAPTER 24)" (Link: <https://nkeu.mk/2020/10/28/second-cycle-first-session-of-working-group-4-chapter-24-waiting-on-frontex-the-border-security-through-the-prism-of-the-mixed-migration-flows/>), Frontex has proposed the idea of a "Balkandac" (which was rejected by a representative of the NM-government). Since then: how has this idea developed and in what way is Frontex involved?

Frontex: Under the IPA II Project "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey, Phase I" coordinated by Frontex, a Feasibility Study assessing the steps needed for each IPA II Western Balkan (WB) Beneficiary to join Eurodac and other EU information systems on migration at the moment of EU accession has been delivered. The study covered legal, operational and technical dimensions and proposed different integration scenarios (at national level) for the future.

"Balkandac" or similar has never been proposed. The idea of a regional Eurodac platform to be created at the Regional level has been assessed from a purely technical perspective, included in the study, but never proposed. The main outcome of the study has been to identify possible integration scenarios at the national level.

- How is Frontex assisting with the development of databases compatible with Eurodac?

Frontex: Under Phase II of the Project, a more in-depth assessment of the technical elements needed for future integration of the selected WB national IT systems with Eurodac, so-called "Masterplans", is currently being developed. No regional platform is covered or proposed.

- With which EU databases does Frontex compare data collected/processed during operations in the Western Balkans?
 - More concretely, does Frontex act as an intermediary actor to compare locally collected data with EU-databases (in particular the Eurodac)?

Frontex: We do not compare data.

Montenegro

- Frontex has launched two operations in Montenegro, the first one in July 2020 at the Croatian border and the other one in October 2020 regarding maritime surveillance.
 - Is there a monitoring mechanism to prevent human rights violations? If yes, how does it work in practice?
 - What resources have been allocated to the monitoring mechanism and how will Frontex cooperate with the responsible authorities to ensure allegations of FR violations are monitored and investigated?

Frontex: Frontex has mechanisms in place to monitor and ensure respect for fundamental rights in all its activities of the Agency. The mechanisms are the same, no matter whether it is an operation within the EU or outside the EU.

The Agency has an independent fundamental rights officer as well as fundamental rights monitors who are in charge of assessing the fundamental rights compliance of operational activities. Frontex, has also developed a Fundamental Rights Strategy, adopted a Code of Conduct (“CoC”) applicable to all persons participating in Frontex operational activities. The Agency also established serious incident reporting system, a complaints mechanism, and is developing the supervisory mechanism for the use of force of the statutory staff of the Standing Corps.

Both the operational plans as well as the code of conduct include all the necessary instructions on how to ensure the safeguarding of fundamental rights during the operational activity of the Agency.

All persons involved in Frontex operational activities are obliged to respect fundamental rights and maintain the highest standards of ethical conduct and professionalism. According to Serious Incident Reporting (SIR), participants in Frontex activities are under the obligation to report any event which could be a SI in case they learn, witness or are directly or indirectly involved in such an event. Such reports are further processed by the Fundamental rights officer.

You could find more about the fundamental rights and the complaint mechanism at Frontex, on our website: [Fundamental Rights at Frontex \(europa.eu\)](https://europa.eu/fundamental-rights) and [Complaints Mechanism \(europa.eu\)](https://europa.eu/complaints-mechanism)

It is important to add, that Frontex has no power to investigate the actions of the national authorities. Frontex supports them in conducting border control activities, but we always act under the command of the national authorities who are the only responsible for border management.

Serbia

- A cooperation agreement between the EU and Serbia has been signed and entered into force in March 10, 2021 after being adopted unanimously by the Serbian Parliament:
 - What kind of operations will Frontex carry out in Serbia?
 - Is there a monitoring mechanism to prevent human rights violations? If yes, how does it work in practice?
 - What resources have been allocated to the monitoring mechanism and how will Frontex cooperate with the Serbian authorities to ensure allegations of FR violations are monitored and investigated?

Frontex: Frontex has not launched any operational activity in Serbia yet.

More information about the Status Agreement with Serbia is available here: (<https://www.consilium.europa.eu/en/press/press-releases/2020/05/26/border-management-eu-concludes-agreements-with-montenegro-and-serbia-on-frontex-cooperation/>)

Albania

- Frontex has launched an operation in May 2019 in Albania at the border with Greece. What resources have been allocated to the monitoring mechanism and how will Frontex cooperate with the Albanian authorities to ensure allegations of FR violations are monitored and investigated?

Frontex: It is not clear what kind of resources you are asking for. The monitoring mechanisms at Frontex are the same for all operations. Please see our answer to the question related to Montenegro.

- Push-back practices were reported from Albania to Greece by different human rights NGOs, and journalists. According to various testimonies collected from migrants, Frontex officers would have been involved in these illegal practices (Frontex officers were recognized by their uniforms, their cars and the language spoken).
 - Do you know about such allegations?
 - How do you address this situation?
 - Frontex teams are able to operate on the Albanian territory with total immunity from the Albanian law for all acts carried out in the exercise of official functions, where these are committed in the course of actions contained in the operational plan. Then, how can the officers on the ground be held accountable in case of human rights violations?
 - Several migrants reported that after one of these collective push-backs, people in their group died, because of the cold, as they were left in the mountains without food and warm clothes.
 - Can you elaborate on these allegations?
 - Do you know about any death-cases along the Greek-Albanian borders?

Frontex: All accusations of unprocessed return cases with alleged Frontex participation in Albania were thoroughly examined by Frontex together with Fundamental Rights Officer. None of the cases described by the Border Violence Monitoring Network even remotely matched the cases detected and reported in our operational area, either by Frontex officers or Albanian Police. The detailed descriptions of the cases are in fact very generic and have absolutely no connection with the operational activities that Frontex is performing in Albania.

- According to various testimonies, during the pre-screening procedure at the two entry points (Kakavia and Kapshtica), Frontex officers are present:
 - How does Frontex staff monitor the compliance of the Albanian police with fundamental rights, including the respect of the non-refoulement principle during this procedure?
 - Since June 2020, it seems that all the migrants arriving at the border were refused to have access to the asylum procedure.
 - Are you aware of such allegations?

If so, how does your staff address such obstacles to the fundamental right to seek asylum?

- If not: to your knowledge, how is the practical procedure for people arriving in Albania in relation to their right to claim asylum?

According to various sources (received through interviews on the ground in March/April 2021), the Albanian police and Frontex are sharing data and fingerprints collected during the pre-screening procedure at the two entry points (Kakavia and Kapshtica):

- What kind of data are exactly exchanged?
- In which database these data are compared (Eurodac? SIS? Europol...)?
- What is the legal basis for this data exchange?

Frontex: The Status Agreement signed between the European Union and the Republic of Albania allows only the processing of personal data for administrative purposes. Frontex Team Members may also process personal data for the purposes necessary for the performance of their tasks and the exercise of their powers – e.g. when they are performing border check procedures, they can check the travel documents. Frontex however does not collect fingerprints from the migrants. This procedure is done exclusively by the respective Albanian authorities and Frontex Team Members are not involved in the procedure. Any data collected during this procedure is not shared with Frontex. All other questions should be addressed to the Albanian Police.

- According to various sources, Frontex plans to extend its activities in Albania by launching an aerial surveillance operation at the Greek border and maritime surveillance operation in the Adriatic. For each of these planned operations, would you provide the following information:
 - What kind of activities are included?
 - How many Frontex staff will be deployed?
 - What kind of assets and equipment will be used?
- What is the budget allocated?

Frontex: The operational activities in Albania has been launched and we are not aware of any extension of the operational activities.

- Frontex is one the implementing partners of the IPA programme "Regional support to protection-sensitive migration management in the Western Balkans and Turkey"
 - How does Frontex support the identification, registration and referral of mixed migration flows at the borders and within the territory of the Western Balkans States?
 - How is Frontex involved in helping these countries to improve their data collection and exchange systems at a regional scale to prepare their connection to the Eurodac database?

Frontex: The IPA II Project "Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey, Phase II" is an EU-funded project implemented by Frontex together with EASO, IOM and UNHCR, aimed at developing and operationalizing a comprehensive migration management system in the IPA II beneficiaries focused on protection, resilience and human rights promotion. The project's phase II (July 2019 – December 2021) builds on the results achieved under Phase I (January 2016 – June 2019).

APPENDIX 3 – WRITTEN EXCHANGES WITH HCR OFFICE IN ALBANIA (21 APRIL 2021)

- **What activities does UNHCR carry out in Korçë? Does UNHCR have a presence in the reception center set up at the border? If so, what is its role?**

UNHCR does not have a presence in this transit centre. As part of its activities in Korca, UNHCR visits the centre and its partner Caritas provides immediate assistance (food and non-food items, referral to medical services, psychosocial support, etc.) to persons lodged there.

- **According to several organizations I met, since the summer of 2020, people arriving at the border no longer have the possibility to apply for asylum and are no longer transferred to the center in Babrru. Is UNHCR intervening with the Albanian authorities to resolve this situation?**

Only asylum seekers should be transferred to the National Reception Centre for Asylum Seekers. UNHCR is working with authorities to ensure access to the asylum procedure for persons seeking asylum and intending to enjoy international protection in Albania.

- **Is UNHCR present during the pre-screening procedure? If so, how does it ensure that the right to asylum and the principle of non-refoulement are respected?**

UNHCR's presence is not foreseen by the pre-screening instruction that regulates the pre-screening procedure.

- **The Deutsch Welle newspaper and various organizations have reported on the practice of push-backs at the border. Does the UNHCR intervene with the Albanian authorities to resolve this situation?**

UNHCR is in contact with authorities to ensure access to the asylum procedure and granting of rights for persons seeking to enjoy international protection in Albania. Furthermore, other interventions on identifying and protecting Persons with Specific Needs (such as P/VoT, UASC, survivors of SGBV, members of specific social groups) are conducted with the relevant duty holders and authorities.

- **A new asylum law has just been adopted. What is the deadline for the implementation of the accelerated procedure and the adoption of a list of safe third countries? What will be the consequences of this procedure for people arriving at the border? What is the role of UNHCR in accompanying the Albanian authorities in the implementation of this law?**

Please, refer to the relevant articles of the new law. The accelerated procedure, envisaged for manifestly founded and unfounded claims according to article 34, will be regulated by a Decision of the Council of Ministers. For the list of safe third countries, please refer to article 10. Albania has at present such a list, as approved by the DCM No.159/2016. Asylum requests have seldom been rejected on this basis. UNHCR will support the relevant Albanian authorities in implementing the law in a manner consistent with its international legal obligations.

- **There is a project to build a center to house asylum seekers at the border. What is the progress of this project? What support does the UNHCR plan to provide in this context?**

Please refer to the Ministry of Interior priorities for 2021 in the following link https://mb.gov.al/wp-content/uploads/2021/02/PRIORITET-E-PUN%C3%8BS-MB_-2021.pdf.

- **What cooperation do you have with other migration actors such as the Albanese border police? Frontex? EASO?**

UNHCR works closely with the Albanian Border and Migration Police and other governmental structures responsible for asylum matters in various ministries. UNHCR delivers a presentation to new Frontex officers to Albania, on asylum matters, and fundamental rights as per the EU and International conventions and legislation. It broadly cooperates with EASO in matters of common interest, notably in areas related to its roadmap for Albania, seeking synergies with UNHCR's capacity building work.

APPENDIX 4 – NOTE ON EU ASSISTANCE TO NORTH MACEDONIA ON MIGRATION MANAGEMENT



EUROPEAN UNION'S ASSISTANCE FOR THE REFUGEE CRISIS

Overall, the European Union allocated **nearly €19 million over the last year** to help the country cope with the refugee crisis (Special Measures and humanitarian aid combined):

- The European Union allocated around **€14.5 million** over the last year in additional, i.e. extraordinary assistance to help your country cope with the refugee crisis (so called "special measures").
- The European Union granted additional, **€4.7 million so far in EU humanitarian aid** to help the migrants in Tabanovce and Vinojug transit centres (*grants provided to humanitarian organisations*).

This is all within the broader context of **overall past and planned EU financial and technical support** for the country in the field of border and migration management amounting to over €50 million. This broader support helps to strengthen the operational capacity of the border police, to improve border surveillance and orderly control migratory flows.

SPECIAL MEASURE I

Under **SPECIAL MEASURE I (€3 million)**, the European Union supported the government institutions at national and local level with new equipment and vehicles

Border police will receive 31 terrain vehicles in February 2017 that will replace the outdated fleet of cars.

The **Crisis Management Center** received 2 minivans to transport vulnerable migrants and staff. It will further receive 2 terrain vehicles to fulfil their mandate.

The **Intelligence Agency** will receive 5 vehicles to strengthen their capacities to fulfil their mandate in relation to migrants (*handover expected in April*).

EU support has also reached the most affected municipalities: Gevgelija and Kumanovo

The **General hospital in Gevgelija** received specialised medical equipment and 2 fully-equipped ambulances to reach to urgencies, including any citizen of this country. Also, in 2017 further support will be provided to the Ministry of Health with additional medical equipment for Kumanovo General Hospital and Gevgelija General Hospital. A new ambulance in the Vinojug transit centre was supplied and equipped with modern medical equipment.

Public utilities **Komunalec** in Gevgelija and Cistota i Zelenilo in Kumanovo received new waste management vehicles that will help in keeping these towns and nearby transit centres clean (*8 vehicles delivered; 2 more waste management vehicles will also be provided*).

SPECIAL MEASURE II

Under **SPECIAL MEASURE II (€9 million)**, the European Union supports the border and migration management capabilities of the Border police.

Until March 2016, the government paid from the national budget for the stay of **border guards** – both guest officers and local police who need to be redeployed to the Southern Border from other parts of the country. Since then, the European Union has paid for their accommodation and meals as well as fuel for their vehicles (*until October 2017*).

A **senior Border Management Expert** is assisting the Ministry of Interior and the border police with this joint operation since March 2016 (*deployed*).

So far, under this measure the Border police received **border surveillance equipment**, such as 20 thermal short-ranging cameras, a device for the detection of validity of documents, 100 TETRA handheld devices and 2 radio programming tools (*delivered October 2016*). In 2017, the Border Police will receive 10 more thermal long-ranging cameras (*contract signed*), 4 specialised vehicles with multipurpose surveillance capabilities for improved border security and 1 Mobile Surveillance system equipped with radar and communication network (*ongoing tenders*).



SPECIAL MEASURE III

Under **SPECIAL MEASURE III (up to €2.5 million)**, the European Union will include support to the medical staff of the Ministry of Health in providing services to migrants and local people, and schemes for assisted voluntary return of migrants (*contract signed with International Organisation for Migration*).



Delegation of the European Union
52b Sv. Kiril i Metodij, 1000 Skopje

http://eeas.europa.eu/delegations/the_former_yugoslav_republic_of_macedonia/index_en.html

APPENDIX 5 – LIST OF EQUIPMENT PROVIDED TO ALBANIA UNDER THE EU4SAFEALB PROGRAMME FROM 2021/22

EU4SAFEALB - List of equipment to be procured within the project - 2021/22

	Item	Brief operational requirements	Number of items	Unit
Travel documents inspection				
1	Document examination device	With variable UV light, white overhead light, transmitted light	2	RDBMs not supplied with the similar devices to be provided by German Federal Police
Vehicles				
2	Surveillance van	with surveillance radar, thermal cameras and CCTV camera	2	RDBM Vlora, RDBM Durres
3	4x4 Surveillance vehicle	with thermal imaging capacities and multi sensors	1	to be defined in coordination with BMP
4	Delta Force mobile workshop maintenance van	mini van based, with a set of tools sufficient to provide basic/1st line maintenance	1	Delta Force BMP SU
Vessels				
5	Patrol vessel of 10 – 15 m LOA	for both internal waters and territorial sea, > 6 NM from coastline; to include a stronger surveillance radar	1	Delta Force BMP SU
6	Speed boat of < 10 m LOA	for internal waters, coastal areas, estuaries and bays, ≤3 NM from coastline	6	Schengjin, Durres, Triport Vlore, Himare, Sarande, Ohrid or Shkodra Lake
Maritime surveillance system				
7	Technical specifications	feasibility study of the sites and development of the technical design concept (incl. radio network planning, site surveys, wireless communication design, working design of individual sites) and technical specifications	1	covers entire maritime border segment, the cost to be defined depending on ToR
8	Stationary surveillance radar	surveillance radar of 12-24 nm detection range with the 25-40 m tower, 2 operators positions (at site and IMOC), outdoor diesel generator, alarm system and training	3	Vlora, Schengjin
9	Integrating software	optional, integration of the received images on the level of IMOC	1	IMOC, RDBMS
Maintenance, refurbishment and spare parts				
10	FB Design patrol vessels refurbishment	conduct assessment as per each device	7	currently assigned units
11	Radar FURUNO Nav Net 3 refurbishment	reparation of FURUNO radars	5	radars of the available FB Design boats
12	Batteries to thermal imaging cameras "Matis"	2 batteries per camera	32	4X RDBM Gironkaster, 6x RDBM Korce; 3x RDBM Kukes; 3x RDBM Shkodra
13	Thermal camera	purge gas batteries replacement	2	2x Kakavia BPS
14	"Pulsar" thermal cameras	batteries replacement	39	all BPS, Delta Force BMP SU
15	Compressor refurbishment	conduct assessment as per each device	2	BPC Hani Hotit, BCP Miriqan
16	7 patrol vehicles refurbishment	reparation / overhaul	7	RDBM Schkodra
17	Spare parts	lump sum, to be defined in cooperation with beneficiary	1	list of most typically worn out spare parts is to be compiled in cooperation with BMP
Training				
18	Patrol vessels operators training and certification	training and certification of the personnel assigned to operate the new and existing vessels	14	the level and exact certification are to be defined in cooperation with the beneficiary
19	Training for vessels maintenance staff	basic vessels maintenance training	1	to be included into the procurement package for patrol vessels procurement or alternative training options to be identified
20	Training for IT basic maintenance specialist	basic IT and other equipment basic maintenance training for a limited number of staff	1	external training providers are to be identified
21	Asset management/basic maintenance training	lump sum covering review and update of SOPs, roll-out training and certification	1	to be conducted jointly with Albanian Policie Academy (who would provide accommodation and meals); with limited number of certificates
22	Training for radars operators	BMP to provide the list of BP staff to be trained	1	to be included into the procurement package for the coastal radar surveillance system

APPENDIX 6 – PRESENTATION BY AUSTRIA ON THE COORDINATION PLATFORM FOR THE CENTRAL MEDITERRANEAN ROUTE

Excerpt from a restricted access document: WK 13221/2020 INIT - Informal videoconference of the members of the Justice and Home Affairs - Foreign Relations (JAEX) Working Part, 20 November 2020

Federal Ministry
Republic of Austria
Interior bmi.gv.at

II. What steps were/will be taken?

1. (Possible) first coordinated actions in the spirit of JCP

1.1 Return

- Conducting a joint return operation from Bosnia and Herzegovina
 - delivering support for organizing and financing a charter flight for voluntary returnees
 - supporting BiH diplomatically in negotiating with countries of origin
 - organizing a video conference on matters of return

Next steps: Prep video call on 23th November as well as common workshop at the beginning of December (together with JCP representatives, Member States and EU organizations)

1.2 Reception

- Coordination of in-kind support for Bosnia and Herzegovina
 - Coordination/Lobbying with other MS for possible support to BiH in the framework of the JCP

5

APPENDIX 7 – EU EXTERNALISATION FACT SHEETS FOR THE WESTERN BALKANS

ALBANIA

€ EU ACCESSION

➤ Accession application submitted in 2009, candidate status recognised in 2014, decision to open accession negotiations in March 2020.

🚧 BORDERS

➤ 10,557 “irregular” border crossings recorded in 2019, an 83% increase compared to 2018.

➤ (+) Integrated border management strategy adopted for 2014-2020, largely aligned with European standards.

➤ (-) Data collection systems implemented by the United States, which are not necessarily aligned with European standards on personal data protection (PISCES and PNR). Under-staffed border police with corruption issues.

🛖 FRONTEX

➤ (+) Working arrangement signed in 2009, status agreement signed in 2018 and operational deployment at the Greek border since May 2019. Liaison officer based in Tirana since 2021.

🏠 CAMPS

➤ (+) Increase in reception capacity since 2019, reaching 490 beds in 2020. Construction of a new centre in Kapshticë at the Greek border with IOM support.

➤ (-) Need to improve living conditions for asylum seeker centre in Babrru.

🏠 ASYLUM

➤ In 2019, 6,677 people expressed their intent to apply for asylum, 60 filed their application. 1 was granted refugee status and 23 subsidiary protection.

➤ (+) Adopted new asylum law in 2021, largely compliant with EU law.

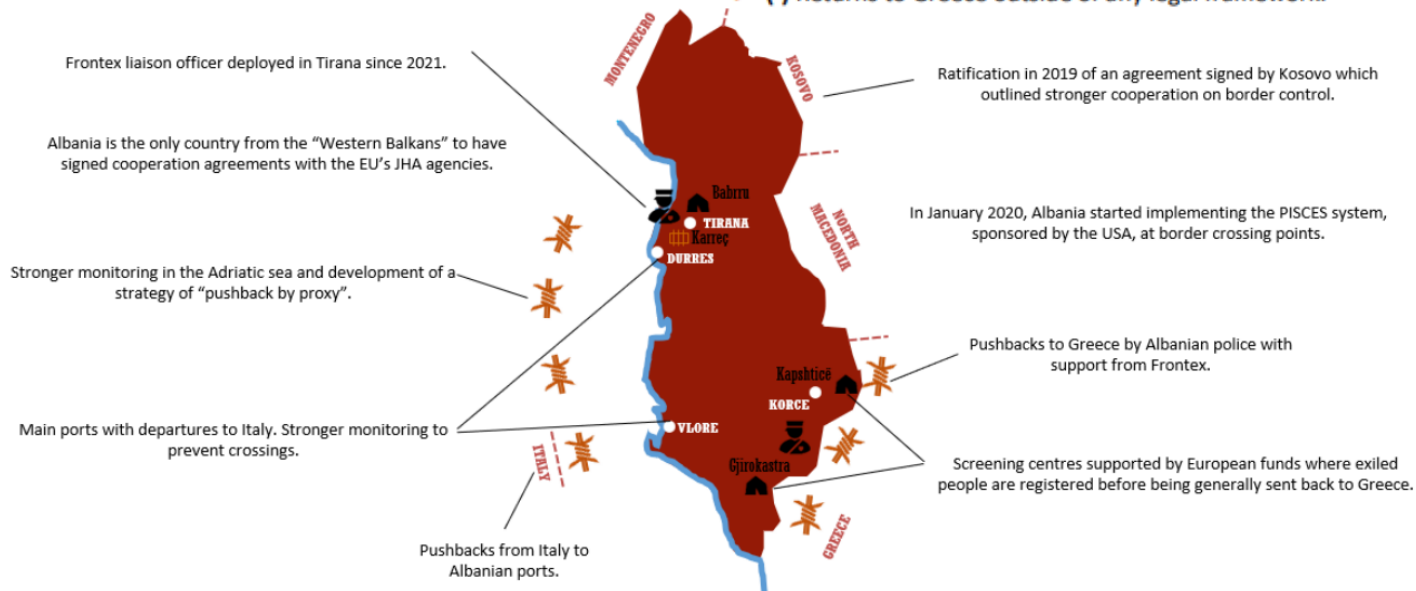
➤ (-) Appeal procedure difficult to access. Need to improve translation services during pre-registration processes and to strengthen safeguards for vulnerable people.

🚪 EXPULSIONS

➤ EU-Albania readmission agreement in effect since 2006. In 2019, 2,414 Albanian nationals were removed from EU territory as part of 73 operations coordinated by Frontex.

➤ (+) In 2019, 4,098 people were issued an order to leave Albanian territory, four times more than in 2018.

➤ (-) Returns to Greece outside of any legal framework.



BOSNIA AND HERZEGOVINA

€ EU ACCESSION

- Potential accession candidate status. Accession application submitted in 2016, response from the European Commission in 2019 with 14 recommendations to implement to gain candidate status.

🚧 BORDERS

- 29,302 “irregular” border crossings recorded in 2019, an 22% increase compared to 2018.
- Adoption of an integrated border management strategy for 2019-2023, largely aligned with European standards.
- Border police under-staffed. Poor cooperation between national agencies. Need to improve information exchange relating to border surveillance.

🛖 FRONTEX

- Working arrangement signed in 2009. Ongoing negotiations since January 2019 to authorise operational deployment.
- Negotiations blocked by the President of the Serb entity.

🏠 CAMPS

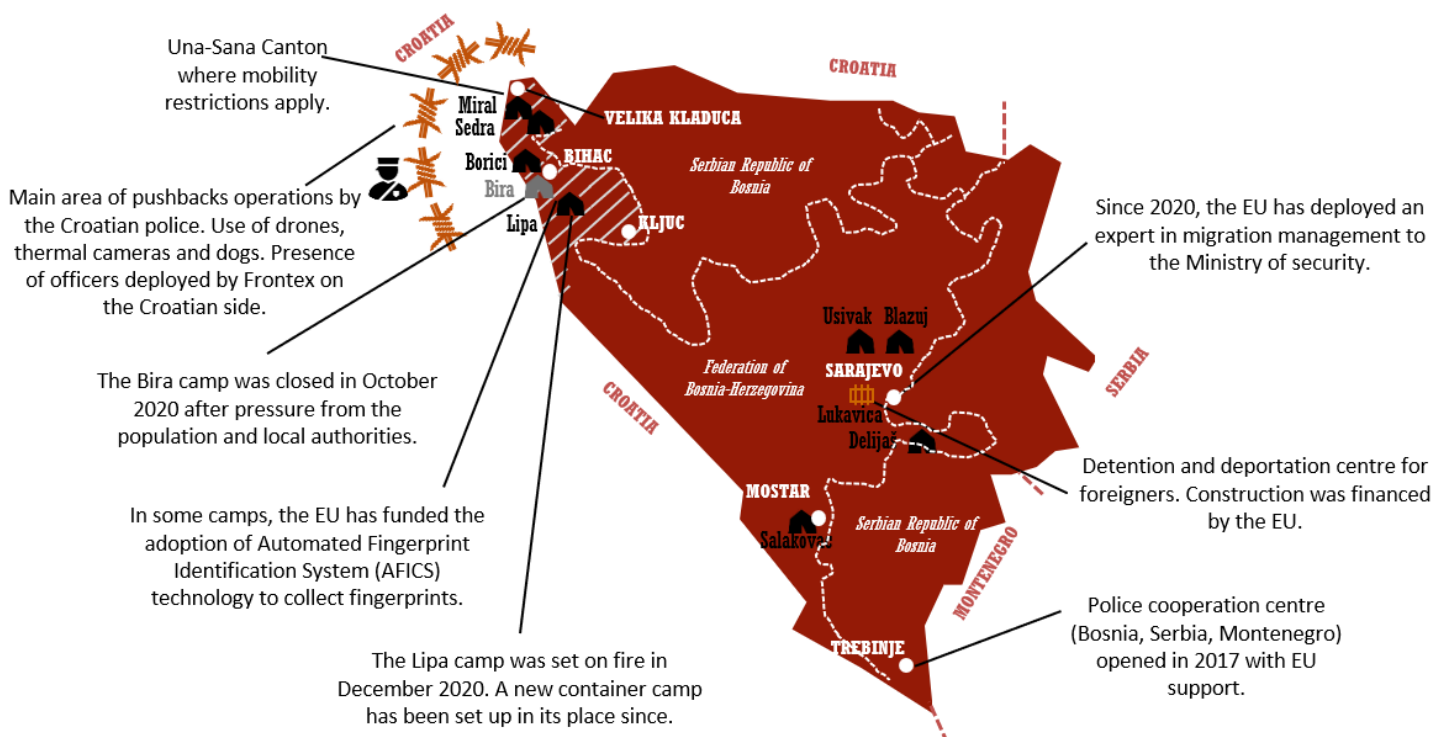
- 7 camps funded by the EU and managed by the IOM since 2018.
- Limited reception capacity. Camp closed following local opposition. Lack of fair distribution across the territory.

👤 ASYLUM

- In 2019, 784 asylum applications were made. 3 were granted refugee status and 8 subsidiary protection.
- Adopted new asylum law in 2016, compliant with EU law.
- No effective access to national asylum system. Shortage of staff means long delays in asylum procedure.

🚪 EXPULSIONS

- EU-Bosnia readmission agreement in effect since 2008. In 2019, 1,495 Bosnian nationals were removed from EU territory as part of this framework.
- Readmission agreement signed with Pakistan in 2020 (waiting for ratification).



KOSOVO

€ UE ACCESSION

➤ Potential accession candidate status. 5 EU Member States do not recognise the country, and neither do the UN or UNESCO.

🚧 BORDERS

➤ 2,027 “irregular” border crossings recorded in 2019, a 300% increase compared to 2018.

➤ (+) New integrated border management strategy for 2019-2023 drafted but not adopted yet. Improvements to the national centre for border management, with real-time information exchange between national border authorities.

➤ (-) Lack of equipment for biometric recording of migrants. Lack of interconnectivity of national database with international databases due to Kosovo’s problematic status.

🛂 FRONTEX

➤ (+) Working arrangement signed in 2016.

➤ (-) No status agreement. Information exchange only done as part of risk analysis conducted by Frontex. Negotiations blocked due to Kosovo’s problematic status.

🏠 CAMPS

➤ (+) Contingency plan revised with increase in reception capacity: reception centre in Vranidolle increased (+ 200 beds) and rehabilitation of military camp in Belvedere (+ 2,000 beds).

➤ (-) No reception centre for migrants at the border.

👤 ASYLUM

➤ In 2019, there were 2,081 asylum applications (a 300% increase compared to the previous year), 33 people were granted refugee status.

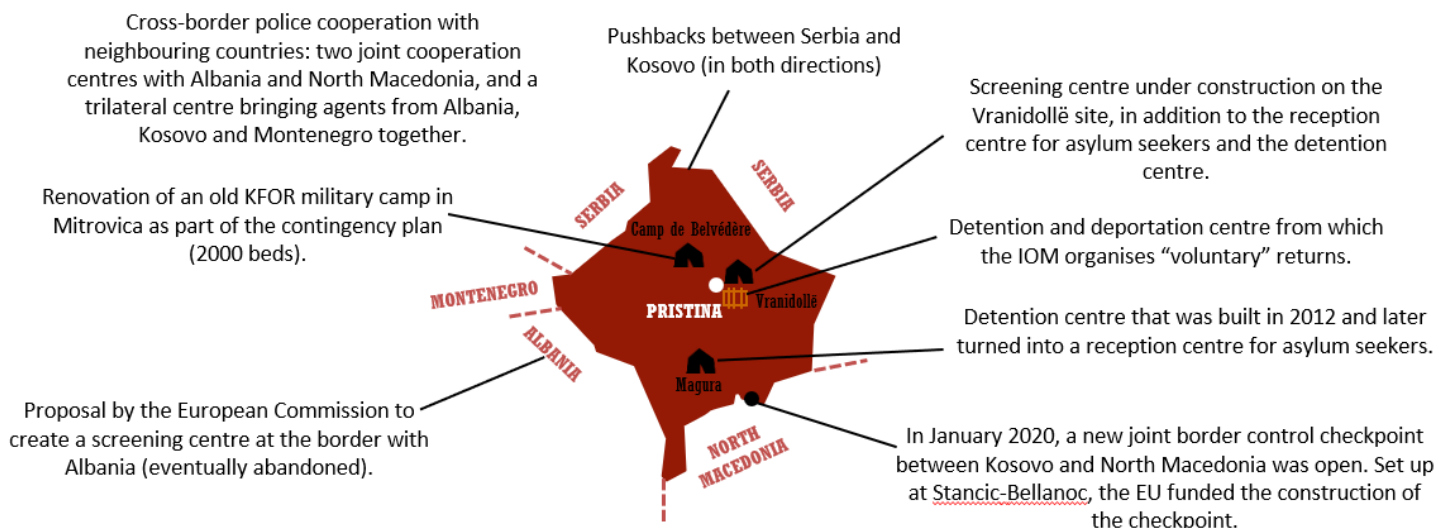
➤ (+) Asylum law largely aligned with EU law.

➤ (-) Weaknesses of institutions responsible for examining asylum claims, especially since the increase in applications in 2019. Need to improve access to information, free legal aid and translation services.

🚫 EXPULSIONS

➤ No readmission agreement with the EU, but 24 bilateral agreements with Member States. In 2019, 1,536 nationals from Kosovo were removed from EU territory (including 374 “voluntary” returns).

➤ (+) In 2019, 472 people were deported from Kosovo, including 326 as part of the IOM’s “voluntary” return programme.



NORTH MACEDONIA

€ UE ACCESSION

➤ Accession application submitted in 2004, candidate status recognised in 2005, decision to open accession negotiations in March 2020.

🚧 BORDERS

➤ 20,314 “irregular” border crossings recorded in 2019 (an underestimate according to the Commission), a 16% increase compared to 2018.

➤ (+) Southern border secured by EU border guards. Integrated border management strategy (2015-2019) aligned with European standards.

➤ (-) No mechanism to manage undocumented migrants leading the authorities to conduct return operations outside a proper legal framework.

🛖 FRONTEX

➤ (+) Working arrangement signed in 2009, status agreement signed in 2018. According to official sources, there has been no operational deployment despite multiple testimonies claiming there are Frontex officers at the border with Greece.

➤ (-) Negotiations blocked because of a linguistic problem with the agreement (Bulgaria refuses to recognise Macedonian as a language in its own right)

🏠 CAMPS

➤ (+) Sufficient capacity according to the Commission (971 places).

➤ (-) Transit centres are not adapted to multi-day stays.

👤 ASYLUM

➤ In 2019, there were 490 asylum applications. None were granted, except one subsidiary protection granted to a Kosovar national.

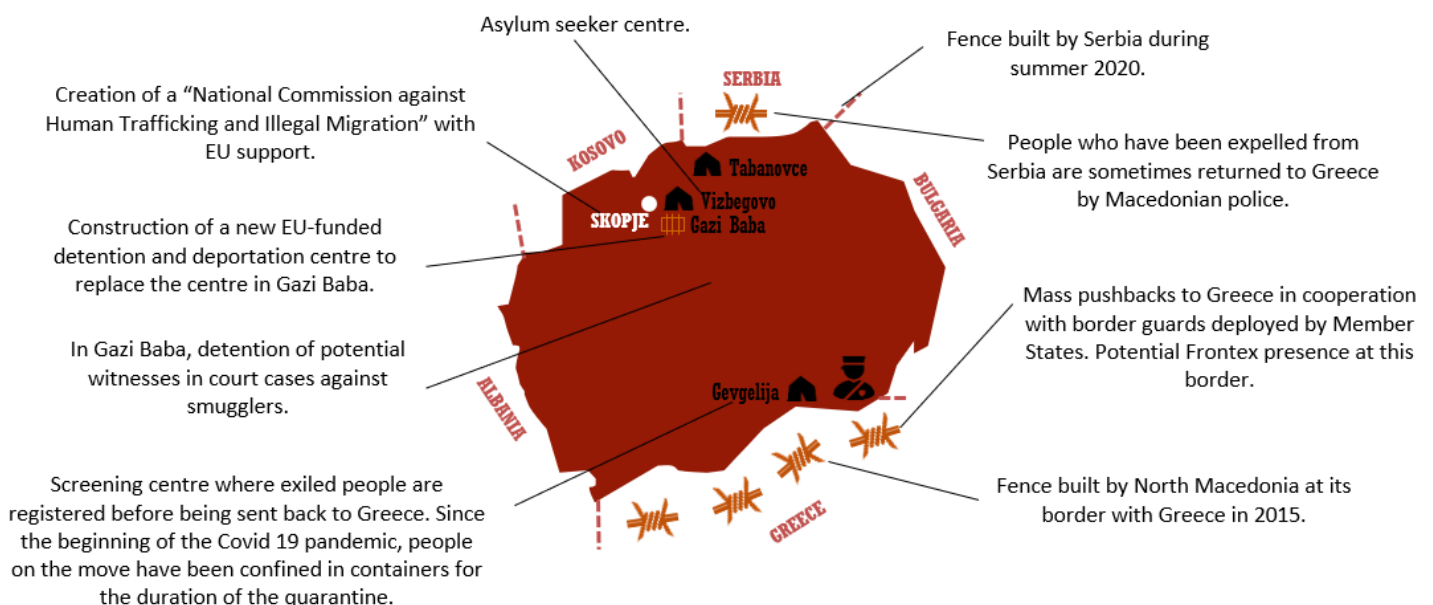
➤ (+) Asylum legislation adopted in 2018, largely compliant with EU law.

➤ (-) Rejection of an asylum claim systematically accompanied by a removal order, without any assessment of persecution risks in the country of return. Difficulties accessing appeal procedures.

🚪 EXPULSIONS

➤ EU-North Macedonia readmission agreement in effect since 2008. In 2019, 3,005 nationals from North Macedonia were removed from EU territory.

➤ (+) In 2019, 25 people “voluntarily” returned to their country of origin from Macedonia.



MONTENEGRO

€ UE ACCESSION

➤ Accession application submitted in 2008, candidate status recognised in 2010, decision to open accession negotiations in 2012.

🚧 BORDERS

➤ 7,978 “irregular” border crossings recorded in 2019, a 60% increase compared to 2018.

➤ (+) National coordination body for border control created in April 2019. New integrated border management strategy (2020-2024) adopted in 2020, aligned with European standards.

➤ (-) No biometric recording system, thus risks of duplicate recordings. Understaffed border police.

🛖 FRONTEX

➤ (+) Working arrangement signed in 2009, status agreement signed in 2019. Operational deployment at the Croatian border since July 2020. Second operation on the Adriatic Sea launched in October 2020.

🏠 CAMPS

➤ (+) Opening of an EU-funded container camp in July 2020 at the border with Albania.

➤ (-) Over-stretched reception capacity. 7,739 people in accommodation in 2019, a 73% increase compared to 2018.

👤 ASYLUM

➤ In 2019, there were 1,921 asylum applications. However, many people leave the country before their application is examined. Between January 2019 and March 2020, 9 people were granted refugee status or a subsidiary protection.

➤ (+) New asylum law adopted in 2019, more compliant with EU law than the previous one.

➤ (-) Asylum procedure too long.

🚪 EXPULSIONS

➤ EU-Montenegro readmission agreement in effect since 2008. In 2019, 1,495 nationals from Montenegro received an order to leave the territory of an EU Member State. There was a 60% return rate.

➤ (+) Ongoing negotiations to sign readmission agreements with Pakistan, Iran, Iraq, Morocco and Algeria.

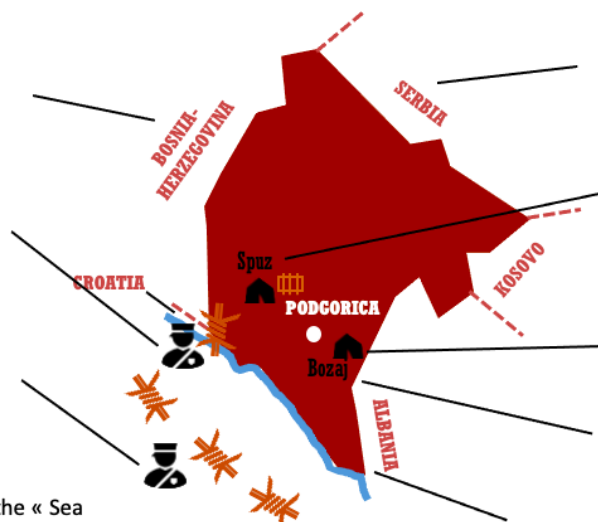
➤ (-) In 2019, 382 people were removed from Montenegro (including 350 to Albania).

Signature in June 2020 of an agreement with Bosnia and Herzegovina to strengthen cooperation at common border-crossing checkpoints.

Land border surveillance operation with Croatia launched by Frontex in July 2020.

Maritime border surveillance operation launched by Frontex in October 2020.

Participation of Montenegro to the « Sea Gates » initiative to tackle cross-border crime on the Adriatic sea.



Signature in March 2019 of a demolition plan of 30 cross-border routes with Serbia. 14 routes on the Montenegro sides have already been closed.

Reception centre for asylum-seekers and detention/deportation centre.

Container camp open during summer 2020 with the support of the EU and the IOM.

Pushbacks to Albania operated by the police at the Montenegro borders.

Joint patrols organised with Albania.

SERBIA

€ UE ACCESSION

➤ Accession application submitted in 2009, candidate status recognised in 2012, decision to open accession negotiations in 2014. Membership conditional on the signature of an agreement to normalise relationship with Kosovo.

🚧 BORDERS

- 4,990 “irregular” border crossings recorded in 2019, a 37% increase compared to 2018.
- (+) Good cooperation with Member States and other “Western Balkans” countries to manage “mixed migratory flows”.
- (-) Need to put transit procedures in place, especially at airports.

🛖 FRONTEX

➤ Working arrangement signed in 2009, status agreement signed in 2019 and operational deployment at the Bulgarian border since June 2021. Liaison officer based in Belgrade since 2017.

🏠 CAMPS

- (+) 19 reception centres which can accommodate 6,000 people.
- (-) Accommodation shortage during the Covid-19 pandemic with 9,000 people in centres.

👤 ASYLUM

- In 2019, 12,930 people expressed their intent to apply for asylum, 174 filed an application. 17 were granted refugee status and 17 subsidiary protection.
- (+) Legislative framework largely aligned with European standards.
- (-) Need to further align legislation on access to asylum, appeal procedure, access to free legal aid, the concept of “safe third party” and the duties/obligations of people who are granted international protection.

🚪 EXPULSIONS

- EU-Serbia readmission agreement in effect since 2008. In 2019, 5,270 Serbian nationals were removed from EU territory.
- (+) In 2019, 46 people were deported from Serbia and 193 returned to their country of origin as part of a “voluntary” return programme.



Sources:

- European Commission, "Serbia report 2020, Communication on EU Enlargement Policy", 6 October 2020
- European Commission, "North Macedonia report 2020, Communication on EU Enlargement Policy", 6 October 2020
- European Commission, "Montenegro report 2020, Communication on EU Enlargement Policy", 6 October 2020
- European Commission, "Albania report 2020, Communication on EU Enlargement Policy", 6 October 2020
- European Commission, "Kosovo report 2020, Communication on EU Enlargement Policy", 6 October 2020
- European Commission, "Bosnia and Herzegovina report 2020, Communication on EU Enlargement Policy", 6 October 2020

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