

Towards the Legalisation of Pushbacks and Inhuman Treatment in Greece The Case of Evros/Meriç Border

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Abstract Throughout the last decades, the process of deterrence and of securitisation of EU borders has gone hand in hand with a decades-long pattern of routine and systematic pushbacks perpetuated by the Greek authorities against refugees, migrants and asylum seekers. The present article studies the intensification of the phenomenon of pushbacks at the Evros region over the past years and, especially, after the *EU-Turkey Statement*.

Keywords Pushbacks. CEAS. Dublin Regulation. Migration. EU-Turkey Statement. Greek police. Frontex.

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1 Introduction and Definitions

Throughout modern history, routes of irregular migration are constantly shifting; as immigration enforcement measures stiffen in one area, migrants and smugglers probe and test for other soft points of entry. But two factors rarely change: the political boundaries that delineate international borders and the topography that makes one frontier porous and another impenetrable.

Greece is not new to the phenomenon of migration, since the country has faced at least three major waves of migration in its recent history: firstly, the collapse of socialist regimes in Central and Eastern Europe at the beginning of the 1990s triggered massive migration waves, mostly of Albanians into Greece. About a decade later, the geopolitical developments in the region (regional conflicts, war on terror etc.) have triggered new population movements; by the beginning of 2000s, new waves of migrants from the Middle East, Pakistan and African countries have started arriving. Thirdly, after the Arab spring in 2011 and the escalation of the war in Syria, the number of people seeking international protection in Europe – either through Turkey or through the central Mediterranean – began to grow even more. In 2015, the pressure on European borders increased dramatically, adding further problems to an EU already fragmented due to the economic crisis (Papastergiou, Takou 2019). Since the very constitution of the EU and the first Dublin Regulation/CEAS, Greece has been seen a member-gatekeeper for migration towards the EU. Thus, Greece has repeatedly found itself in the midst of a constant process, where the EU has attempted through its executive branch – the European Commission, but also its agencies – to intensify the doctrine of deterrence, bypassing the institutional procedures and accountability mechanisms that it is supposed to serve. This process of securitisation of borders and of deterrence has been coupled with an ongoing EU attempt to externalise border control to third countries; in other words, to create ‘fortress-Europe’ by locking those in need out. Recently, this process has been intensified even further, passing from securitisation to weaponisation (HumanRights360 2021b) through the use of ‘hybrid war’ rhetoric.

The Evros-Meriç River border between Turkey and Greece is one of the easternmost frontiers of the European Union. Until a fence went up throughout the most easily accessed 12 kilometres of the Evros border, between Kastanies and Nea Vyssa, in 2012, it was the easiest and safest path for asylum seekers from the Middle East and elsewhere to reach Europe, and nearly 55,000 people crossed the border irregularly in 2011.

This process of strengthening border control went hand in hand with a decades-long pattern of routine and systematic pushbacks perpetuated by the Greek authorities against refugees, migrants and asylum seekers. According to K. Tsitselikis, human rights law professor, Greek authorities have been conducting pushbacks across the Evros River since at least the mid-1990s (Reidy 2018), with Human Rights Watch reporting on systematic pushbacks since as early as 2008:

Summary forcible expulsions across the Evros River by Greek police and security forces are routine and systematic [...] Human Rights Watch confirmed the systematic nature of the summary ex-

pulsions in 41 testimonies of migrants and asylum seekers interviewed in Greece and Turkey. (Human Rights Watch 2008)

Greek coast guard, police officials and other agencies carrying out pushbacks violate a host of basic rights, including the right not to be subjected to torture, inhuman and degrading treatment, persecution, or other serious harm. In the absence of an internationally agreed upon definition of ‘pushbacks’ in the context of global migration, we use the term to describe various measures taken by States which result in migrants, including asylum seekers, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or asylum procedures or denied of any individual assessment on their protection needs which may lead to a violation of the principle of non-refoulement.

Thus, we also include forcible irregular expulsions. Pushback practices demonstrate a denial of State’s international obligation to protect the human rights of migrants at international borders. They result in human rights violations such as forced returns without individual assessment and often collective expulsions with high risk of refoulement, including chain refoulement.

These operations also include violations like illegal detention. The practice of pushbacks is prohibited both by Greek and EU law, as well as by international treaties and agreements signed and ratified by Greece. Pushbacks constitute an unofficial practice, going against official processes and protection mechanisms concerning the irregular entry and stay in Greece, as well as official return and deportation procedures. The practice takes place in violation of the Greek constitution (Art. 2, on the protection of human dignity), the *Geneva Convention on Refugees* (denying people the fundamental right to seek international protection), the *European Convention of Human Rights* (Art. 3, on the prohibition of torture and any kind of inhuman or degrading treatment or punishment) as well as the *Charter of Fundamental Rights of the European Union* (specifically, Art. 4, on the prohibition of torture and inhumane or degrading treatment or punishment, Art. 18, on the right to seek asylum, and Art. 19, § 1, on the prohibition of collective deportations, and § 2, on the prohibition of deportation, removal, or extradition from the State of persons that face grave danger of death penalty, torture or other cruel, inhuman and degrading treatment or punishment).

The principle of non-refoulement, is considered as a core principle of international customary law and takes effect from the moment a person is under the jurisdiction of a State, regardless of the stage of the official processes. On top of the explicit provisions of Art. 33, § 1 of the *Geneva Convention*, it is present in most international treaties and conventions protecting human rights, such as Art. 3 of the *United Nations Convention against Torture and Other Cruel Inhuman or*

Degrading Treatment or Punishment, Art. 16 of the *The International Convention for the Protection of All Persons from Enforced Disappearance*, as well as regional human rights protection mechanisms. In addition, the United Nations Committee on Human Rights considers the principle of non-refoulement as an inseparable element of protection against torture and other cruel, inhuman or degrading treatment or punishment, as well as protection from arbitrary loss of life (HumanRights360, Greek Council for Refugees, ARSIS 2018).

Being a part of border control for so long, pushbacks have gradually become normalised, and have become seen as an alternative way of border control; the frequency and organised coordination of these operations have been well-substantiated by various local and international organisations over recent years. Greece has been repeatedly denying the existence of these operations, while the EU has – quite hypocritically – been calling for investigation, at the same time of rewarding Greece’s position as the ‘shield of Europe’. The present article studies the intensification of the phenomenon of pushbacks at the Evros region over the past years and, especially, after the *EU-Turkey Statement*.

2 The Intensification after 2010 and the Trends

Europe began registering increased numbers of refugee arrivals in 2010 due to a confluence of conflicts in parts of the Middle East, Asia and Africa, particularly the wars in Syria, Iraq and Afghanistan, but also terrorist insurgencies in Nigeria and Pakistan, and long-running human rights abuses in Eritrea, all contributing to refugee flows (Zaragoza-Cristiani 2015). Between January and September 2010, Greece arrested 31,219 immigrants for unlawful entry across the Evros River, compared to 6,615 between January and September 2009.¹ Within this context, Frontex began deploying Rapid Border Intervention Teams (RABIT) along the Evros River in 2010, sending guest officers from 26 member States to assist Greek authorities “in controlling the border areas as well as in identifying the apprehended irregular immigrants”.² The impact of Frontex cooperation with Greek forces in reducing arrivals to Greece has been significant and became quickly evident. Within four months of deploying the RABIT operation in November 2010, arrivals had decreased by approximately 75%.³

¹ Data available at the Hellenic Police website: http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=3665&Itemid=429&lang=

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007R0863>.

³ From the EC Memo of 2 March 2011, available here: https://ec.europa.eu/commission/presscorner/detail/cs/MEMO_11_130 (Frontex and the RABIT operation at the Greek-Turkish border).

Greece initiated Operation Aspida ('Shield') in 2012, deploying a further 1,800 law-enforcement officials to patrol the borders, and constructing a 3-metres-high border fence along 12 kilometres of the river; this fence, constructed as a deterrent for border crossing, rerouted flows at the sea borders and, also, individuals towards crossing in more dangerous parts of the river. The area surrounding the river is a closed military zone, which strictly regulates entry and forbids photography, thereby largely preventing journalists, researchers, advocates and migrants themselves from documenting the expulsions across the border.

Although the EU has attempted to curb the migration flow across the Evros River, it should be noted that this flow itself is due, *inter alia*, to the EU's own agreement with Turkey: a controversial 2016 *EU-Turkey Statement* that paved the way for asylum seekers to be returned from the Greek Islands to Turkey (which it deems safe under the terms of that agreement), does not apply to the Evros border; thus, following the March 2016 signing of the EU-Turkey Deal, attempted crossings to Greece across the river have increased as a result. As the *EU-Turkey Statement* stifled migration to Greece through the sea route, river crossings increased once more in direct response; from 3,784 land arrivals in 2016 to 6,592 in 2017 to 18,014 in 2018.⁴

Within the overall EU fixation to insist on a deterrence policy, pushbacks seem to be a constant tool of operations. Testimonies have detailed thousands of expulsions (pushbacks) by Greece across the Evros River throughout the last few years, of individuals from various countries, including Afghanistan, Algeria, Egypt, Iran, Iraq, Morocco, Pakistan, Palestine, Somalia, Sudan, Syria, Tunisia, Turkey and Yemen. Greece has detained men, women (including women in various stages of pregnancy), children, infants, persons with disabilities and persons with serious injuries. Illegal detention, police brutality and violence have become a steady parameter of the operation.

Case study 1

The Greek NGO HumanRights360 has closely followed the case of Fady, who was illegally expelled from Greece during the night between 30 November 2016 and 1st December 2016 after having been stripped of his German residency permit, travel document and other belongings. Specifically, the complaint concerns arbitrary detention, ill-treatment and a summary expulsion (pushback) carried out during that night; Greek police officers and German-speaking individuals forcibly returned approximately 50 asylum

⁴ Data on Greece from UNHCR site provided by the Hellenic Police: <https://data2.unhcr.org/en/situations/mediterranean/location/5179>.

seekers, refugees and other migrants from Greece to Turkey, along with Fady. Fady had travelled to Greece from Germany - where he had been recognised as a refugee and was granted permanent residency in 2015 - on 28 November 2016 in order to find his then 11-year-old brother, who had lost contact with Fady the week before when he was about to cross the Evros River from Turkey.

During the afternoon of 30 November 2016, Fady approached the bus station in the Greek border town of Didymoteicho to look for his brother, where he was approached by Greek police officers who, upon learning he was Syrian, arrested him without explaining his rights. He was then brought to a detention centre, where Greek police officers stripped him of his German permanent residency document, travel document and the keys to his home. They held him in a dirty cell along with other men for several hours without food or water, along with some 50 other migrants, including men, women, and children. Throughout his apprehension and detention, Fady tried to tell the officers that he had a German passport and was legally present in Greece, but the officers refused to listen to him, instead shouting at him to follow their orders, refusing to provide any reason for their actions, and beating him on several occasions. While he was detained, the Greek police also confiscated Fady's German documentation, passport and house keys. The same night, Greek forces and German-speaking commandos engaged in an operation to forcibly remove the group of migrants to Turkey across the Evros River.

As a result of his expulsion on 30 November 2016, Fady was subject to significant physical and mental harm and roughly three years of precarity and legal limbo, which ended in December 2019 after the German authorities reissued his documentation. During the 13 months he spent in Turkey, between 30 November 2016 and 19 December 2017, Fady attempted to return to Greece 16 times, during which he was pushed back to Turkey by the Greek authorities 11 times, and pulled back by the Turkish authorities five times. In many of these instances, he was also subject to arbitrary detention, beatings and other forms of ill-treatment by the Greek and Turkish authorities respectively. One of his attempts to re-enter Greece took place via the sea route from Turkey to Greece, during which Fady was returned by the Turkish coast guard, whereas the others were along the Evros River border.

Fady was trapped without legal status in Turkey until he succeeded to re-enter Greece on 19 December 2017, 385 days after his initial expulsion. He was then trapped in Greece without documentation or a legal right to remain in Greece for almost two years, before he was finally able to return to Germany on 30 October 2019. His expulsion to Turkey by the Greek authorities in November 2016 meant that he had to undergo a protracted pro-

cess of returning his German documentation that he initiated at the German Consulate in Istanbul and that proceeded for many more months through the German Embassy in Athens. During the 1,065 days that elapsed between Fady's expulsion from Greece and the reissuance of his German residency permit, Fady experienced physical and mental harm, including bodily injury, toxic stress and severe financial hardship, all of which were caused by the initial pushback incident on 30 November 2016.

The arbitrary detention and expulsion of Fady by Greek border forces – allegedly accompanied by German-speaking officers, likely members of the EU's border agency Frontex – showcases a continuous pattern of degrading and inhumane behaviour which amount to torture. The Greek authorities confiscated Fady's German residency and travel documents, arbitrarily detained Fady, and proceeded to forcibly remove Fady to Turkey, rendering him *de facto* stateless and rightless for several years, including by hindering his access to basic needs such as medical care.

HumanRights360 supported Fady until he was able to re-enter safely to Germany and has subsequently filed, in cooperation with Global Legal Action Network (GLAN), a complaint with the UN Human Rights Committee on his behalf (HumanRights360 2020a). To mitigate the lack of evidence created by the pattern of confiscation of phones and any other electronic equipment, combined with the fact that Evros River is a closed military zone so any chance of witnesses is excluded, the legal submission made use of evidence in a report compiled by Forensic Architecture which reconstructed events with Fady's testimony and input through a technique called 'situated testimony' (Forensic Architecture 2020a).

The case of Fady showcases the general pattern implemented: migrants are caught by Greek police, either during the river crossing, immediately after reaching the Greek side of the river, or while walking in a nearby village. They are apprehended by Greek police and brought to a detention centre or other unofficial detention facilities in the form of confined spaces such as warehouses. They are detained for hours, in unsanitary conditions, without access to food or water, even for infants. The Greek police fail to provide a reason for their detention, they ignore requests for legal representation including to seek asylum, and they instruct the migrants to remain silent. Migrants are stripped and searched, and the officials confiscate and/or destroy the migrants' phones and other personal belongings, sometimes including money and documentation. Officials regularly beat the migrants in detention, sometimes including pregnant women and children. At night, the officials then transfer the migrants to a group of commandos, who wear black and/or camouflage, with their faces covered, and speak softly or not at all, and who push the mi-

grants back to Turkey across the Evros on small inflatable boats, often beating them along the way.

3 From Securitisation to Weaponisation

The unprecedented health emergency that hit Europe in the first half of 2020, and is still, at the time of writing, plaguing large parts of the American, Asian and African continents, accompanied with a widespread socioeconomic downturn, has at the time overshadowed the crisis created at the Greek-Turkish border. On 27 February, Turkey decided to effectively suspend the 2016 *EU-Turkey Statement* and in doing so directed thousands of asylum seekers to the border with Greece; On 28 February 2020 President Erdogan announced that the Turkish government “will no longer stop Syrian refugees from reaching Europe”,⁵ causing diplomatic disputes, violent clashes between newcomers and Greek governmental actors, and an aggressive political response.

In the war of words exchanged by the two sides, the Greek government and far-right Twitter users has been using the term ‘hybrid war’ to describe what they perceive as a Turkish attempt to ‘intrude’ on Greek territory through indirect means, here with refugee bodies instead of bullets. In response to Turkey’s weaponisation of refugees, Greece and EU intensified the war against refugees themselves with escalating violence (Forensic Architecture 2020b).

The Greek government has chosen to respond to the presence of immigrants and refugees as an imminent threat, as potential enemies who are jeopardising the country’s sovereignty. Such a response is obvious by their decision to purchase and supply ammunition, M84 stun grenades, grenades of chemicals, grenades (CS830) and armament, amounting to €2,180,520.00. According to the Ministry of Citizen Protection, all of those purchases were completed “for the purpose of covering any urgent and unforeseen necessities of the Greek Police concerning any tackling of migration flows in Evros Region” (HumanRights360 2020b).

As a result, since February 2020 there is a substantial increase in human rights violations of newcomers, including, but not limited to, their right to non-refoulement, the prohibition of torture, and their right to have access to the asylum process (HumanRights360 2020b). The Greek government justified the actions taken by stating that the country “came under an illegal, mass and orchestrated attempt to raze our borders” adding that Greek authorities “stood up protecting

5 <https://www.euractiv.com/section/justice-home-affairs/news/turkey-says-will-not-stop-syrian-refugees-reaching-europe-after-troops-killed/>.

not only our frontiers, but those of Europe too". The same line of reasoning was also reflected in the decree adopted by the Greek government on 2 March, suspending the possibility to lodge asylum applications for one month. The decree justified the suspension of asylum applications with reference to "[t]he extraordinary circumstances of the urgent and unforeseeable necessity to confront an asymmetrical threat to the national security, which prevails over the reasoning for applying the rules of EU law and international law on asylum procedures" (Odysseus Network 2020).

Case study 2

HumanRights360 has documented and closely followed the case of Parvin, a 30-year-old Iranian woman.

According to her testimony: "Five times I was pushed back to Turkey, without having the time and the safeguards to apply for international protection".

"They were waiting for us in the field. I do not know if police were, commandos or border police. They had binoculars that could sense body heat. They were acting very differently than other policemen. They confiscated our mobiles, chargers, power banks".

"They took us out and drove us to the yard. I got afraid that they wanted to push us back to Turkey, so I started yelling at everyone 'go back, go back'. At that moment, they caught me and drove me to a room, away from the other cells which had two doors, one towards the yard and the other one downstairs. There I was bitten up by one policeman and one man with a baton and a wire. I stayed there for six hours. While I was there the other detainees were yelling all the time: 'Where is Parvin, where is Parvin?'. Because of this upheaval, other policemen came - commandos. In the beginning, there were twelve policemen with blue uniforms, and later on, fifty people arrived, commandos in black uniforms and guns. Moreover, a man dressed in civil clothes was in this place. He was the one who bitted me up, and he insulted me, yelling at me 'fuck you!'. Not only him but the other policemen too. When they drove us to the river, they put us in a line to enter the plastic boats and they were telling us 'to be quiet', especially when somebody was passing by. Additionally, they had flashlights with a red light in order to not be seen by the Turkish soldiers".

Parvin tried to enter Greece during the tensions at the borders of 27-8 February 2020. She was once again apprehended, illegally detained in an informal detention site, denied the right to apply for asylum although she claimed she was at risk of chain refoulement to Iran if returned, and, eventually, violently pushed back to Turkey. During that specific incident, she managed to hide her phone and communicate with us, and even send us a video for the

cell where the group was kept (HumanRights360 2020b). We communicated with local authorities and even submitted an urgent appeal to the UN Special Rapporteur on Torture; sadly, to no avail.

Those who are lucky enough to cross the river and not be pushed back to Turkey face the danger of being injured or even killed within the Greek borders. Due to the aggressive persecutions by the police, throughout 2020, there has been an increase in car accidents, and consequently in the number of deaths, of newcomers while trying to reach further into Europe. The rise in car injuries, especially for minors who are obligated by the smugglers to act as drivers, is one of the by-products if the policy implemented.

Case study 3

In November 2020, one Unaccompanied minor (UAM) was referred to HumanRights360 team in Evros, in order to undertake his legal representation and to support his claim of international protection before the Asylum Unit of Fylakio on 16 November 2020. The UAM was a victim of a car accident following an aggressive car chase persecution by the police. Following his hospitalisation in Kavala General hospital he was transferred to RIC Fylakio, Orestiada on 2 October 2020. On 19 November 2020 he was referred in priority, due to his serious injury, at Diavata Safe Zone through National Centre for Social Solidarity. By mid-December, HumanRights360 was informed by NGO ARSIS' lawyer who has undertaken his legal representation at Diavata Safe Zone that the minor had left the camp to buy food and never returned. One month later the minor communicated with them testifying that he had been arrested outside the camp and despite the fact he showed his legal documentation – proving he is an applicant of international protection – he was violently pushed back at Turkey. (HumanRights360 2021a)

4 Legalising Pushbacks?

The de-escalation of the situation at the Evros land border did not in any case restore respect for EU asylum standards at the Greek land and sea borders. Over the following months, civil society organisations and independent observers reported increasing use of different pushback practices by the Greek authorities and unidentified paramilitaries (Cortinovis 2021).

The allocation of substantial funds in order to enhance the militarisation of the borders in conjunction with the rhetoric of an 'invisible enemy' threatening our borders have resulted to a legitimisation of

pushback operations and an increase of racist speech and violence. At the same time these practices have resulted to further violations of third-country nationals' rights both by 'border guards' (police, army, Frontex etc.) and/or by self-appointed groups. These groups operate at the borders in order to protect the citizens from the 'invisible enemy' deploying criminal behaviour carried out by complete impunity. The failure of an effectively address of the pandemic has deteriorated the situation throughout Europe excluding this population from EU member States. Member States mostly limit their actions on addressing the 'emergency' situation disregarding the flagrant violation of these people's rights and disregarding the fact that this population has fled from their countries of origin due to their fear of persecution and therefore they are in need of international protection.

The issuance and implementation of the Joint Ministerial Decision for Turkey as a safe third country, in essence, seems to function, in the communication for the political leadership of the relevant ministries, as a legitimate argument for the systematic pushbacks at the country's sea and land borders (Joint NGO Press Release 2021).

Case study 4

HumanRights360 filed an action before the ECHR on 18 March 2021 for violations of arts 2 §§ 1, 3, 5, 13 and Art. 4 of the *Fourth Protocol* of the ECHR representing Mr. Z.I., beneficiary of subsidiary protection granted from the German authorities, who was arrested on 20 September 2020, in Thessaloniki. The applicant, while in a town square, was approached by police, who requested his documents and then took him to the nearest police station. The applicant, from the very beginning, showed the police authorities who requested the documents he had with him, a certificate from the Regional Asylum Office of Samos about his recognition by the German authorities as a beneficiary of subsidiary protection as well as other documents. At the police station, he showed them the certificates again but the police ignored him. After some time, he was transferred to another place, reminiscent of a detention centre. There they took his bag and mobile phone, also took his fingerprints and then put him in detention, along with other people. The next day, four white Greek police vans arrived, with Greek license plates, closed without windows, and led them to a stadium-like area. There came a police cage, with the driver and co-driver dressed in military uniforms and led them to the Evros River. They were forced to sit down and after hitting them, they were told not to make a fuss. They put him on the boat, beat him and sent him back to Turkey.

Mr. Z.I. was subjected to inhuman and degrading treatment as the Greek authorities, via the police, in essence, kidnapped him, forcibly pushed him back and put him in a constant risk of being

tortured and of being subjected to inhumane treatment in Turkey and Syria. The overall behaviour of Greek authorities is a violation of art. 3, as the apprehension, the arbitrary arrest, the abduction and transportation of the applicant in an organised manner to the land borders of the region of Evros and his violent pushback to Turkey, with the factual use of force (hits with truncheons and kicks) are in themselves inhumane and degrading. Following his pushback to Turkey, he also faced the risk of being sent back to Syria, where he was in danger of being tortured, as well as in a risk for his life and personal safety.

5 The Difficulty of Legal Redress and Evidence Gathering

Several NGOs and human rights groups have been documenting those practices for years; numerous attempts have been made to find legal recourse before national and international courts and bodies. The difficulty to acquire hard data is flagrant: the militarisation of this border region makes access extremely difficult; a restricted 'buffer zone' runs along both banks of the river. Detention centres and border guard stations are often located within this buffer zone, keeping detained people out of sight and without access to legal support.

For many people pushed back, it is essentially impossible to return to Greece and pick up where they left off. Legal redress - while theoretically possible - is exceedingly difficult to access. Once outside the country, it's extremely hard to connect with lawyers inside Greece and sign a power of attorney. People who are pushed back usually end up undocumented in Turkey, which has made it more difficult for refugees and asylum seekers to access humanitarian protections there in recent years, adding another layer of insecurity and complexity. Even those who make it, are afraid that this would negatively affect their asylum seeker status and have to wait until they find haven; ie. move to another European country. But then, again, time has elapsed, evidence has been lost, deadlines have passed. Only two pushbacks cases were investigated in 2020 by the Hellenic Police and four cases by the Greek Prosecutor, but no case of pushback has ever resulted in a trial before a court (ENNHRI, HRNCHR2021).

The Greek authorities' widespread and systematic practice of collective summary expulsions of refugees, asylum seekers, and migrants across the Evros border has been documented and condemned by international authorities for several years - recently including the UN Special Rapporteur on the Human Rights of Migrants, Felipe González Morales (2021), EU Commissioner for Home Affairs, Ylva

Johansson,⁶ and the Council of Europe Commissioner for Human Rights, Dunja Mijatović (2021); all facing the monotonous yet ambiguous reply by the Greek State that “[a]llegations about violations of the principle of non-refoulement do not correspond to the operational activities which are implemented” (UN Human Rights Council 2021).

Besides the direct responsibilities of Greek authorities, mounting evidence of human rights violations at the Greek-Turkish borders calls into question the responsibility of the EU for tacitly accepting those violations; as militarisation of border intensifies and the lack of EU scrutiny continues, it becomes evident that the EU counts on Greece to deliver its dirty job. There is now a great volume of national and predominantly EU legislation with references to border security and the need to guard them. The Schengen Treaty dictates the bolstering of the European borderline, while the bolstering of national borders is a fundamental requirement of national sovereignty. In every document relating to the management of the refugee crisis, EU bodies constantly reiterate both of these principles, affirming the need for border control, in much the same way the same principles are affirmed when tackling terrorism. Thereby, the notion of ‘security’ acquires a double meaning: a) for the refugees, especially during search and rescue and in securing safe passage and b) for the borders, with a series of special operations by forces created to patrol sea borders, south and southeast, with continuously surging EU funding (operations ‘Poseidon’ and ‘Sophia’ by Frontex, RABIT units, and EU NAVFOR). The confusion relating to substance of security negatively affects migrants, as it is clear that national and European borders are not threatened but porous to successive waves of people with a legitimate claim to asylum.

EU officials have openly applauded the fortressing and ‘weaponising’ of the Evros-Meriç border as a ‘European shield’ and have provided increasing amounts of funding to Greece’s management of the EU’s external border. As Frontex continues to enforce the border of the Evros-Meriç River border in cooperation with Greek officials, Greece completed in August 2021 a new 40-km (25 mile) fence on its border with Turkey and a new surveillance system was in place to stop potential asylum seekers from trying to reach Europe following the Taliban’s takeover of Afghanistan (*BBC News* 2021).

The launch in September 2020 of another round of reform of EU asylum and migration law (EU Pact) represents an opportunity to address identified shortcomings in existing accountability instruments, and to put in place a comprehensive and independent system for monitoring compliance with fundamental rights at EU external borders;

⁶ See Ylva Johansson’s statement: https://twitter.com/dw_europe/status/1446109344379011093?ref_src=twsrc%5Etfw.

yet, this opportunity will only remain theoretical if the EU continues this process of externalisation of migration management and militarisation of border control. As long as European countries continue to arbitrarily replace their international obligations with *ad hoc* humanitarian gestures and refuse to legislate for safe passage to Europe for the people who need it, fortress-Europe remains the main premise and illegal pushbacks one of its tools.

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