



# General Assembly

Distr.: General  
27 August 2021

English only

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## Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

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\* Issued as received, in the language(s) of submission only.



## Conditions of migrants on the Balkan route: humanitarian crises and violent push backs

APG23 is highly concerned over the condition of migrants moving through the Balkan route and the Greek Aegean islands. The Balkan migration route, officially closed in March 2016, has never ceased to be an access point towards European countries. According to data,<sup>1</sup> at the end of April, about 13,351 migrants and asylum seekers have moved through this passageway. Many of them are families with children or unaccompanied minors.<sup>2</sup>

We have seen in the last years a worryingly increasing deployment of the European Union policy, aimed at fortifying borders instead of creating safe passages and fair access to asylum processes. As an example of this externalization of the European borders, the EU has funded Balkan routes countries<sup>3</sup> to manage the migratory flows. Financial aid has been used to strengthen borders instead of providing access to international protection, improving transit and life conditions in the camps. The development of a systematic practice of violent push backs at the borders, including chain push backs over multiple countries, has aimed to dissuade migrants crossing the border. Furthermore, this border closure policy has led to the creation of inhumane and overcrowded camps such as Lipa in Bosnia and Herzegovina, Kara Tepe in Lesbo and many others, where migrants are often stuck. Many testimonies show us the overcrowding, the lack of medical facilities, adequate food, water supplies and decent standard of living. Moreover, the Covid-19 pandemic, which has been used as an excuse to deny the right to asylum or refugee status, keeps pushing pressure against migrants and limiting their freedom of movement. In Greek Aegean islands, the police stop migrants in the street and, with the excuse of the pandemic, check and detain them for a long time. The situation inside the camp of Kara Tepe is not better, the police use low intensity but frequent violence, such as pushing, shouting and aggressive behaviour and the NGOs are not always allowed to enter refugee camps. Furthermore, even in the “quarantine camp” the life conditions are very precarious; the camp consists of camping tents and shared chemical toilets, located in a cold and windy area, set up in a mountain isolated zone (North of Lesbos).<sup>4</sup>

APG23 wants to draw attention to the serious human rights violation committed by the border authorities on the external European borders. The stories and testimonies, collected directly by APG23 volunteers and by many other NGOs involved on the field, show us how push backs happen regularly and border management takes place in the absolute violation of human rights, through an indiscriminate use of violence and in breach of all regulations for the protection of asylum seekers and migrants.

According to our information, when disembarkation occurred on the coast of Lesbo, the border police have put people back on the boat and sent them back to Turkey after taking away their mobile phones and money. In a number of cases, extreme right-wing groups patrolled the coasts and physically pushed back migrants using sticks and rods, in some incidents, the Greek Coast Guard was present and did not intervene. There have been cases where barges of migrants have been intercepted in the open sea and turned back, using force. In addition, there have been cases where migrants who have been in Lesbos for some times have been violently returned to Turkey by border police. All the NGOs that were monitoring the situation at the borders and rescuing at sea are currently prevented from operating. Furthermore, since March 2020 some NGOs have been charged by the Greek authorities with espionage and aiding and abetting illegal immigration, after they denounced the refolements carried out by the Greek coast guard. All those who offer support during landings risk a fine or even arrest. Those who continue to show solidarity with migrants are forced to do so illegally.

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<sup>1</sup> <https://data2.unhcr.org/en/situations/southeasterneurope>.

<sup>2</sup> <https://www.infomigrants.net/en/post/30453/hundreds-of-migrant-children-stuck-on-balkan-route>.

<sup>3</sup> [https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund\\_en](https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en).

<sup>4</sup> The information has been directly collected from APG23 members and volunteers through monitoring activities, in-person interviews, discussions with involved people and other stakeholders in the field, analysis of public documents and research.

Many NGOs<sup>5</sup> describe how Western Balkan border authorities find migrants and asylum seekers crossing borders and catch them through the use of new technological tools such as drones, thermal-vision cameras and devices that can detect a heartbeat,<sup>6</sup> even though the border police should have received adequate training on respect for human rights and refugee management, violent deportations happened systematically in breach of international legislation.

APG23 is deeply concerned about the humiliations, violence and threats that these people suffer from border police along the Balkan route. Instead of finding protection, migrants are robbed, beaten and forced to walk naked in the snow,<sup>7</sup> by the authorities who have the purpose of physically exhausting them and preventing them from attempting another crossing. Border police avoids giving migrants the opportunity to apply for asylum in breach with article 13 of the Universal Declaration of Human Rights and with article 33 of the Convention relating to the Status of Refugees. Many incidents have also occurred in front of children who have often been subjected to violence themselves.<sup>8</sup>

Furthermore, particular attention should be paid to the protection of the most vulnerable groups such as women, elderly and children; evidences show that minors are not subjected to age assessment according to procedures and criteria established by international law; they are treated as adults and often beaten and pushed back to borders without any protection. The best interest of the child<sup>9</sup> should be respected and not be negotiable; children should be always protected regardless of their migration status or that of their parents.

We, as APG23, believe that border management can never ignore respect for life and respect for human rights; no one should be robbed, beaten and humiliated just because in search of a chance of dignity and a better future. Border enforcement approaches must not disregard the respect of human dignity and the respect of international and regional treaties.

In this context, we want to highlight the plight of Afghan asylum seekers. Thousands of Afghans are still stuck along the Balkan route and many others have been pushed back or repatriated considering Afghanistan a safe country.

Another humanitarian failure is taking place in front of us. Once again, we witness the images of the despair of Afghan people fleeing the Taliban.

More than ever, we have a moral duty to fight against these severe injustices. At this point it will be necessary to put an end to closure policy and emergency- based approach. As long as migrants will continue to be portrayed in a negative light, as enemies to be fought and not as human beings in need of protection, humanitarian crises will be further exacerbated.

Pope Francis in His message for the forthcoming 107th World Day of Migrants and Refugees 2021 recalls us “Towards An Ever Wider “We” indicating a clear horizon for our common journey in this world” and reiterates that “We must make every effort to break down the walls that separate us and, in acknowledging our profound interconnection, build bridges that foster a culture of encounter. Today’s migration movements offer an opportunity for us to overcome our fears and let ourselves be enriched by the diversity of each person’s gifts. Then, if we so desire, we can transform borders into privileged places of encounter, where the miracle of an ever wider “we” can come about.”<sup>10</sup>

In light of all this, we strongly condemn the practice of push backs along Balkan route on land and at sea, and the indiscriminate use of violence, recommending EU and member States

<sup>5</sup> <https://www.borderviolence.eu/>.

<sup>6</sup> <https://www.theguardian.com/global-development/2021/mar/26/eu-borders-migrants-hitech-surveillance-asylum-seekers>.

<sup>7</sup> <https://www.borderviolence.eu/>, <https://www.theguardian.com/global-development/2021/feb/01/balkan-route-migrants-croatia-bosnia-border>.

<sup>8</sup> <https://www.borderviolence.eu/violence-reports/october-19-2018-0400-near-baici-croatia/>.

<sup>9</sup> Article 24 EU Charter of Fundamental Rights [https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights\\_en](https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en).

Art 3 CRC <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

<sup>10</sup> [https://www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco\\_20210503\\_world-migrants-day-2021.htm](https://www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20210503_world-migrants-day-2021.htm).

to do everything in their power to ensure respect for human rights in the management of borders, avoiding measures that would restrict or deny access to asylum procedure.

Finally, we recall States to respect the commitments already taken with the 2030 Agenda for Sustainable Development, by facilitating “orderly, safe, and responsible migration and mobility of people” (target 10.7).<sup>11</sup>

We reiterate the need for a global solution that encompasses and harmonizes “a migration policy system with safe and orderly regular channels as the creation of safe pathways”<sup>12</sup> and we urge the international community, EU and member state to support the people of Afghanistan through the implementation of best practices as humanitarian corridors,<sup>13</sup> which have already proved to be an effective solution based on cooperation between parties and in full compliance with legislation and human rights.

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<sup>11</sup> <https://indicators.report/targets/10-7/>.

<sup>12</sup> <https://www.iom.int/global-compact-migration>.

<sup>13</sup> <https://www.humanitariancorridor.org/en/homepage/>; <https://www.santegidio>.