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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by The Palestinian Return Centre Ltd, 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.

[5 February 2023]

* Issued as received, in the language of submission only.



Torture Against Migrants on The Balkan Route: When The Dream Of Human Dignity Becomes A Nightmare

The lack of safe and legal routes continues to push people in need of protection to dangerous irregular routes including along the Western Balkans. Frontex reported 330,000 irregular border crossings at the EU's external border in 2022, marking an increase of 64 per cent from the previous year.¹

Palestinian refugees, including those fleeing the war-torn Syrian Arab Republic, and who are trying to access the EU in search of safety and dignity are being routinely abused by law enforcement officials on the so-called Balkan Route, which begins in Türkiye, goes through Bulgaria or Greece and winds its way through various former republics of the former Socialist Federal Republic of Yugoslavia.²

The route has made headlines at the height of the refugee crisis, as it has been the primary path to countries in Western Europe for millions of migrants and asylum seekers, including Palestinian refugees.

On several occasions, the European Court of Human Rights issued historic rulings, including against Greece, condemning the illegal and life-threatening practice of pushing boats of asylum seekers back to Türkiye.³

Dozens of women and children, including infants, died at sea in inhumane pushback operations by Coast Guard on the Balkan route. Dozens of cases of alleged pushbacks by Balkan authorities are pending before the Court.

Migrants are subjected to violence and intimidation; Those seeking international protection are systematically denied access to asylum procedures.

Authorities in such Balkan countries as Hungary, Greece, Croatia, and Austria have been involved in brutal tactics to forcibly push people back to the places they have come from, including beatings with batons, electric shocks, setting dogs on them and forcing them to remove their clothes in freezing temperatures.⁴

Such acts of violence are truly shocking and contravene international law, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, which stipulate that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 3 of the ECHR also prohibits the use of torture or of inhuman or degrading treatment or punishment.⁵

In interviews and research conducted by the Action Group for Palestinians of Syria (AGPS) over recent years, testimonies of torture, violence, and human rights abuses are regularly provided by illegal migrants.

Many migrants have lost their lives on the Hungarian-Austrian borders and near Serbian borderlands where temperatures are near freezing and where the vulnerable migrants have no heating equipment to ward off the cold.

At the same time, scores of Palestinian refugees, among other migrants, are at risk of refoulement without consideration of the risks they face upon return to their countries of origin and without the possibility of appeal.

The UN has frequently sounded alarm bells, saying the Syrian Arab Republic is neither safe nor stable for migrant returns. Palestinian and Syrian returnees often disappear without a trace into the hands of the security state. One decade on, the parties to the conflict continue to perpetrate war crimes and crimes against humanity and infringing the basic human rights of Syrians. The war on Syrian civilians continues, and it is difficult for them to find security or safe haven in this war-torn country.⁶

On several occasions, authorities in Balkan countries have not done all that could reasonably be expected of them to prevent boat tragedies and protect the people on board. Authorities also rarely, if ever, carry out thorough investigations capable of shedding light on the circumstances in which migrant boats sink and pushbacks turn into tragedies.

AGPS and PRC, among other human rights watchdogs, have repeatedly documented how the Greek Coast Guard has abandoned migrants at sea by violently transferring individuals from Greek islands, or from the dinghy upon which they were traveling, to motorless, inflatable rafts, and leaving them adrift near Turkish territorial waters. They have also intercepted and disabled boats carrying migrants by damaging or removing the engines or fuel and towing them back to Türkiye, or puncturing inflatable boats.

We all remember the shocking, unforgettable, and scandalous images of the partially clothed bodies of 12 people lying by the roadside on the Greek-Turkish border, after they froze to death, with some wearing only shorts and T-shirts despite the cold. They were part of a larger group that had been pushed back by Greek Border Units. Temperatures in the area fall to between two and three degrees Celsius at night.⁷

Recommendations

Mounting reports of pushbacks and human rights abuses against people on the move at some European borders and many parts of the Balkan peninsula are extremely concerning and should be investigated and action taken accordingly.

PRC reiterates that such practices are prohibited under international law and should not happen under any circumstances. The obligation and primacy of saving lives and prioritising the wellbeing and human rights of migrants are vital to the integrity of any border.

These countries' failure to address the serious allegations of pushbacks and violence against people at its borders is unacceptable. These countries should cease all violations at their borders and establish independent and effective border monitoring mechanisms to investigate allegations and examine whether degrading treatment of migrants is part of a de facto government policy.

1 <https://ecre.org/balkan-route-arrivals-to-eu-up-pushbacks-and-violations-continue-ecthr-rulings-against-hungary-and-croatia/>

2 <https://www.infomigrants.net/en/post/2546/the-balkan-route--explained>

3 [https://www.aa.com.tr/en/europe/european-court-of-human-rights-rules-against-greece-s-controversial-pushback-practices/2532608#:~:text=The%20European%20Court%20of%20Human,ABR\)%20said%20in%20a%20statement.](https://www.aa.com.tr/en/europe/european-court-of-human-rights-rules-against-greece-s-controversial-pushback-practices/2532608#:~:text=The%20European%20Court%20of%20Human,ABR)%20said%20in%20a%20statement.)

4 <https://ecre.org/balkan-route-arrivals-to-eu-up-pushbacks-and-violations-continue-ecthr-rulings-against-hungary-and-croatia/>

5 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

6 <https://www.ohchr.org/en/press-releases/2021/09/commission-inquiry-syrian-arab-republic-parties-conflict-continue-perpetrate>

7 <https://www.aljazeera.com/news/2022/2/3/12-migrants-found-frozen-to-death-near-turkey-greece-border>