

Balkan Route: Arrivals to EU Up – Pushbacks and Violations Continue, ECtHR Rulings Against Hungary and Croatia

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According to the European Border and Coast Guard Agency (Frontex), irregular border crossings to the EU is up 64 per cent with the Western Balkans as the main route. Meanwhile, the Border Violence Monitoring Network (BVMN) latest report reveals continued pushbacks and violations across the region. The European Court of Human Rights (ECtHR) rules on violations by Hungary and Croatia.

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. Syrians, Afghans and Tunisians accounted for 47 per cent of the arrivals in 2022 and the number of Syrians roughly doubled to 94,000. According to the agency: "45% of all irregular entries in 2022 occurred via the Western Balkans". EU Home Affairs Commissioner Ylva Johansson and EU Returns Coordinator Mari Juritsch [outlined](#) a 'strategy for more effective returns' that that will feed into the Justice and Home Affairs meeting on Thursday in Stockholm and

the next EU leaders' summit in Brussels in February. Johansson presupposed that the majority of those who irregularly crossed to the EU "are not in need of international protection but have applied anyway", adding that "Those who are not in need of international protection need to return to their country of origin".

Meanwhile, violations and pushbacks continue across the region. In its [November report](#), released in January 2023, the BVMN shared 13 testimonies of pushbacks impacting 175 people across the Balkans and Greece. The report describes the evictions of hundreds of people in Serbia in November last year and outlines a general trend of "a rising number of evictions within and near official camps in Serbia", stating: "It seems that these actions come not only as a measure to address overcrowding at camp facilities, but also as a way for authorities to demonstrate to the Serbian public and other international stakeholders (e.g., the EU member states) that the Serbian government is effectively managing the rapidly increasing number of people on the move at the Hungary and Romania borders". Furthermore, the evictions taking place in Northern Serbia can also be understood as a "tactic of deterrence, aimed at discouraging people on the move from continuing their journey across these locations". [According to](#) No Name Kitchen, evictions continue this year. On 11 January the organisation stated: "Evictions continue in Northern Serbia as an everyday torture for people on the move. And we have received information that Serbian police forces are not enough for European Union's plans to keep people as far as possible from the border, so they have support from FRONTEX". Spanish media reported recently on thousands of people on the move trapped in the cold forests of Serbia. [Reportedly](#), almost 10,000 were in the country as of September last year with just 6,000 accommodation places available in 17 camps. A Serbian immigration official told media about the risk of a humanitarian crisis near the borders with Hungary unless capacity was increased as well as problems in Preservo, the south of the country, Sombor and in the north, where more than 600 people slept outside the reception camp. [Statistics from](#) the UN Refugee Agency (UNHCR) set the number of refugees, asylum-seekers and migrants counted in Serbia by end-December 2022 at 4,102 "of which 3,530 accommodated in governmental centres, and over 550 staying outside of governmental centres". The fluctuation of numbers and Serbia's position as a transit country can be illustrated through the number of arrivals at 129,679 and the just 320 applications for asylum in 2022. BVMN's report also outlines violent evictions of informal settlements, confiscation and destruction of the properties of people on the move in the Velika Kladuša region of Bosnia in November last year, stating: "This operation seems to have been motivated by the goal of making Lipa camp appear more full than it actually is, in order to justify the funding it receives from European countries. The BVMN [further reports](#) of Czech officers involved in pushbacks in North Macedonia and Hungary. The number of irregular arrivals to the Czech Republic, [reportedly](#) more than doubled to 29,235 in 2022. Almost 21,000 were Syrian nationals seeking to travel onwards to Western Europe. Just 694 migrants including 50 Syrians applied for asylum in the Czech Republic itself, according to figures from the interior ministry.

No Name Kitchen [regularly publish](#) pushback testimonies collected in the field by its teams Bosnia Herzegovina. The organisation [reports of](#) the violent pushback on 14 January of a 28 years old man from Algeria from Croatia to Bosnia Herzegovina, stating: “After being apprehended in a cafe, questioned about his passport, and beaten in the police station by Croatian police officers who later took his phone and money after leaving him, together with a small group in Bosnian territory”. [According](#) to a fact-sheet from ECRE member, the Danish Refugee Council (DRC) and partners under the PRAB initiative a total 3.461 persons reported pushbacks to from Croatia to Bosnia in 2022. ECtHR delivered a [second judgment](#) on 17 January finding that Croatia is violating the human rights of refugees and other migrants in the case of *Daraibou v. Croatia*. [According to](#) ECRE member, Centre for Peace Studies, the court found: “a grave violation of the right to life as a result of a fire outbreak in Bajakovo Border Police Station in 2015, causing serious injuries to a young Moroccan and the death of three of his friends, as well as the failure to take measures to protect the lives of these people”. Further, the organisation states: “Once again, the Court found that Croatia is not conducting effective investigations. Thus, this judgment also found a procedural violation of the right to life due to an ineffective investigation, that is, “due to the failure of the Croatian authorities to assess the shortcomings that led to the incident, to correct them and to prevent similar life-threatening conduct in the future”.

As [reported recently](#) in the ECRE outlet the [ELENA Weekly Legal Update](#) the ECtHR delivered its [ruling](#) in *W.A. and Others v. Hungary* on 15 December 2022. The Court concluded that Hungary violated their procedural obligations under Article 3 ECHR to assess to risk of treatment of the applicants before removing them to Serbia from the [now demolished](#) transit zone back in 2016. Meanwhile, Hungarian civil society organisations including ECRE member the Hungarian Helsinki Committee (HHC) [submitted contributions](#) to the European Commission’s Rule of Law report in January 2023. According to HHC, the “document covers in detail all of the topics included in the annual Rule of Law Reports, namely: the justice system (its independence, the quality of justice, the efficiency of the justice system) the anti-corruption framework (institutional capacity to fight corruption, prevention, repressive measures); media freedom and pluralism (media authorities, safeguards against interference, media ownership, protection of journalists); other institutional issues related to the system of checks and balances (legislative process, independent authorities, framework for CSOs)”. Further, HHC released [a paper](#) on how the “Rule of law backsliding affects all policy areas and all areas of life, including the performance of law enforcement agencies and the criminal justice system in Hungary”. On 24 January, the International Press Institute [analysed how](#) the “Few remaining independent media face increasing hostility over funding sources”. According to the organisation: “Hungarian investigative media outlet Átlátszó and its editor-in-chief, Tamás Bodoky, became the target of the latest smear campaign in pro-government news outlets aimed at discrediting what remains of the country’s independent media”.

For further information:

- [ECRE, Balkan Route: Commission's Plan Focus on Returns, Reports of Pushbacks Continue Amid Investigations Highlighting Systematic Violence, EU Admits Croatia to Schengen Without Regard to Abuses at the Border, December 2022](#)
- [ECRE, Joint Statement: EU admits Croatia to Schengen Without Regard to Abuses at the Border, December 2022](#)

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