

Submission to the Forum on Human Rights, Democracy and the Rule of Law relating to topics to be discussed during the upcoming fourth session.

Submitted by:

Border Violence Monitoring Network

(21st June 2022)

I. Reporting Organisation:

1. Border Violence Monitoring Network¹ (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions and police violence along the EU's external borders in the Western Balkans since the formal closure of the route in 2017. The collection of data on illegal pushbacks and police violence is done by a consortium of independent field experts who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

II. Inputs on the topics to be discussed:

2. Reaffirming the aim of the platform as a space for promoting dialogue and cooperation on the relationship between human rights, democracy and the rule of law and to discuss best practices, challenges and opportunities for States in these areas, and keeping in mind the scope of the forum; “strengthening democracies to build back better: challenges and opportunities”, the Border Violence Monitoring Network formally recommends the following two thematic panel discussions be given priority during the upcoming 4th session of the Forum on Human Rights, Democracy and the Rule of Law:

A. *“Strengthening democracies to ensure human rights and rule of law compliance at borders”*. A thematic panel discussion on pushbacks and other forms of border violence with a focus on best practices, challenges and opportunities for States.

B. *“Challenges and opportunities to establish independent and democratic accountability mechanisms”*. A thematic discussion on the challenges and opportunities of establishing Independent Border Monitoring Mechanisms.

III. Proposed panel discussion A: Strengthening democracies to ensure human rights and rule of law compliance at borders.

3. "Pushback" is a common term to denote the action of a State forcibly returning an individual or a group across borders to another country without due process and

¹Border Violence Monitoring Network. n.d. *About Us*. Available from: <https://www.borderviolence.eu/about/>

subsequently preventing or restricting them access to protection mechanisms. Pushbacks lie in contrast to the term “deportation”, which is conducted in a legal framework, and “readmission” which is a formal procedure rooted in bilateral and multilateral agreements between States. Pushbacks have become an unofficial policy across many States and its systematic use is a hallmark of border externalisation.

4. Highlighting the scope of the problem, and thus the importance of this topic of focus, since the formulation of the Border Violence Monitoring Network in 2017, we have collected 1,458 testimonies documenting the illegal pushbacks and ill-treatment of over 24,990 people. Evidence collected by the Border Violence Monitoring Network shows that pushbacks are indiscriminate with 45% of testimonies recalling the presence of minors and children.

5. Further underpinning the severity of human rights violations that occur during pushbacks, testimonies show that in 90.8% of recorded pushbacks one or more forms of violence or inhuman treatment occur. In over 25% of pushback testimonies, victims are forcibly undressed, in over 16% they are threatened with guns and in just over 2% of cases pushback victims are sexually assaulted by State authorities.

6. The proposed thematic panel discussion should focus on pushbacks and other forms of border violence bringing together both State and Non-State actors to discuss best practices, challenges and opportunities, with the view of presenting recommendations to help ensure fundamental rights compliance at border regions.

IV. Proposed panel discussion B: Challenges and opportunities to establish independent and democratic accountability mechanisms.

7. An independent border monitoring mechanism is a proposed nationally implemented human rights monitoring body with the mandate to monitor fundamental rights compliance and to document and address human rights violations occurring at borders or other locations in which other Non-State actors have limited or no access. Provided the monitoring mechanisms are effectively implemented, proponents affirm that such monitoring mechanics can assist States in reviewing, adjusting and correcting processes and measures in place at borders when receiving new arrivals. Furthermore, independent border monitoring programmes have been seen as an effective way to protect fundamental rights whilst enhancing public trust.

8. The proposed thematic panel discussion should focus on independent border monitoring mechanisms with the view of discussing both established and proposed monitoring mechanisms focusing on practices, challenges and opportunities.