Florence Model United Nations
Research Guide

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Committee: Council Of the European Union

Topic: Addressing unlawful pushbacks and ill-treatment in immigration detention and removal operations

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I.   Introduction

In recent years, the migration policy of the European Union (EU) has focused on strict border controls and externalisation of border management through cooperation with the countries that are producing migrants. However, mistreatment, unlawful pushback, and removal options for migrants have become serious issues worldwide; pressing on their human rights. Recurrent and widespread rights violations during border management have become a serious concern as the number of cases increases where more and more instances of abuse have not been properly and effectively investigated by national authorities, casting a negative light on border management authorities' operations. Violence, as well as inadequate medical care and sanitation have become common treatment of migrants in detention centers where they also suffer from 'unlawful pushback' which refers to a set of state measures by which refugees and migrants are forced back over a border - often immediately after arriving - denying the opportunity to seek asylum. Such action can also violate other fundamental rights, such as the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, the right to property, and respect for private and family life.

Examples of these cases include Italy's pushback of a group of Libyan people at sea, Hungary's deportation of a Pakistani national, Croatia's returning of an Afghan family to Serbia and more.

Addressing these problems is a necessity in border management and should be held in cooperation with third-world countries without any challenge to the rights of migrants and asylum seekers. This ensures fair procedures, prohibiting expulsions whilst improving conditions in detention centres without mistreating them.

II.   Definition of Key Terms

'Pushback' - The practice of forcibly returning migrants or asylum seekers across borders without providing them access to asylum procedures or assessing their protection needs.

'Removal Operation' - the process by which a state or relevant authority removes or deports individuals from its territory, typically due to violations of immigration laws or lack of legal status

Non-Refoulement: A principle of international law that prohibits the return of individuals to a country where they may face persecution, torture, or inhuman or degrading treatment.

European Convention on Human Rights (ECHR): A treaty aimed at protecting human rights and fundamental freedoms in Europe, including the prohibition of collective expulsions under Protocol No. 4, Article 4.

Securitized Border Management: The approach of treating border control and immigration enforcement as a security issue, often leading to stricter measures and the prioritization of state interests over human rights protections.

Migration - the movement of people from one place to another, typically across regions or countries, to settle temporarily or permanently in a new location.

Asylum seeking - process in which an individual who has fled their home country applies for international protection in another country, due to a well-founded fear of persecution.

Illegal migration - the movement of people across borders in violation of a country's immigration laws or regulations.

III. General Overview

Over the years, the EU has enforced its practice of strict border control whilst also the need to collaborate with third-world people when migrating. However, such practices have faced criticism as there were multiple cases of unlawful pushback and ill-treatment towards migration in detention centres such as violence. This raises concern about how the human rights of third-world people are preserved and what must be changed in the procedures. Cases such as in Greece where pushbacks have been reported at sea and land borders, often involving forced returns of migrants without access to asylum procedures and in Italy where a pushback case occurred in Hirsi Jamaa and Others (2012) in which Italy violated the prohibition on collective expulsions.

IV. Major Parties Involved and their Views

Germany: Germany generally supports the importance of upholding international law and human rights. The country has advocated the protection of Asylum seekers and migrants where over the last few years, have taken many into the country. Germany is also critical of unlawful pushback and has been actively trying to reform policies so migrants can be treated with care and dignity in immigration detentions. However, they also uphold strong support in strict border control preventing the issue of illegal immigration.

Italy: Italy has been the centre of this topic due to its involvement with migrants from Africa. Since the geological position of Italy is right above Africa, it offers a destined point for migrants travelling across the mediterranean sea. Italy also offers humane treatment of migrants, however advocates for other countries to share the burden that it carries due to the huge amount of migrants and asylum seekers coming from north Africa. However, Italy has faced criticism for how they handled migrants, particularly with pushbacks such as from Libya. Italy's focus is also particularly on stricter and tighter border control, not allowing irregular transmigration and serves as a country with both humanitarian commitment as well as historic records of mistreating migrants.

Greece: Similar to Italy, Greece's geological background serves as a destination point for migrants from the Middle East, Africa and Asia via the eastern Mediterranean route. It advocates for a more solid migrating policy and asks to distribute migrants due to the great number of migrants. In recent years, Greece has been criticised for border practices such as its unlawful pushback at sea and land borders.

Despite this, Greece argues that this is necessary in order to maintain National Security to protect its borders. Whilst, conditions in centres did improve, Greece continues to be criticized due to its inadequate supply and conditions to fuel the sheer number.

France: France plays a role in shaping EU policy where it balances humanitarian commitment and border enforcement. France opposes unlawful pushbacks and supports migrant's right. However, France has faced criticism for denying migrants humane treatment as it focuses more on National security and the implementation of strict border controls. France had advocated to improve conditions in detention centres whilst ensuring fair distribution to carry the burden of sheer migration in European countries whilst maintaining checks in illegal migration.

Hungary: Hungary maintains its stance on strict border controls and strongly opposes illegal immigration emphasising that migrating should be controlled at national levels rather than through EU mandate. Hungary has also been widely criticised due to its pushback policies where migrants are forcibly returned such that in border with Croatia and Serbia. The Hungarian government argues that these measures are necessary for national security and has introduced border fences to tackle illegal migration. They have also introduced strict asylum laws to deter migrants and often rejected EU proposals for sharing burden on refugees.

Poland: Similar to Hungary, Polance remains its strict stance on immigration and border control. They focus on national security and border security rather than EU migration policies. Poland has been criticised for pushback at borders with Belarus where many migrants have been prevented from entering the nation and forced to return, often into dangerous conditions. Poland justifies these actions by saying it's necessary to prevent hybrid warfare, accusing Belarus of deliberately sending migrants to destabilize Poland and thus building a 186 km steel wall across the border to prevent illegal immigration. Despite having unlawful pushbacks, Poland has opened to taking in refugees from Ukraine and argues that migration policies should be decided at National levels.

V. Relevant UN Documents and Articles

1. **Bulgaria Pushback**
   [Exclusive: Why are migrant pushbacks from Bulgaria to Turkey soaring? - InfoMigrants](#)

2. **Croatia Pushback**
   [Croatia: Ongoing, Violent Border Pushbacks | Human Rights Watch](#)

3. **EU Eastern Border**
   [EU Eastern Borders: More Deaths at Poland Belarus Border as Reports of Pushbacks, Detention and Crack-down on Solidarity Continue, Council of Europe Concerned over Pushbacks and Criminalisation in Latvia | European Council on Refugees and Exiles (ECRE)](#)

4. **Italy's Interception of Libyan Migrants**

[Italy Reups Funding to Force Migrants Back to Libya | Human Rights Watch](#)

5. **Overall PDF that addresses unlawful pushback in EU**
   [Addressing pushbacks at the EU's external borders](#)

6. **Statistics on Migration**
   [Statistics on migration to Europe - European Commission](#)

VI.   Questions to Consider

- How can governments balance national security with migrant rights?

- What legal consequences should countries face for violating human rights in migration stages and procedure?

- Should migration policies be decided on a national level or through an EU mandate?

- To what extent are adequate conditions in detention centre necessary for migrants?

VII.   Conclusion

Overall, migration is a fundamental part of civilisation either for finding better opportunities across borders, study or escaping conflicts in one's nation. However, when crossing borders, migration often ties with human rights and how one's right may be violated or mistreated. Currently there are already laws on adequate treatment in detention centre where unlawful pushback is prohibited if one is escaping conflict from one's nation. Despite this, this topic centers around National security in the receiving country, how borders can be managed strictly so no illegal migration can occur as well as how humanitarian aid can be reached to those in need where migrants can receive adequate treatment in detention centres without their rights being violated.

VIII.   Bibliography

1.) [Addressing pushbacks at the EU's external borders](#)
2.) [Governance of migrant integration in Poland | European Website on Integration](#)
3.) [Article: Trapped by Italy's Policy Paradox, Asyl.. | migrationpolicy.org](#)
4.) [Statistics on migration to Europe - European Commission](#)