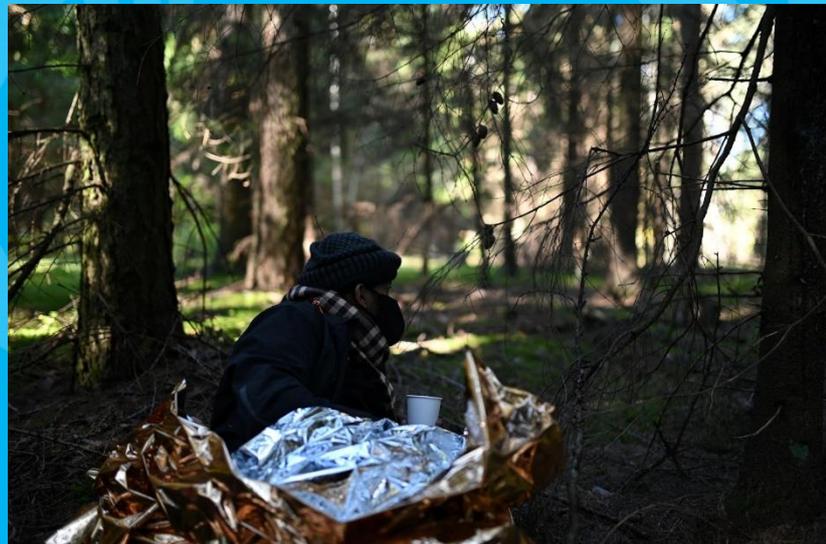


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Humanitarian crisis at the Polish-Belarusian frontier – old and new diagnoses from external EU borders

In this issue of CMR Spotlight, we share the main takeaways from the CMR webinar of Dec. 16-17, which focused on the ongoing border crisis on the Polish-Belarusian frontier and reflected on lessons learnt from other EU crises, including at the Greek-Turkish border, the Balkan route and in 2016 Germany. The seminar can be watched in full at [CMR's YouTube channel](#).



Fall of 2021, Polish-Belarusian border

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Humanitarian crisis at the Polish-Belarusian frontier – old and new diagnoses from external EU borders

The main takeaways from the two-part CMR webinar

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The CMR Webinar, December 2021

Since the summer of 2021 the situation at the Polish-Belarusian border has been in the spotlight of the local, EU and international observers, politicians, activists, journalists and researchers. Polish regulations prohibit the presence of media and activists in the border zone. The death toll of this crisis increases with the use of [pushbacks](#) by state authorities and freezing temperatures in the primordial Polish forest. The situation in Poland reminds crises on the Southern borders of the EU, where pushbacks have been in use and the term “hybrid war” has been applied to justify border militarisation and criminalisation of people seeking international protection. At the same time, the situation in Poland contrasts with Germany’s response to the 2015 crisis, when asylum cases have been lawfully processed.

In order to discuss this crisis and to learn from other crises, on December 16 and 17 of 2021, the CMR organized a two-day webinar entitled [HUMANITARIAN CRISIS AT THE POLISH-BELARUSIAN FRONTIER. OLD AND NEW DIAGNOSES FROM EXTERNAL EU BORDERS](#). The webinar attracted great attention from international and Polish viewers. Over 100 people participated in the first part of the event, and over 60 in the second.

The CMR webinar focused on the ongoing border crisis on the Polish-Belarusian frontier and reflected on lessons learnt from other EU crises, including at the Greek-Turkish border, the Balkan route and in 2016 Germany. The discussion aimed at improving understanding of the tools used to manage the past and present humanitarian crises by the EU and state actors. Building on the perspective of Greece and Balkan countries (pushbacks, reception of asylum seekers), Turkey

(transit country, reception), and Germany (reception context), the panellists explained how various tools operated on the ground and lessons learnt from them to manage the ongoing and forthcoming crises.

“A border ping-pong” - pushback policies and human rights violations during the Polish, Greek and Balkan border crises

During the first day of the CMR Webinar, a roundtable gathered speakers with first-hand experience of documenting human rights violations on the external borders of the European Union. Witold Klaus and Marta Górczyńska from the Border Group talked the participants through the situation on the Polish-Belarusian border. The roundtable served to exchange the experience with researchers documenting border violence on the Greece-Turkey border and along the Balkan route: Evgenia Kouniaki and Eleni Takou from [Human Rights 360](#) and Chloe Powers from the [Border Violence Monitoring Network](#). During this roundtable, key points of two recently-published reports were discussed: [Humanitarian Crisis on the Polish-Belarusian Border](#) by the Border Group and [The doctrine of the ‘instrumentalization’ of refugees. The borders of Evros in the era of the securitization of borders](#) by [HumanRights360](#).

In the spring of 2021, amid the ongoing Covid-19 crisis, the EU countries witnessed yet another crisis. It slowly unveiled itself in Lithuania and Latvia to enter the full light after a group of asylum-seeking people were stopped for weeks in the village of Usnarz Górny in Poland. Marta Górczyńska

and Witold Klaus, both human rights lawyers involved in the humanitarian crisis as members of the Border Group explained how the crisis escalated, what could have been done differently, what violations of international and national law regarding human rights and asylum they observed. They described the violence experienced not only by people seeking humanitarian help but also those who came with humanitarian aid, both local activists and those who came to Poland’s eastern border from all over the country.

Based on what was publicly admitted by Lukashenko, the arrival of thousands of people at the Polish-Belarusian border was facilitated by the Belarusian president in response to the EU-imposed sanctions after the rigged elections. Soon, the migrants' arrival became a profitable business for [Belarusian authorities](#). In response, the Polish government in August and October of 2021 introduced new legislations attempting to legalise the practice of pushbacks. Yet, this did not spark controversy on the EU level. On the contrary, by the end of November of 2021, Ursula von der Leyen explained to the European Parliament [“it has always been our position to support our Member States that are on the front line, whether it be in the East or to the South, because we must act together to protect our European borders”](#). Violence against unarmed people, separation of families at the border, rising numbers of people lost and dead in the deep forests, and criminalisation of humanitarian aid is what protecting the Eastern EU border means on

the ground. Evidence of it was discussed by Witold Klaus and Marta Górczyńska.

Panellists stressed that it is not only a question of people seeking help and asylum, but also of who the people seeking help and asylum are. The panellists reminded us that during the last two years, the Polish administration processed over two thousand asylum cases from activists and oppositionists originating from Belarus. Eventually, many received some form of international protection in Poland. That way, Poland demonstrated its support for political change in Belarus, and admitted that the country is not a safe one. Yet, when several thousand asylum seekers from the Middle and Far East were brought in by the very same Belarusian regime and requested help at Poland's border, the Polish government responded differently. A "hybrid war" was proclaimed and that way, Polish authorities freed themselves from applying refugee protection instruments. A racialized logic and political interests calculated to gain popular support played their part in this "[border spectacle](#)". Once again, forced migration and migration policies become politically instrumentalized.

Pushbacks, which became a common practice at the Polish-Belarusian border – as explained by the panellists – have been commonly used in Greece and are widely documented on the so-called Balkan route since 2015. As pointed out by Chloe Powers, experiencing several pushbacks on the Balkan Route and being stuck made many choose the new, eastern route,

considered safer and passable. In fact, according to Eleni Takou, the pushbacks have become a *modus operandi* on the Greece-Turkey border. As Eleni explained, they have been used for years, they have had well defined steps, and have been done discreetly in a militarised zone on the Evros river. Similarly to the Polish-Belarusian border, access to the border area at Evros river is strictly limited.

Panellists spoke about the pushbacks being increasingly difficult to document, as the asylum seekers have no right to appeal, they usually receive no decision about their removal from the EU territory, and there are no other records of their presence in the EU. Additionally, pushbacks usually happen in places where civilians and the media have no access. Consequently, documenting the events relies on the memory of the handful of people who managed their way through the border; and on the use of modern technologies such as [satellite images, maps, videos, photographs of the terrain, reconstruction of the weather conditions or vehicles used for transportation](#). Corroborating these testimonies helps to get as full a picture of an incident as possible.

The roundtable discussion allowed to draw similarities in the narratives used by the Greek and Polish government to legitimize human rights violations. The term "hybrid war" was also used in Greece to portray asylum seekers crossing the Greek border as a threat in the hybrid war between Greece and Turkey.

Migration governance on the ground. Lessons learnt from the past and ongoing crises

During the second day of the CMR Webinar, a roundtable gathered scholars engaged in a project funded through Horizon 2020, "[RESPOND. Multi-level governance of mass migration in Europe and beyond](#)": Bernd Kasperek, Electra Petracou, Ela Gökalp Aras and Karolina Sobczak-Szelc. The panellists discussed the asylum reception in Germany and Poland and responses to the crisis on the Greek-Turkish border.

Bernd Kasperek advised caution in comparing the current humanitarian crisis at the Polish-Belarusian border with the German case. Unlike with the Polish case, Germany in 2015 was faced with the arrival of millions of forced migrants through the internal EU borders, and the newcomers wished to settle in the country. [Overall, far fewer people arrived at the Polish-Belarusian](#) border and with the frequent intention of crossing to other EU states. Yet, while the Polish government responded by expelling people back to the Belarusian side of the border, Germany began processing the cases of those who reached the country. German federal police opened reception centres at the border to facilitate arrivals, and welcomed migrants across the country not to overwhelm the system with processing cases in particular locations. This is how we can prevent creating a humanitarian crisis. [Until January 2022, over 11,000 people had arrived through Poland to Germany \(some may have also crossed Latvia and Lithuania\).](#)

Similarly to the German case, Greece's initial response to the people crossing the Greek border in large numbers in 2015 was framed in humanitarian language and included engaging other actors: solidarity groups, international organizations, grass-root movements. Over time, however, as the public administration were the main receiver of financial support from the EU, the narrative switched from a humanitarian crisis to a refugee problem in Europe.

Panellists highlighted the following lessons learnt from the German, Greek, Turkish and Polish past and present experiences:

- **A humanitarian crisis emerges when there is an attempt to block the movement of people.** Germany managed to avoid a crisis similar to the current one in Poland or Greece by not pushing back asylum seekers and lawfully processing the cases resulting from the 2015 [March of Hope](#).
- Organizing mass **processing centres and hot spots generates legal uncertainty about the fairness of the asylum system.** The so-called German '[hangar centres](#)', reminiscent of [Hot Spots](#), initially accommodated asylum seekers in Germany. Because of their often remote locations and lack of access to legal assistance or civil society support, asylum seekers couldn't understand and follow through the asylum process. In addition, children didn't have proper access to education provided in these locations. Therefore, [the new German government](#) will discontinue the 'hangar centres' policy.

- **[Fast tracking asylum cases](#) contributes to the massive degradation in quality of the asylum process**, due to the inability to provide services such as appropriate translations, or bringing all the documents needed to corroborate the asylum case
- Efficient response to a border crisis requires the engagement of **different supporting actors** in the refugee protection regime, including NGOs
- **[Externalising EU policies](#) to protect borders from asylum seekers fleeing war zones is problematic due to power relations, internal politics in the target countries and their internal laws**
- **Poland has an [asylum system](#) capable of processing dozens of thousands of asylum claims**. We can use this existing system to solve the humanitarian crisis at the Polish-Belarusian border.
- Asylum reception policies and public discourse in Poland changed post-2015, with a new anti-refugee regime limiting funding to other actors involved in the regime (NGOs) and refusing processing asylum claims. **We can change the narrative again and use the existing infrastructure to process asylum cases** and support the integration process of refugees.

Where we are and how to move forward

Had we known what was going to happen at Polish-Belarusian border, could we have managed things differently? Based on the 2015 so-called “refugee crisis”, and the EU's response to the increasing numbers of refugees at its borders – yes, we could

have. Yet, according to the panellists, we found ourselves repeating the same mistakes or following the consistent set of policies already implemented by a growing number of EU member states.

Securitisation of the EU borders, a widespread use of violence, pushbacks and the externalization of EU migration policies, made people constantly seek other, safer passages to the EU. According to the panellists, this is what led people to the Polish-Belarusian border. The new map of borders arising from the so-called “refugee crisis” is marked by razor wire fences, border surveillance, detention and violations of human rights of people on the move. Therefore, civil society actors, self-organisation and solidarity with people in need become essential in all EU states, including Poland. It is imperative for representatives of NGOs, activists, journalists and researchers to cooperate in supporting people on the move and to highlighting the systemic state- and EU-level policies that violate their rights.

Readers are encouraged to listen to the CMR Webinar on the [CMR Youtube channel](#)

Speakers of the CMR Webinar:

PART I:

Witold Klaus (Institute of Law Studies, Polish Academy of Sciences, CMR UW) – holds PhD in law, he is a professor at the Institute of Law Studies, Polish Academy of Sciences (head of the Department of Criminology and of the Migration Law Research Centre) and a research fellow in the Centre of Migration Research at the University of Warsaw; He is a lawyer, criminologist, migration researcher and activist - he was one of the founders and currently serves a Member of the Board for the Association for Legal Intervention (chairman between 2005 and 2019).

Marta Górczyńska (University of Warsaw, Helsinki Foundation for Human Rights) - human rights lawyer, migration researcher and PhD candidate in legal studies at the University of Warsaw. Specialising in the field of international and EU law on asylum and migration. Author and co-author of numerous publications and reports; coordinator of several research projects; team member and coordinator of monitoring missions to the borders and detention facilities for migrants. Academic focus: access to territory and asylum procedure.

Eleni Takou (Human Rights 360) - is co-founder and Deputy Director of the Greek NGO [HumanRights360](https://www.humanrights360.org/). She has worked in the Advocacy and Programs sector of several NGOs. During 2015, she served as Chief of Staff of the Minister for Migration Policy in Greece. Prior to this, she coordinated the Racist Violence Recording Network, a coalition of CSOs under the auspices of the UNHCR Office in Greece and the Greek

National Commission for Human Rights. She has also been a consultant on issues of statelessness for UNHCR Greece. Her work is focused on refugee protection, migration, hate crime, strategic communication and anti-racism advocacy. She is co-author of the book [Persistent Myths about Migration in Greece](#) and co-editor of the book [X Them Out - The Black Map of Racist Violence](#).

Evgenia Kouniaki (Human Rights 360) is a Lawyer at HumanRights360. She focuses on monitoring and reporting cases of illegal practises at the European land borders of Evros, as well as hate crime across the country. She is a graduate of the Law School of the National and Kapodistrian University of Athens and of Social Anthropology of the Panteion University of Athens. She is currently enrolled in the Postgraduate Program in Social and Cultural Anthropology at Panteion University. She was also a member of the legal team of the civil litigation in the Golden Dawn's trial representing the Egyptian victims.

Chloe Powers (Border Violence Monitoring Network) is a researcher, activist, and visual artist based in Athens, Greece. She is a member of the Border Violence Monitoring Network, documenting violence against people-on-the-move in the Balkans and in Greece. Her research interests include borders and border securitization, prisons, and insurgent mobilities, citizenships, and city-making practises. Chloe has an academic background in anthropology and feminist studies, as well as five years of experience working with different research institutes or in “field” contexts in the eastern

Mediterranean (Egypt, Turkey, Greece). Aside from this, she is involved in self-organized mutual aid, feminist, and anti-eviction structures in Athens, Greece.

PART II:

Bernd Kasperek is a cultural anthropologist focussing on border and migration studies and Europeanisation. He currently works as a post-Doc both at the Institute for European Ethnology and the Berlin Institute for Migration Research at Humboldt-University Berlin. He recently published his book "Europe as Border. An Ethnography of the Border Agency Frontex", with Transcript in 2021. Previously, he was part of the RESPOND research project on multi-level governance of migration in Europe and beyond. He is a member of the network for critical migration and border regime studies (Kritnet) and member of the editorial board of the journal *movements*.

Electra Petracou (University of the Aegean) is an Associate Professor in Political Geography at [the Department of Geography](#), and Co-director of the Population Movements Laboratory. Her main current areas of interest include migration theories, migration and politics at the national and European level, asylum, borders power, control policies and security, citizenship and participation, decision making and population movements. She has participated as a senior researcher and principal investigator in a number of projects related to asylum and migration issues and has collaborations with other

academic institutions as well as international and European organizations and NGOs.

Ela Gökalp Aras (the Swedish Research Institute in Istanbul ([SRII](#))) is a Senior Research Fellow and has been a principal investigator of the [RESPOND Project](#). Her research is focused on migration and refugee policies (in particular the EU and Turkish asylum and immigration policies), international migration (irregular and transit) and asylum regimes, border management, citizenship, and security (in particular human security). Her recent publications include [Turkey's Response to Syrian Mass Migration: A Neoclassical Realist Analysis](#), and [The European Union's Externalisation Policy in the Field of Migration and Asylum: Turkey as a Case Study](#).

Karolina Sobczak-Szelc (University of Warsaw) is an Assistant Professor in the Centre of Migration Research. Karolina's research interests include forced migration studies; environmental migrations; adaptation strategies to environmental changes and limitations; integration of forced migrants, especially from the MENA region. She is a leading researcher in a Polish component of the HORIZON 2020 RESPOND project that investigates the governance of recent mass migration and its implications for the EU, its member states and third countries. She is also a PI of the project "[A multi-directional analysis of refugee/IDP camp areas based on HR/VHR satellite data](#)".



Kamila Fiałkowska

PhD, Researcher and Head of Socio-Cultural Research Unit at the Centre of Migration Research. Her research focuses on emigration from Poland, specifically seasonal migration from Poland to Germany and post-accession emigration of Poles to the UK. Currently she is involved in research on the migration of Polish Roma.



Karolina Łukasiewicz

PhD, Research Associate at the Centre of Migration Research, Principal Investigator in "Local welfare system response to migrant poverty. Between innovations and inequality" (LocMig) project and a lecturer at Silver School of Social Work at New York University.



Agnieszka Radziwinowiczówna

PhD, qualitative sociologist. She researches involuntary migrations, especially deportations and bordering practices. Principal Investigator in the UK2deport research project, where she studies the creation of UK's deportation regime targeting EU citizens following the legal changes related to Brexit. Previously Marie Curie Fellow at the University of Wolverhampton (UK).

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