PRAB: Policy Note III

Walls & high tech at Europe's borders: the new normal and a tool used to prevent people from crossing the borders and even injuring those trying to reach safety

Protecting Rights at Borders

The PRAB initiative gathers partner organisations operating across eight countries in Europe: Belarus (Human Constanta); Bosnia and Herzegovina (Danish Refugee Council (DRC) BiH); Greece (Greek Council for Refugees (GCR) and DRC Greece); Italy (Associazione per gli Studi Giuridici sull'Immigrazione (ASGI); Diaconia Valdese (DV) and DRC Italy); Lithuania (Diversity Development Group and Sienos Grupé); North Macedonia (Macedonian Young Lawyers Association (MYLA)); Poland (Stowarzyszenia Interwencji Prawnej (SIP)); Serbia (Humanitarian Center for Integration and Tolerance (HCIT)); and Belgium (DRC Brussels).

High-tech at borders, the next step in fortress Europe?

The increased number of arrivals of migrants, refugees and asylum seekers to the Global North has equalled a stronger call for fences and walls, aimed to disincentive people from accessing safety. There has further also been a proliferation of the use of artificial intelligence (AI) and high technologies, such as surveillance systems, biometrics, or drones, at borders to strengthen the purpose of preventing arrivals.

This policy note aims to put a spotlight on the different 'borders' used by European states at the borders where PRAB partners have operational presence. The following borders are included: Italy - France, Italy - Slovenia, Croatia – Bosnia and Herzegovina, Greece - Turkey, Greece - North-Macedonia, Lithuania - Belarus and Poland - Belarus.[1] This note starts by clarifying the concepts of 'hard and smart' borders, it sheds light on some AI systems used to complement physical barriers, and it outlines the impact both hard and smart borders have on people on the move. Finally, a sneak peek is given into the different borders funding sources – to the extent that the information has been available to PRAB partners.

Hard & smart borders: Two sides of the same coin?

While the borders between certain countries are marked by rivers, seas or other natural landmarks, some land borders are not apparent. Historically, states have been building physical barriers, and used border guards in the broad sense, to protect territories around the globe for foreign entries. These traditional physical barriers, such as fences and walls, which form the "hard borders" along with the border authorities patrolling, are more recently being 'complemented' with artificial intelligence (AI) systems or high technologies, such as mass surveillance systems with drones or smart movement or thermic sensors to detect movements of people. The latter we call in this policy note 'smart' borders, as often AI is used.

While the smart borders do not directly prevent people from crossing borders or they might not physically injure people (as some physical barriers, such as barbed wire are intended to do as is outline below), these technologies help border guards to notice and intercept people. They are effectively supporting the action of disincentivizing and/or preventing people from accessing the territory. [2] Both type of borders, hard and smart, aim to improve border management but in reality, migrants, refugees and asylum seekers are being left no other option than to take more dangerous paths, increasing their vulnerability and exposing them to human rights violations. There is further no proof that fences, wires or high tech have to date stopped people from attempting to cross. However, the increasing number of obstacles for people to cross a border limits their possibilities of reaching safety safely and this might violate their right to ask for international protection.[3]

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[1] The infographic at the end of this policy note provides a visual overview of the borders covered.
[2] Chatham House (2022) *Refugee protection in the artificial intelligence era.* Available online at: https://www.chathamhouse.org/sites/default/files/2022-09/2022-09-07-refugee-protection-artificial-intelligence-era-forster.pdf
[3] Forbes (2022) Migrants Are Taking Ever More Dangerous Routes To Get To Europe. Available online at: https://www.forbes.com/sites/freylindsay/2022/01/08/migrants-are-taking-ever-more-dangerous-routes-to-get-to-europe/?sh=37b28fef4257

Fortress Europe: no longer a myth?

Since the refugee crisis of 2015, European Member States have built more than 1700 kilometres (km) of walls to control migration and protect external borders.[4] Nowadays, the EU/Schengen area is surrounded by 19 border fences along 2048 km, up from 315 km in 2014.[5]

In 2015, **North-Macedonia**, installed a wire fence for the sole purpose of preventing uncontrolled and unregistered border crossings near the city of Gevgelija at the border with Greece. In 2016, five meters of double wire fence was added at five meters distance from the existing one. This intended to create a type of buffer zone between the first and second line, aiming to provide space for patrolling, and to guard the other side of the fence for patrolling as well as to place thermal cameras. The length of the

Picture: Border between Greece and North Macedonia, close to the city of Gevgelija.

fence amounts to 35-45 km. The border can only be crossed at the official border point in Bogorodica.

Picture: Border constructed at the Evros border. Photo credits: https://ypodomes.com/epitachynetai-i-kataskeyi-toy-frachti-ston-evro-pote-xekinoyn-ta-erga/

In 2012, Greece has constructed a 10,3-km fence at the Evros border, the land border between Türkiye and Greece. The 10,3-km fence at the Evros border was further extended in 2021 with an additional 27,5 kilometres and eight observation towers. In August 2022, the Greek government announced a plan to expand it by 220 km, but the European Commission refused to fund it. To date, the Greek government plans to continue with the construction of this fence, exiting out of a strong galvanized steel metal railing and an anti-climb structure with a concertina on top.[6]

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[4] Martín, Ayuso et Clemente (2023) The fences dividing Europe: How the EU uses walls to contain irregular migration. Available online at: https://english.elpais.com/international/2023-04-08/the-fences-dividing-europe-how-the-eu-uses-walls-to-contain-irregular-migration.html

[5] The Guardian (2023) Tear down these walls, or get used to a world of fear, separation and division. Available online at: https://www.theguardian.com/world/2023/feb/12/tear-down-these-walls-or-get-used-to-a-world-of-fear-separation-and-division

[6] https://www.iefimerida.gr/oikonomia/ebros-symbasi-kataskeyis-epektasis-frahti-intrakat-terna

Belarus' so-called "instrumentalization of migration", resulted in fences and razor wire during the summer of 2021. **Lithuania's border with Belarus border** has a fence and razor wire stretching approximately 502 out of 679 kms of the border,[7] while the rest is covered by surveillance cameras. **Poland** had a similar approach and on 30 June 2022, Polish authorities announced that 170 km – out of 186 km – of the fence,

Picture: Border fence between Lithuania and Belarus in June 2022. Photo credits: Sienos Grupe

with an altitude of 5,5 meter and topped with razor wire, was already built.

Moreover, on 2 November 2022, a construction of a 2,5 meter high and 3 meter wide wired fence (three rows of razor wire) commenced at the **Polish - Russian border** (Kaliningrad Oblast).[8] The construction of the latter seems to be prompted by the increased number of flights from the Middle East to the Russian Federation, reminding EU Member States of the times that a 'hybrid war' was the only war on the continent.[9]

Figure 1 Polish-Russian border. Budowa zapory na granicy z Rosją. Mieszkańcy zdziwieni. "Lepiej pewnych rzeczy tu nie wiedzieć". Photo credit: lsztyn, ESKA.pl

The use of high tech, the new normal at EU borders?

At the **Italian - French border**, an intra EU-border, even if there are no physical fences (hard borders), at the Montgenèvre pass, the authorities use night vision goggles, drones, cameras while, at the low border, a movement detector in the railway tunnel on the track linking Ventimiglia to Breil-sur-Roya is operational. Italy also uses these technological walls at its borders with Slovenia, monitored by 65 photo-cameras, controlling a 160km border, that detect transits

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[7] Bns (2022) Lithuania completes building fence along border with Belarus. Available online at: https://www.lrt.lt/en/news-in-english/19/1768340/lithuania-completes-building-fence-along-border-with-belarus

[8] Onet.pl (2022) *Polska wzmocni ochronę granicy z Kaliningradem. Znamy szczegóły.* Available online at: Polska wzmocni ochronę granicy z Kaliningradem. Znamy szczegóły- Wiadomości (onet.pl)

[9] Tvn24.pl (2022) *Mariusz Błaszczak: na granicy z obwodem kaliningradzkim powstanie zapora.* Available online at: Zapora na granicy z obwodem kaliningradzkim. Minister obrony podjął decyzję- TVN24

in real time, identifying people and sending the information to border authorities to act even in areas not subject to direct patrols.

North-Macedonia combines hard with smart borders, at its border with Greece, as it also monitors border crossings from a bird's eye view by using thermal camera. The equipment is stationed in the Bogorodica watchtower, which has a strategic position in the area. The technical capabilities of the camera make it possible to register any movement even several kilometres away and to detect attempts to irregularly cross the border.

In **Greece**, at the Evros border there is an "Automated Border Surveillance System" operating since November 2021, consisting of a network of cameras and long-range radar transmitting images and real time data. All this information is communicated with local and regional monitoring centers, and ultimately to the National Coordination Center in Athens, which is part of the EUROSUR. Some places are also occasionally monitored by drones. For instance, Greece released drones with "innovative algorithms" that can identify immediately defined targets of interest at Greek borders.[10]

Croatia, is learning from Greece and, also installed cameras at the places where it was recorded that

> ## AI also used at official border controls
>
> Between 2013 and 2019 Greece also developed a decision support system for border checks, including an automated deception detection tool, called the Intelligent Portable Control System (iBorderCtrl). These tools are designed to identify "biomarkers of deficit", non-verbal facial micro-expressions that are associated with lying. Pilot tests were carried out at border crossing points in Hungary, Greece, and Latvia.

migrants were crossing irregularly. At the **border between Lithuania and Belarus** the surveillance cameras and drones used to notice the border crossings, also aim to identify humanitarians, often volunteers, approaching the border area.[11] Finally, the construction of wired fence at the **Polish - Belarusian border** was supplemented by the installation of electronic devices.[12] 42 km of detection cables were used, 232 day-night cameras and 67 thermal cameras were placed at the 277 poles in order to prevent migrants from crossing the Polish border, which is monitored by control rooms in Białystok.[13] According to media, at this border 2.500 cameras were to be installed, but the information about the finalisation of this investment is lacking.[14]

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[10] Lulamae (2023) *Greece plans automated drones to spot people crossing border.* Available online at: https://algorithmwatch.org/en/greece-plans-automated-drones/

[11] Bns (2022) *Surveillance systems cover half of Lithuania-Belarus border – minister.* Available online at: https://www.lrt.lt/en/news-in-english/19/1763298/surveillance-systems-cover-half-of-lithuania-belarus-border-minister;

[12] Business Insider Polska, 'Mur na granicy z Białorusią. Wiadomo, co z barierą elektroniczną', 29 August 2022, Mur na granicy z Białorusią. Wiadomo, co z barierą elektroniczną (businessinsider.com.pl); Onet.pl, 'Stalowa zapora na granicy już stoi. Niebawem będzie naszpikowana elektroniką', 30 June 2022, Stalowa zapora na granicy już stoi. Niebawem będzie naszpikowana elektroniką - Wiadomości (onet.pl).

[13] https://www.strazgraniczna.pl/pl/aktualnosci/10939,Zakonczenie-prac-przy-pierwszym-odcinku-bariery-elektronicznej-na-granicy-polsko.html

[14] https://wiadomosci.onet.pl/bialystok/stalowa-zapora-na-granicy-juz-stoi-niebawem-bedzie-naszpikowana-elektronika/7l1mpsq

Fences and walls aimed to injure

> *Testimony 1: A young woman, traveling alone, was seriously injured when she climbed over the fence and was unable to call for help. A group of other foreigners found her, but they got scared by the approaching lights of the manhunt. As a result, more than 30 hours passed between the accident and the woman's arrival at the hospital. During this time, the wounded woman laid under a fence in a wooded area, in great pain, unable to move on her own or call for help.*
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> *Testimony 2: In October 2022, a man got stuck on the fence in Poland as his leg got tangled up in the wire and he was hanging head-down 5 meters above the ground. He was watched and ridiculed by the Polish army who did not offer the man any assistance. They only photographed and recorded the event. Eventually, the man fell. His fate afterwards is unknown.[15]*
>
> *Testimony 3: On 23 April, around 5 pm, M., a 58-year-old Syrian who had been fighting for his life for almost three weeks, died at the University Clinical Hospital in Bialystok. A man fell from the border wall on the night of April 3/4; in addition to a fracture and numerous damages to internal organs, he also suffered an artery injury.[16]*

As of end April 2023, at least 43 third-country nationals were found dead at the Polish-Belarusian border; more bodies are reported to be still lying in the woods surrounding the border.[17]

The concertina wire fence at the **Lithuanian - Bulgarian border** is designed to increase the likelihood of migrants being injured when trying to pass through. The manufacturers of the concertina wire claim that it can cut deep into the flesh and even cause fatal injuries.[18] The same objective –increased suffering when climbing over fences or trying to circumvent them– seems also apparent at the **Polish - Belarusian border**, with an increasing number of bones' fractures being observed since the fence' construction. *Grupa Granica* has reported that many people are trying to cross through swamps, wetlands, and rivers, leading to increased drowning, injuries, and hypothermia – and even deaths.[19] There are further no mechanisms or rescue teams to ensure that individuals injured by the harsh borders have access to emergency medical care.

The direct consequence of the walls, fences and smart borders is that people are facing multiple obstacles to effectively reach the EU's territory and to apply for international protection. That many obstacles that their right to asylum is often not merely hampered but effectively denied. In conclusion, while the impact of hard borders is extensively documented, human rights safeguards are entirely absent.

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[15] SIP, Input to the EUAA's Asylum Report, February 2023, 4..

[16] https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fm.facebook.com%2Fstory.php%3Fstory_fbid%3Dpfbid02t1rqk74ZYederPbRuPG1YrXgtHVNE76eH61nfMBWQRCNaXRU7jjGMtCJZYzvqbudl%26id%3D100079552941955&data=05%7C01%7Cbirte.schorpion%40drc.ngo%7C984cf976a386462f838408db46278c79%7C2a212241899c4752bd3351eac3c582d5%7C0%7C0%7C638180907910507416%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=CLzHIGITnTbWDwysD%2B3cmD2thaFsERr1ZEdq9zNcZ6s%3D&reserved=0

[17] https://egala.org.pl/w-piatek-24-marca-odnalezione-zostalo-cialo-40-ofiary-smiertelnej-na-pograniczu-polsko-bialoruskim/; https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftvn24.pl%2Fbialystok%2Fbialystok-nie-zyje-58-letni-syryjczyk-spadl-z-muru-na-polsko-bialoruskiej-granicy-6976009&data=05%7C01%7Cbirte.schorpion%40drc.ngo%7C984cf976a386462f838408db46278c79%7C2a212241899c4752bd3351eac3c582d5%7C0%7C0%7C638180907910507416%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=kmJHg4ACSQcvmZ5%2F4a5K8Uy0SPX8qR0Sl2GmqqMvJgo%3D&reserved=0

[18] Enzar (2023) *Concertina wire has sharp blades and cause fatal injuries sometimes.* Available online at: https://www.concertinawire.org/#:~:text=Concertina%20wire%20has%20sharp%20blades,and%20cause%20fatal%20injuries%20sometimes (accessed 8 April 2023)

[19] Grupa Granica (2023) *Periodic report of Grupa Granica on the situation at the Polish-Belarusian border.* Available online at: report-of-grupa-granica-december-january.pdf (hfhr.pl), p.3-4, 10-11.

A quest for funding, but are resources lacking?

Funding of walls has been highly politized in the European Union.[20] While the Commission's President Ursula Von der Leyen has previously ruled out the possibility of using EU funding for fences, the pressure has been and continuous to increase. On the one hand the European Council Conclusions of 9 February 2023 called on the Commission to fund measures that contribute to the control of the EU's external borders, as well as to immediately mobilize substantial EU funds and means to support EU Member States in reinforcing border protection capabilities and infrastructure, means of surveillance, including aerial surveillance, and equipment.[21] On the other hand the European Parliament voted in plenary on Wednesday 19 April 2023 in favour of an amendment to use EU money to fund external border fences.[22]

While there is often a lack of transparency about where the funding for borders, walls and high tech at borders comes from or is exactly used for; the exponential increase of hard and smart borders at the EU contradicts the assumption that states are not having sufficient financial resources to prioritize this investment. It can be expected that in most cases, national funds have to date been used, as is for instance the case for the mobile cameras at the Italian-Slovenian border[23]. Some borders are however dual financed, both by national budgets as well as with EU support. The physical barrier and concertina wire at the Lithuania-Belarus border, is an example thereof.[24] Further, some borders might also be financed by external contributions, e.g. EBF[25], and there are also indications that in some cases Member States provide financial contributions to fencing borders in other EU Member States. Finally, on 13 February 2023, Frontex' Management Board decided that the EU Agency will spend at least €180 million for border surveillance, covering equipment for land and maritime surveillance, drones, infrared, night vision, radiation detection devices, and helicopters capable of transmitting live visual data.[26]

It will remain important to closely track who is funding these harmful practices, as in addition to the obligation to set up a rights compliant system, the effective quest will be to ensure that accountability at EU borders becomes a reality and a follow-the -money approach might be one of the key pathways there too

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[20] EU's external walls are dividing bloc internally – POLITICO

[21] European Council Conclusions, 9 February 2023, Paragraph 23. https://data.consilium.europa.eu/doc/document/ST-1-2023-INIT/en/pdf

[22] MEPs lay out asylum vision as majority back fence funds (euobserver.com)

[23] The Friuli Venezia Giulia Region which spent 34.710 euros to buy the photo-traps.

[24] The total cost for the physical barrier was 152 million euros of a part was allocated from the EU emergency funds for the project HOME/2020/ISFB/AG/EMAS/0142 "urgent strengthening border security at the EU's external border with the Republic of Belarus", while the rest was funded by the Lithuanian State Reserve. Note that it is unclear how much of the 15 million Euros that Lithuania used under this EU instrument was effectively used to build the physical barrier and install the concertina wire. According to a statement by the ministry, these EU funds were used to purchase "ground and helicopter-based border surveillance equipment to facilitate the detection of irregular migrants, additional service vehicles for the transport of persons, and equipment to ensure the feeding of foreigners temporarily accommodated in Lithuania." For more information see, Ministry of the Interior of the Republic of Lithuania (2023) *Government takes decision to install a physical barrier on the border with Belarus, to be built by EPSO-G*. Available online at: https://vrm.lrv.lt/en/news/government-takes-decision-to-install-a-physical-barrier-on-the-border-with-belarus-to-be-built-by-epso-g, Lietuvos Respublikos vidaus reikalų ministerija (2022) *Startuoja VSF fondo lėšomis finansuojamas Lietuvos ir Baltarusijos sienos apsaugos stiprinimo projektas*. Available online at: https://vrm.lrv.lt/lt/naujienos/startuoja-vsf-fondo-lesomis-finansuojamas-lietuvos-ir-baltarusijos-sienos-apsaugos-stiprinimo-projektas as well as European Commission (2021) *Draft Annexes to Annual Activity Report on Migration and Home Affairs*. Available online at: https://commission.europa.eu/system/files/2022-06/annual-activity-report-2021-migration-and-home-affairs-annexes_en_0.pdf, p.128.

[25] EBF has contributed to the Greek activities of border surveillance via funding actions such as "shield" operation, reinforcing the controls with the Turkish border.

[26] https://www.statewatch.org/media/3857/eu-frontex-mb-decision-procurement-plan-2023.pdf and
https://www.statewatch.org/news/2023/april/frontex-to-spend-hundreds-of-millions-of-euros-on-surveillance-and-deportations/.

Overview of hard and smart borders identified by the partners within the PRAB initiative

Lithuania - Belarus border
- 502 km of fence with razor wire
- surveillance cameras [AI]
- drones [AI]

Poland - Russia border (Kaliningrad Oblast)
- Wired fence with three rows of razor wire
- electronic fence construction starts in March 2023

France - Italy border [AI]
At Briancon and Montegenevre
- Boarder sirveillance systems
- night vision goggles
- drones
- cameras
Area between Ventimiglia and Breil-sur-Roya
- Movement detectors

Italy - Slovenia border [AI]
- 160 km technological wall
- camera surveillance with face scaners

Poland - Belarus border
- 170 km of razor wire fence
- electronic fence
- detection cables [AI]
- 232 day night cameras [AI]
- 67 thermal cameras [AI]

Croatia - Bosnia and Herzegovina border
- roadblocks
- containers
- police patrols
- walls
- camera and drones [AI]

North Macedonia - Greece border
- 35 to 45km of duble wire fence
- bird eye view with thermal cameras [AI]
- night surveillance equipment [AI]

Aegean sea border
- additional boats and aircrafts
- unmanned aircarft (FRONTEX) [AI]

Greece - Turkey border
- 220km wall
- fence with observation towers
- steel railing (under construction)
- anti- climb structure (under construction)
- barbed concentrine (under construction)
- heat sensors, cameras, radars and drones [AI]

Legend:
- Fence with razor wire
- Fence
- Roadblocks, containers
- Future hard borders
- [AI] Smart borders (elements)