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***Balkan route and the European Union:  
migration, artificial intelligence and the  
paradox of enlargement***

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### *Introduction*

The Balkan Route has always been sensitive to geopolitical dynamics, which have shaped its evolution over the years. Since the early 2010s, this migration route has seen significant changes, influenced by conflicts, crises and subsequent European policy responses. However, while migration management along this route has adapted to new border closures and security measures, a growing challenge is the use of advanced technologies for border control, in particular artificial intelligence (AI). The introduction of these technologies by European institutions and agencies such as Frontex raises important questions regarding the protection of human rights and the safety of migrants.

This paper explores these issues within the broader political context of the European Union’s enlargement to the Western Balkans. This dual movement — migrants in transit to Europe and Balkan countries in transit to EU membership — creates a complex dynamic, where the same instruments used to implement security policies and control migration flows if used improperly, risk negatively affecting the imperative of protecting the migrants’ human rights.

## *The Balkan Route in brief*

The Balkan Route is one of the main migratory routes to Europe, resulting from the intersection of two corridors: the Eastern Mediterranean route and the Turkish-Greek route. Both of these routes derive, in turn, from a complex combination of routes that extend from Central Africa and Asia to two crucial points: Libya and Turkey. Although the *Western Balkan Route* was officially declared closed as an “irregular” entry route into Europe following the 2016 EU-Turkey agreement, migration flows along this route have never truly stopped. On the contrary, the Route is constantly adapting to changes, facing new border closures, the construction of new walls and the implementation of new agreements between states.

Until 2013, the number of refugees and migrants attempting to enter the European Union “irregularly” was relatively small, with only a few thousand attempts per year. However, between 2013 and 2014, there was a significant increase in flows, with rises of 217% and 117% respectively. This increase peaked in 2015, with an increase of 1,662%, which marked the beginning of the so-called “refugee crisis”<sup>1</sup>.

Despite the significance of this route, the history of the Balkan Route is difficult to trace.

Depending on the political circumstances, this step has been considered illegal, legal, dangerous, or relatively safe, influenced by events such as the opening or closing of borders. In the early stages of the “refugee crisis,” many migrants followed a route that started in Turkey, crossed North Macedonia and Serbia to Hungary, and then continued on to Croatia and Slovenia<sup>2</sup>. Some towns, such as Idomeni, on the Greek-Macedonian border, and Gevgelija, on the Macedonian side of the border, quickly became collection and transit points for thousands of refugees. In these cities, the so-called “hotspots” were established, registration centers for migrants set up *ad hoc* to deal with this new emergency, with the support of European agencies such as Frontex, EASO and Europol. Belgrade became a nerve center along the route, where people stopped to rest and gather information before resuming their journey to the European Union. The Serbian authorities, starting in July 2015, opened reception centers such as the one in Preševo, near the border with North Macedonia, to offer registration and humanitarian support to migrants. After an initial closure of the borders, due to a sudden increase in arrivals<sup>3</sup>, Macedonia and Serbia opted to reopen the borders, officially inaugurating the Balkan Route as a legal route of migration by land to Europe. Both states introduced transit permits valid for 72 hours: North Macedonia in April 2015 and Serbia in July 2015<sup>4</sup>. These permits included the migrants’ personal data and allowed them to legally stay in the country for three days. Once the deadline expired, migrants returned to being “irregular” and could be subject to refoulement or administrative detention. Beyond national borders, the permit lost its validity, forcing migrants to queue in the “buffer-zones”<sup>5</sup> waiting for a new temporary document to cross the next border. This transit was tolerated and openly guaranteed:

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<sup>1</sup> See Frontex risk analyses 2022, 2021, 2020, 2019 etc. Frontex. “Risk Analysis for 2022/23,” October 7, 2022. [https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/ARA\\_2022\\_Public\\_Web.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/ARA_2022_Public_Web.pdf).

<sup>2</sup> Weber, B. (2017). *The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route*. Sarajevo: Friedrich-Ebert-Stiftung Dialogue Southeast Europe.

<sup>3</sup> Reuters in Gevgelija. (2015). “Macedonia declares state of emergency to tackle migrant crisis”. *The Guardian*, <https://bit.ly/423P9bo>.

<sup>4</sup> Beznec, B., Speer M., Stojić Mitrović, M. (2016). *Governing the Balkan Route: Macedonia, Serbia and the European Border Regime*. Belgrade: Rosa Luxemburg Stiftung Southeast Europe.

<sup>5</sup> Vale, G. (2015). “Rotta balcanica: da Salonicco a Gevgelija”. *Osservatorio Balcani e Caucaso Transeuropa*, <https://bit.ly/3orMV7R>.

*it reduced the suffering of migrants along the Balkan corridor. It has also reduced the human and economic costs of migration but has increased the pressure on destination countries in Western Europe*<sup>6</sup>.

At this stage, North Macedonia and Serbia decided not to «act as “buffer zones”<sup>7</sup> for the rest of the core EU countries [...] and defined themselves as transit countries»<sup>8</sup> by establishing the so-called “formalized corridors”<sup>9</sup>. The activities of the security forces and volunteers were mainly limited to letting people pass, providing at most basic humanitarian aid. This opening of borders, due to the German government’s decision to directly take over asylum claims for Syrian refugees without a limited quota, the so-called *Willkommenskultur* (culture of welcome) policy, reduced, albeit temporarily, illegal cross-border trafficking in the Balkans.

In September 2015 everything changed on the Balkan route. While North Macedonia and Serbia amended their laws to allow facilitated transit through their territory, Hungary decided to build a fence along the border with Serbia to block the passage of migrants<sup>10</sup>. Serbia, as a transit country, found itself having to manage thousands of people stranded within its territory<sup>11</sup> and decided to divert the flow of refugees to Croatia, which in turn began to facilitate the passage of migrants and refugees to Slovenia<sup>12</sup>. This created tensions among the Balkan countries – afraid of becoming the “backyard of Europe” – and led to a diplomatic conflict between Serbia and Croatia, with the latter accusing Belgrade of “transporting” refugees from the Macedonian-Serbian border directly into Croatian territory. In the 48 hours following the closure of the Hungarian border, more than 11,000 migrants poured into Croatia<sup>13</sup>, prompting Croatia to temporarily close its border with Serbia.

Faced with this crisis, the Balkan states began to demand a common European solution. The Vienna conference on February 24, 2016, saw the participation of Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, Serbia and Bulgaria as observers. The meeting aimed to coordinate a common response to the crisis, but mainly resulted in limiting the flow of refugees to the EU through a more restrictive border regime in the Balkans. The first significant change occurred in North Macedonia, where the border with Greece was closed between March and April 2016, causing an increase in the number of people stranded in the Idomeni camp<sup>14</sup>. Serbia also adopted a similar

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<sup>6</sup> Župarić-Iljić, D., & Valenta, M. (2019). “Refugee Crisis” in the Southeastern European Countries: The Rise and Fall of the Balkan Corridor. In C. Menjivar, M. Ruiz, & I. Ness (Eds.). *The Oxford Handbook of Migration Crises*. Oxford: Oxford University Press, p. 372.

<sup>7</sup> Buffer zones are geographical areas, often transit countries, that act as buffer zones to slow down or regulate inflows to Europe. They act as a “filter” to relieve pressure on European Union countries, which are the final destination of most migrants. Countries that welcome migrants but block them on their territory, effectively transforming them into zones of prolonged transit, are defined as “buffer zones” for the rest of Europe. This role can be assumed on a voluntary basis but also on a forced basis, because of agreements between the European Union and third countries. However, the use of buffer zones in migration management is criticized because it tends to create precarious conditions for asylum seekers stranded in these areas, forced to wait long and deprived of access to fundamental rights.

<sup>8</sup> Župarić-Iljić, D., & Valenta, M. (2019). “Refugee Crisis” in the Southeastern European Countries: The Rise and Fall of the Balkan Corridor. In C. Menjivar, M. Ruiz, & I. Ness (Eds.), *The Oxford Handbook of Migration Crises*. Oxford: Oxford University Press, p. 371.

<sup>9</sup> Beznec, B., Speer, M., Stojić Mitrović, M. (2016). *Governing the Balkan Route: Macedonia, Serbia and the European Border Regime*. Belgrade: Rosa Luxemburg Stiftung Southeast Europe.

<sup>10</sup> Vale, G. (2015). “Rotta balcanica: il muro di Orban”, *Osservatorio Balcani e Caucaso Transeuropa*, <https://www.balcanicaucaso.org/aree/Serbia/Rotta-balcanica-il-muro-di-Orban-164267>.

<sup>11</sup> BBC. (2015). Migrant Crisis: Emergency talks on Balkans under way. *BBC*, <https://bit.ly/3Ou022W>.

<sup>12</sup> Šelo Šabić, S. (2017). The Impact of the Refugee Crisis in the Balkans: A Drift Towards Security. *Journal of Regional Security*, 12(1), pp. 51-74.

<sup>13</sup> Vale, G. (2015), “Rotta balcanica: il muro di Orban”. *Osservatorio Balcani e Caucaso Transeuropa*, <https://bit.ly/3WyrJK0>.

<sup>14</sup> Beznec, B., Speer, M., Stojić Mitrović, M. (2016). *Governing the Balkan Route: Macedonia, Serbia and the European Border Regime*. Belgrade: Rosa Luxemburg Stiftung Southeast Europe.

security policy and starting in April 2016, the authorities began to vacate informal settlements in Belgrade's parks and in July the army and police were deployed on the borders with Bulgaria and Macedonia. Despite these policies, the flow of people did not stop, but moved to other countries, making the internal divisions within the European Union regarding the management of the migration crisis even more evident. The subsequent and controversial agreement between the EU and Turkey in March 2016 marked a turning point in the context, in a sense closing the path along the Route and causing a significant strengthening of European border control. This agreement led to the extension of the mandate of Frontex, the European border management agency, and contributed to an increasing militarization of borders between Balkan countries, where physical barriers were built along the main migration routes<sup>15</sup>. Between 2016 and 2017, the only legal path to the EU consisted of a coordinated list system between Serbia and Hungary, which allowed entry to a limited number of people.

As tensions and challenges along the Balkan Route increased, the need for a new political dialogue between the European Union and the Balkan countries emerged. A crucial moment in this context was the 2018 EU-Balkans Summit<sup>16</sup>, held in Sofia, where it was decided to further strengthen cooperation between Frontex and the Balkan states, in order to strengthen border control and counter irregular migration. On that occasion, additional funds were allocated to improve border management.

Faced with this situation, the EU's response has resulted, on the one hand, in the deployment of police, military and Frontex forces, and on the other hand in an increase in pushbacks, which have made it increasingly difficult for migrants to find safe routes to the EU. All these developments must be understood in the context of the EU's expectations of the Balkan countries, linked to their commitments in the accession process. In fact, this new wave of securitization is functioning as a tool for achieving other political goals, especially as a means for the country's accession to the EU<sup>17</sup>.

### ***The use of AI in migration management: risks and potentialities***

Faced with this complex reality, starting with the "refugee crisis" of 2015, the EU has begun to consider the importance of applying modern technological tools to improve efficiency in border control and flow management, looking for technological solutions, including the use of artificial intelligence, to support Balkan countries. The guidelines for this support were outlined in the Tirana Declaration, adopted during the EU-Western Balkans summit in December 2022<sup>18</sup>. This support, provided through the Instrument for Pre-accession Assistance (IPA), is aimed at assisting the Western Balkan states, many of which are candidates<sup>19</sup> for EU membership, in improving their asylum and reception systems, strengthening border protection, combating human trafficking and criminal organizations, as well as stepping up returns to countries of origin. The IPA is used to support the required reforms in countries on the verge of becoming EU member states, and a significant part of the total budget of €14.2 billion is earmarked for border control and migration management.

Anticipating the continuation of migration in the region, the EU has continued to invest in border security, implementing advanced migration management systems, actively exploring the

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<sup>15</sup> Kovacevic, Nikola. "Country Report: Serbia," May 2022.

<sup>16</sup> Dimitrov, M. (2018). "EU, Balkan Leaders Gather in Sofia for Summit", *BalkanInsight*, <https://balkaninsight.com/2018/05/17/eu-meets-the-western-balkans-what-not-to-expect-05-16-2018/>.

<sup>17</sup> Beznec, B., Speer, M., Stojić Mitrović, M. (2016). *Governing the Balkan Route: Macedonia, Serbia and the European Border Regime*. Belgrade: Rosa Luxemburg Stiftung Southeast Europe.

<sup>18</sup> European Council. (2022). "Tirana Declaration", Tirana, <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>.

<sup>19</sup> While all the WB6 states are included in the EU's enlargement policy, Kosovo is currently only a 'potential' candidate for membership.

opportunities offered by artificial intelligence in border control, migration management and security. Technologies such as drones, satellites and other digital monitoring systems have been used for decades to strengthen the EU's external borders, creating so-called "smart borders". Today, advanced algorithms and artificial intelligence are further transforming this landscape, adding new elements of control and surveillance. The development of these technologies is supported by substantial EU funding, with more than €7.7 billion spent on 'European border management' between 2015 and 2020, primarily sourced from European funding<sup>20</sup>. Within this framework, approximately €250 million was allocated to 49 specific projects aimed at developing high-tech solutions for border control<sup>21</sup>. Every project and beneficiary will be listed in the enormous CORDIS database, making it possible to understand patterns and trends in how the money is spent. The trend is set to continue, as the current budget period (2021-2027) includes a further increase in funding for border management, signaling ongoing investment in technological solutions for border security<sup>22</sup>.

In this framework, in 2020 the Commission established the *Expert Group on Artificial Intelligence in the domain of Home Affairs* to assist in the development of legislative proposals and policy initiatives on AI. A study conducted the same year<sup>23</sup> for the European Commission, identified five main areas of application of AI in border, migration and security management: chatbots and virtual assistants; risk assessment and screening of applications as part of visa processes; knowledge management tools; analysis tools; and computer vision applications to extract information from images of people (faces, fingerprints, etc.) and objects. Other Commission studies have examined the potential development of AI-based prediction and early warning tools on migration flows<sup>24</sup>, as well as the creation of a shared data space between agencies<sup>25</sup>. In this context, Frontex commissioned *RAND Europe*, a *think tank* specializing in research and development, in 2021 to study the use of artificial intelligence in border management<sup>26</sup>. The report, published subsequently, outlined the areas and methods of use of these systems, highlighting how they can contribute, for example, to reducing the time people stay at borders or to improving the capacity to respond and mobilize in emergency situations. However, while AI is often presented as a technological solution to improve border control and migration management, its use by agencies such as Frontex has raised important questions regarding its impact on privacy, fundamental rights and personal security of migrants and refugees.

The use of biometric technologies, in particular, raises concerns about possible direct and indirect discrimination, based on race, ethnicity, nationality, descent, or religion against migrants and the violation of their privacy rights, as sensitive biometric data is collected and processed with limited transparency and oversight. For example, black people are frequently misrecognized by facial recognition technologies, or experience de facto exclusion based on national origin.

As observed by E. Tendayi Achiume, a law professor and former UN Special Rapporteur on Racism, other technologies, such as linguistic recognition software used in asylum determination procedures in Europe, tend to be more inaccurate for applicants from regions like the Maghreb, creating the risk that these asylum seekers are penalized and their claims rejected due to doubts about their

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<sup>20</sup> Statewatch, EuroMed Rights. (2023). *Europe's techno borders*, <https://www.statewatch.org/media/3964/europe-techno-borders-sw-emr-7-23.pdf>.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Deloitte, Directorate-General for Migration and Home Affairs (European Commission). (2020). "Opportunities and challenges for the use of artificial intelligence in border control, migration and security. Volume 1, Main report", Bruxelles, <https://bit.ly/3nUGutF>.

<sup>24</sup> ECORYS. (2020). "Feasibility study on a forecasting and early warning tool for migration based on artificial intelligence technology". Bruxelles, <https://bit.ly/3pw16ZR>.

<sup>25</sup> Flynn, M. J. (2020). "Study on technical requirements for data spaces in law enforcement", Bruxelles, <https://bit.ly/3HZPa8S>.

<sup>26</sup> Frontex. (2021). *Artificial Intelligence - based capabilities for European Border and Coast Guard*, Warsaw, <https://bit.ly/421aest>.



credibility<sup>27</sup>. Additionally, Achiume notes<sup>28</sup>, that in Europe, intrusive data extraction practices from personal devices are imposed exclusively on asylum seekers. Although «asylum seeker» is not formally a racial category<sup>29</sup>, Achiume asserts that «the contemporary configuration of European border and migration regimes effectively racializes this category, largely comprising non-white individuals, including citizens of predominantly Muslim countries»<sup>30</sup>.

Regarding facial recognition, there is a widespread social and political belief that this type of technology is free from human bias. However, a recent report cautions against the adoption of these tools in border automation: «even the most accurate algorithms will misidentify images labeled as “Black women” at a rate 20 times higher than those labeled as “white men”»<sup>31</sup>. When applied on a large scale, facial recognition of all migrants’ risks institutionalizing the racial biases embedded in the technology<sup>32</sup>. Given its numerous functions in border management, such as identity verification, the implications of misrecognition range from intensified surveillance and stigmatization to deportation and expulsion, all based on racial and gender dynamics. This also leads to a power imbalance between migrants and authorities: while the latter use AI and biometric technologies to monitor and manage migration flows the former have no means to defend themselves against potential abuses or discrimination stemming from these systems. In the context of migration procedures, AI can have negative effects on respect for human dignity and the right to good administration, especially in the processes of reviewing applications for regularization of stay<sup>33</sup>. *Automated decision-making* (ADM) devices<sup>34</sup>, which allows autonomous decisions to be made by analyzing large amounts of environmental data, are often used in such procedures, despite not being free from errors and cannot guarantee that the administrative decisions taken are consistent with the principles of equity and justice, thus undermining the reliability of the system.

Another problem with the use of AI in border management is the risk that these systems reproduce the biases and predispositions of human programmers. Although the institutional discourse emphasizes the importance of ethics and human centrality in the use of these technologies, European border regions represent a testing ground for the most advanced surveillance technologies. In this regard, the European Commission’s *Horizon 2020*<sup>35</sup> funding program has supported several border management projects, allocating a budget of 1.3 billion euros. Among these projects, one of the most notable was the *iBorderCtrl*<sup>36</sup> program, an initiative aimed at developing advanced technologies for facial recognition and lie detection for border management. Implemented between 2016 and 2019, the program aimed to improve border control for people arriving in the Schengen area. Pilot tests were conducted at several borders, including Hungary, Greece and Latvia, during which migrants interacted with digital avatars tasked with detecting “deceptive biomarkers”, i.e. biological indicators such as non-verbal facial micro expressions (blinking, redness, head movements), with the aim of determining whether a person was lying. People judged to be sincere could cross the border, while those who were found suspicious had to provide additional information, such as fingerprints. Tests

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<sup>27</sup> Achiume, E. T. (2021). Digital racial borders. *AJIL Unbound*, 115, 333–338. <https://doi.org/10.1017/aju.2021.52>.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Israel, T. (2020). *Facial recognition at a crossroads: Transformation at our borders and beyond*. Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC). Available at <https://perma.cc/FG5H-LQ5M>.

<sup>32</sup> *Ibid.*

<sup>33</sup> European Union Agency for Fundamental Rights. (2020). *Getting the Future Right. Artificial Intelligence and Fundamental Rights*. Luxembourg: Publications Office of the European Union, <https://bit.ly/42xQMP5>.

<sup>34</sup> Algorithm Watch. (2020). *Automating Society Report 2020*. Berlin, <https://bit.ly/3prkhUL>.

<sup>35</sup> Horizon 2020 was Europe’s largest funding programme for research and innovation, with a budget of almost €80 billion for the period 2014–2020. The main objectives of Horizon 2020 were scientific excellence, industrial leadership and helping to solve major societal challenges that have a direct impact on people’s lives. Horizon 2020 funded a wide range of research and innovation projects, covering all fields of science, technology and innovation. With this programme, the EU has prioritised enabling technologies and key technologies, including artificial intelligence.

<sup>36</sup> CORDIS. (2019). *Intelligent Portable Border Control System*. Luxembourg, <https://bit.ly/3pihn4n>.

reported 73-75% accuracy in detecting fraud and truth<sup>37</sup>. In addition, other lie detectors are being experimented with<sup>38</sup> that claim to determine the veracity of statements through the analysis of facial movements. Although these technologies have been judged unreliable and dangerous, so much so that they are banned by the EU's AI Act,<sup>39</sup> their use in border and police contexts remains permitted.

Another program funded by *Horizon 2020* is *Itflows*<sup>40</sup>, launched in August 2023 with the theoretical aim of improving the management of migration flows. Developed in the context of the European Framework for Research and Innovation, the program involves a consortium of 14 partners, including universities, research institutes and the private company *Terracom*. At the heart of the project is the *EuMigraTool* (EMT), a tool designed with two main objectives: to prevent migration dynamics at borders and to identify the risks of social tensions related to migration<sup>41</sup>. This tool is based on the analysis of large amounts of data from the web, television news channels and social media, with the aim of creating a joint model of probability distributions capable of estimating the number of people who, along specific migration routes, will reach certain areas (*hotspots*). The French NGO *Disclose* was able to gain access to the consortium's internal documents covering the period between January and June 2021, which reveal that members of the project's ethics committee were aware of the risks associated with potential human rights violations.<sup>42</sup> Among the major concerns was the use of sensitive data, including interviews carried out by the Red Cross with migrants and the Frontex agency, which included sensitive details about migrants' religion, ethnicity and sexual orientation.

Another example of controversial technology is dialect recognition systems<sup>43</sup>, which are used in the context of asylum or visa applications to verify the veracity of applicants' statements. These tools, based on often unscientific and discriminatory criteria, fuel a climate of suspicion towards those seeking protection and can negatively influence decisions, putting the rights and safety of applicants at risk. In parallel, the expansion of border surveillance technologies, such as remote biometric recognition, drones, and thermal cameras, continues to grow. These developments are not isolated: many of the technologies currently operational or in the experimental phase are funded by European Union programs such as *Horizon 2020* or *Horizon Europe*, which supports other projects such as FOLDOUT Solution<sup>44</sup>, ROBORDER<sup>45</sup>, BorderUAS<sup>46</sup>, Nestor<sup>47</sup>, all aimed at strengthening border surveillance through advanced technologies. *AlgorithmWatch* obtained documents related to these EU-funded projects, but some of them were so heavily censored as to be incomprehensible. In the case of the NESTOR project, for example, the grant agreement included 169 pages that were completely blacked out. NESTOR aims to create a next-generation surveillance system for the EU's borders, using advanced technologies such as radio spectrum analysis, thermal and optical imaging, and a network of interoperable sensors. These sensors, whether stationary or mobile, monitor the

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<sup>37</sup> Dumbrava, C. (2021). "Artificial intelligence at EU borders. Overview of applications and key issues", *European Parliamentary Research Service*, Brussels, p. 17, <https://bit.ly/3nCcJal>.

<sup>38</sup> Gallagher, R., & Jona, L., (2019). We Tested Europe's New Lie Detector for Travelers — and Immediately Triggered a False Positive. *The Intercept*, <https://theintercept.com/2019/07/26/europe-border-control-ai-lie-detector/>.

<sup>39</sup> Protect not Surveil. (2024). Joint statement – A dangerous precedent: how the EU AI Act fails migrants and people on the move. *Access Now*, <https://www.accessnow.org/press-release/joint-statement-ai-act-fails-migrants-and-people-on-the-move/>.

<sup>40</sup> CORDIS. (2020). *Itflows*. Migration Prediction, Policy and Human Rights, Barcellona, <https://bit.ly/3psFv4C>.

<sup>41</sup> *Itflows*. (2020). *EuMigraTool*, <https://bit.ly/3LVJEoX>.

<sup>42</sup> D'Agostino, L., & Campbell, Z. (2022). Predicting Migration Flows with Artificial Intelligence – The European Union's Risky Gamble. *Disclose*, <https://bit.ly/42Jkroz>.

<sup>43</sup> Lulamae, J. (2024). The BAMF's controversial dialect recognition software: new languages and an EU pilot project. *Algorithm Watch*. Available at: <https://algorithmwatch.org/en/bamf-dialect-recognition/>.

<sup>44</sup> Foldout Solution. (2022). Foldout: Border surveillance made smart and seamless. <https://foldout.eu/>.

<sup>45</sup> ROBORDER (2022). autonomous swarm of heterogeneous ROBots for BORDER surveillance. <https://roborder.eu/>.

<sup>46</sup> BorderUAS (2024). Semi-autonomous border surveillance platform combining next generation unmanned aerial vehicles with ultra-high-resolution multi-sensor surveillance payload. <https://borderuas.eu/>.

<sup>47</sup> NESTOR. (2023). aN Enhanced pre-frontier intelligence picture to Safeguard The EurOpean boRders. <https://cordis.europa.eu/project/id/101021851>.



movement of people, vehicles and drones on land, sea and air. The vehicles used in the project are capable of operating in swarms, and the system allows for the detection, classification and tracking of moving targets. At the heart of the system is an artificial intelligence for border command and control, which combines real-time surveillance data with the analysis of data from the internet and social media. However, it is very difficult to obtain information about the projects and their use at borders or in third countries. Access to information is almost always denied, citing the “protection of the public interest in security” as the reason.

The role of Frontex – which has intervened to “help”, “actively participate” and “carry out” several *Horizon 2020* projects – especially in border management in the Balkans, clearly highlights the European Union’s ambivalence in dealing with migration flows. The introduction of advanced technologies, such as drones, high-resolution cameras, and biometric surveillance systems, has enabled Frontex and the Balkan countries to more efficiently monitor migratory movements along the Balkan Route. For example, drones are used to patrol hard-to-reach areas and to monitor borders in real time. Biometric identification systems, such as facial recognition, help track migrants, identify points of entry, and prevent “illegal” crossings. However, these technologies raise privacy concerns, as migrants’ personal data is often collected without their consent or without adequate safeguards about how it will be used and stored.

### ***The New Pact on Migration and Asylum***

After lengthy negotiations that began in 2020, the European Parliament approved the New Pact on Migration and Asylum on April 10, 2024, which was subsequently adopted by the Council of the European Union on May 14 of the same year<sup>48</sup>. This Pact introduces a complex package of ten legislative reforms aimed at restructuring the EU's migration and asylum system, outlining a “European solution”<sup>49</sup> to migration challenges. Central priorities include strengthening border security, expediting and improving asylum and return procedures, and increasing solidarity with member states located along external borders<sup>50</sup>.

However, with the increase in pushback policies and the adoption of intrusive and interoperable technologies at borders, the management of migration flows by EU Member States is increasingly becoming a geopolitical issue, closely linked to agreements with third countries and risks to the privacy and fundamental rights of migrants. Despite NGO concerns about the final agreement<sup>51</sup>, the approval of the Pact represents a turning point in this process, linking migration surveillance and the criminalization of migrants with a massive use of digital technologies for border control. In this context, surveillance by Frontex is part of a system of automatic collection and exchange of data between European police forces, strengthening a mass surveillance regime<sup>52</sup> on migrants considered “irregular”. The New Pact marks an expansion of the EU’s technological infrastructure at the external

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<sup>48</sup> Council of the European Union. (2024). *The Council adopts the EU's pact on migration and asylum*. Press release. Retrieved from: <https://www.consilium.europa.eu/en/press/press-releases/2024/05/14/the-council-adopts-the-eu-s-pact-on-migration-and-asylum/>.

<sup>49</sup> European Commission (2024). *Statement by President von der Leyen at the joint press conference with President Metsola and Belgian Prime Minister De Croo on the adoption of the Pact on Migration and Asylum*. Bruxelles, [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_24\\_1953](https://ec.europa.eu/commission/presscorner/detail/en/statement_24_1953).

<sup>50</sup> *Ibid.*

<sup>51</sup> PICUM - the Platform for International Cooperation on Undocumented Migrants. (2023). *Over 50 NGOs pen eleventh-hour open letter to EU on human rights risks in Migration Pact*. Available at: <https://picum.org/blog/open-letter-eu-human-rights-risks-migration-pact/>.

<sup>52</sup> European Digital Rights (EDRi). (2023). *Civil society calls for an end to the expansion of EU's EURODAC database*. Available at: <https://edri.org/our-work/civil-society-calls-for-an-end-to-the-expansion-of-eus-eurodac-database/>.

borders, with the increasing use of intrusive technologies<sup>53</sup> at the borders leading to a massive collection of personal data<sup>54</sup>, which will be stored and shared with police authorities for a period of up to ten years, as provided for by the amendments to the Eurodac Regulation<sup>55</sup>, approved in December 2023. This allows for widespread monitoring of migrants' movements<sup>56</sup>, but has raised serious concerns about privacy and the handling of personal data, highlighting potential abuse of technologies by authorities and human rights violations. These practices are also reflected in asylum procedures, modified by the revision of the Asylum Procedures Regulation<sup>57</sup> that authorize searches of personal belongings, seizure and extraction of data from asylum seekers' electronic devices<sup>58</sup>, with the aim of collecting information useful for verifying their identity and country of origin<sup>59</sup>.

The Screening Regulation<sup>60</sup>, an integral part of the Pact, also introduces new border control procedures that provide for the collection of migrants' biometric and personal data to compare them with European and national police databases. The risk is that these controls could lead to automated decisions through artificial intelligence, aggravating the danger of abuse and transnational repression<sup>61</sup>. Those who are considered a "risk to national security or public order" will be subjected to accelerated border procedures, with reduced guarantees in the processing of asylum applications, as provided for in the Asylum Procedures Regulation and the Border Procedures for Return Regulation. However, the concepts of national security and public order are dangerously vague and undefined<sup>62</sup>, giving EU Member States considerable discretion that could encourage discriminatory practices during screening procedures.

Another key point of the Pact is the role that the countries of the Balkan region are called upon to play. Although the New Pact does not explicitly mention the Balkans, the region's key role is clear from statements by figures such as Josep Borrell, High Representative of the Union for Foreign

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<sup>53</sup> Karaiskou, A. (2023). *Drones & Artificial Intelligence at Greece's high-tech borders*. Homo Digitalis. Available at: <https://homodigitalis.gr/en/posts/131019/>.

<sup>54</sup> Statewatch. (2023). *Frontex and interoperable databases: knowledge as power?*. Available at: <https://www.statewatch.org/frontex-and-interoperable-databases-knowledge-as-power/>.

<sup>55</sup> European Union. (2024). Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council. Bruxelles, <http://data.europa.eu/eli/reg/2024/1358/oj>.

<sup>56</sup> Platform for International Cooperation on Undocumented Migrants. (2022). *Digital Technology, Policing And Migration – What Does It Mean For Undocumented Migrants?*. Available at: <https://picum.org/wp-content/uploads/2022/02/Digital-technology-policing-and-migration-What-does-it-mean-for-undocumented-migrants.pdf>.

<sup>57</sup> European Union. (2024). Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. Bruxelles, <http://data.europa.eu/eli/reg/2024/1348/oj>.

<sup>58</sup> Society for Civil Liberties (GFF). (2023). *Refugee Phone Search*. Available on: <https://freiheitsrechte.org/en/themen/digitale-grundrechte/refugee-daten>.

<sup>59</sup> Brot für die Welt. (2024). A blessing and a curse: Smartphones and people on the move. Available at: <https://www.brot-fuer-die-welt.de/en-people-on-the-move-and-smartphones/>.

<sup>60</sup> European Union. (2024). Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. Bruxelles, <http://data.europa.eu/eli/reg/2024/1356/oj>.

<sup>61</sup> Department of Justice & the Department of State. (2022). *Assessment of INTERPOL Member Country Abuse of INTERPOL Red Notices, Diffusions, and Other INTERPOL Communications for Political Motives and Other Unlawful Purposes*. Available at: <https://www.state.gov/wp-content/uploads/2022/09/2022-Transnational-Repression-Accountability-and-Prevention-Act-Report.pdf>.

<sup>62</sup> European Data Protection Supervisor (EDPS). (2022). *Audit Report On The European Union Agency For Law Enforcement Cooperation (Europol)*, The Hague. Available at: [https://www.edps.europa.eu/system/files/2023-09/23-09-06\\_executive-summary-europol-inspection-report\\_en.pdf](https://www.edps.europa.eu/system/files/2023-09/23-09-06_executive-summary-europol-inspection-report_en.pdf).

Affairs, and former Commissioner Ylva Johansson. Both reminded the governments of the Balkan countries of the importance of aligning themselves with the EU's migration policies, as a condition for future accession to the Union. These countries are increasingly becoming a "buffer zone" for the management of migration flows, taking responsibility for the digital and systematic pre-screening of all the migrants passing through their territories. The pre-screening procedure will detain all third-country nationals arriving in de facto detention, pending health assessments, confirmation of identity and an initial assessment of whether or not they need international protection in the EU, before they are granted entry into the territory of any member state. With the Pact, in fact, Croatia and Greece will become places of screening procedures, de facto places of detention, while the rest of the Balkans will have the role of pre-selection and pre-screening area<sup>63</sup>.

This political pressure and the increasing militarization of borders has made the Balkans a kind of "guardian" of the European fortress, as pointed out by Milica Švabić of Klikaktiv and Aigul Hakimova of InfoKolpa, organizations that work with migrants, in the report "*New Pact on Migration and Asylum: Perspectives from the 'other side' of the EU borders*" by Refugee Rights Europe<sup>64</sup>. The EU's approach therefore risks worsening social and economic conditions in south-eastern European countries, turning the region into a zone of transnational repression against migrants. The Center for Peace Studies (CMS) sought to highlight what role the Balkans could play by pointing out that, although the policies presented are described as new, they actually aim to "strengthen and legitimize practices that violate human rights", warning that, instead of promoting a fair distribution of responsibilities among member countries, the new Pact risks aggravating the burden on countries at the EU's external borders, while at the same time violating international norms<sup>65</sup>. For this organization, the greatest danger is posed by the so-called pre-screening centers. According to the Covenant, these centers should quickly assess the likelihood of success of applications for international protection, based mainly on the country of origin and not on a thorough assessment of each individual case, as enshrined in international regulations.

### ***EU cooperation agreements: the expansion of Frontex's role in the Balkans***

The European Union's billion-dollar investments in border control and externalisation and the blocking of migration flows in transit countries have inevitably broadened the panorama of the actors involved, who are becoming increasingly central to the creation of the "European fortress". The European institutions have repeatedly highlighted, that the control of external borders is an essential requirement for the preservation of the Schengen *acquis* and the free crossing of internal borders. With regard to the external borders of the Balkan area, the 2019 European Commission Communication "on the verification of the full application of the *Schengen acquis* by Croatia"<sup>66</sup>, recalls that Member States wishing to join the Schengen area must have, inter alia, "the preparation

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<sup>63</sup> Ahmetašević, N. (2021). *New Pact on Migration and Asylum: Perspectives from the 'other side' of the EU borders*. Refugee Rights Europe, [https://refugee-rights.eu/wp-content/uploads/2021/02/RRE\\_New-Pact-On-Migration-And-Asylum.pdf](https://refugee-rights.eu/wp-content/uploads/2021/02/RRE_New-Pact-On-Migration-And-Asylum.pdf).

<sup>64</sup> *Ibid.*

<sup>65</sup> Center for Peace Studies. (2020). *Solidarity on paper, a foul play in reality*, <https://www.cms.hr/en/novosti/solidarnost-na-papiru-figa-u-dzepu>.

<sup>66</sup> The purpose of the Communication is to take stock of Croatia's progress towards fulfilling the necessary conditions for the application of all parts of the Schengen *acquis*, taking into account the results of the Schengen evaluations and the follow-up undertaken by Croatia from the start of the evaluation in 2016 until October 2019. European union. (2019). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the verification of the full application of the Schengen *acquis* by Croatia. Brussels, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52019DC0497>.

and ability to assume responsibility for the control of external borders on behalf of others Schengen States”.<sup>67</sup>

As already highlighted above, a relevant actor in this context is the European Border and Coast Guard Agency (Frontex), which actively participates in the implementation of border control projects. In parallel with its border surveillance activities, the Agency is expanding its presence in third countries to facilitate “collaboration” with local authorities for the management of migration flows. As can be read on the Agency’s website, Frontex continues to strengthen its cooperation with non-EU countries through targeted technical assistance projects, using various Commission funding instruments. The Agency is committed to ensuring that its technical assistance action complements the EU’s overall external relations policies. While each project focuses on a different priority region and topics, all project activities address the specific needs of the beneficiary countries and support them in developing their capacities in the field of border security and management. Technical assistance projects help to lay the foundations for strategic cooperation or to build functional relationships already established between Frontex and the national authorities of the countries concerned. Generally, the teams formed by the Agency to operate in field areas also include members of the Agency’s statutory staff<sup>68</sup>. This statutory staff has significant powers; they are authorized not only to perform tasks that require executive powers—such as verifying the identity of individuals, authorizing entry or rejection at the border, patrolling border crossing points, intercepting and detaining individuals who entered without authorization, and registering fingerprints in Eurodac—but also to use force when necessary<sup>69</sup>. Among the tasks of the Agency, cooperation with third countries is also of particular importance, to be implemented also through the operational use of teams for the management of their borders.

The Balkans have been and continue to be a testing ground for this strategy. Frontex has recently launched a new project called “*EU Regional Support to Strengthen Border Security Capacities in the Western Balkans*”,<sup>70</sup> supported by the European Commission’s Instrument for Pre-accession Assistance (IPA) III. The theoretical objective of this four-year initiative, as underlined on the Frontex website, is to improve border security in the Western Balkans, aligning it with EU standards and promoting stronger regional cooperation. The project focuses its work in three main directions: supporting Western Balkan partners in aligning their border management policies with European Integrated Border Management (IBM) standards and practices; support the implementation of status *agreements* by increasing operational capacities through the provision of training and equipment for border controls and surveillance; and support Western Balkan States in setting up National Coordination Centers, so as to improve shared border management infrastructure and provide state-of-the-art IT infrastructure for fast and secure information exchange. Although there is not yet a uniform and exhaustive framework, probably due to the difficulty in obtaining information on such a controversial subject, there is several indications that the use of advanced control and surveillance technologies of the latest generation is becoming increasingly widespread along the Community border through these agreements.

Through this synergy and the strategic use of IPA funds, the EU has committed to supporting closer cooperation with the region with the aim of creating a “secure” environment for borders, but also pushing Western Balkan partners towards security reforms, paving the way for their future EU membership. In order to allow cooperation between Frontex and third countries, the European Union

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<sup>67</sup> *Ibid.*

<sup>68</sup> The Agency’s standing corps is divided into four categories: the Agency’s statutory staff, staff seconded to the Agency on a long-term basis by the Member States, staff from the Member States ready to be placed at the disposal of the Agency for short-term deployments, and the rapid reaction pool composed of staff from the Member States ready to be deployed in rapid interventions.

<sup>69</sup> RiVolti ai Balcani. (2020). *La rotta balcanica: I migranti senza diritti nel cuore dell’Europa*.

<sup>70</sup> Frontex. (2023). *Regional programme to strengthen border security capacities in the Western Balkans*, Publications Office of the European Union, Bruxelles, <https://data.europa.eu/doi/10.2819/378959>.



has signed agreements with several third countries, including Serbia, Albania, Montenegro, Moldova and North Macedonia, thanks to the innovations introduced by the 2019 Regulation<sup>71</sup>. This regulation expanded the Agency's mandate, allowing it to operate not only along the borders of EU member states, but also throughout the territory of third countries, thus overcoming the previous territorial limit. To operate, Frontex needs *status agreements*, i.e. international agreements that formally also commit the European institutions, the content of which is often not very transparent. A report published by Statewatch in March 2023 highlights this very issue of opacity in such agreements<sup>72</sup>. According to Yasha Maccanico, one of the authors of the report, access to information on these agreements is restricted, justified by the need for confidentiality in international relations and by linking migration issues to security and counterterrorism efforts.

This means, for instance, that the specific roles of Frontex agents remain unclear. Laura Salzano, a PhD candidate in European Immigration Law at the University of Barcelona, notes that in some cases, such as the agreement with North Macedonia, the immunity granted to agents has been limited to tasks falling within the Agency's mandate<sup>73</sup>. The purpose of these agreements is to regulate all aspects of cooperation between third States and the Agency which are necessary for the implementation of the Agency's actions which may take place in the territory of the third State and within which the members of the Agency's teams may have executive powers. Joint operations carried out by staff of the Agency and of the third State for the purpose of controlling the external borders and supporting in return operations shall be agreed and defined within operational frameworks and the Agency's agents shall act under the control and in the presence of border guards or other police officers of the third State concerned who may authorise the Agency's staff to use force. However, while these agreements seem to underline the importance of respect for fundamental rights, concerns emerge related to the militarization of borders and potential violations of migrants' human rights.

This is the context of the recent operational cooperation agreement between the EU and Serbia<sup>74</sup>, to strengthen border management, despite concerns related to the mismanagement of migration flows and human rights violations in the country. The agreement, announced via a press release by the European Commission, allows Frontex to conduct joint operations and deploy the European Border and Coast Guard standing corps in any part of Serbian territory, including borders with non-EU countries<sup>75</sup>. This represents an expansion compared to the 2021 operation, which involved 111 Frontex officers along Serbia's borders with Hungary and Bulgaria. The agreement will allow Frontex to support the Serbian authorities in patrolling the borders with Bosnia and Herzegovina, North Macedonia, Montenegro, and Kosovo.

The cooperation with Serbia is part of a broader framework of EU agreements with Balkan countries for border control. Indeed, while Serbia is the latest Balkan country to sign an agreement with Frontex

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<sup>71</sup> European Union. (2019). *Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624*. Bruxelles, <http://data.europa.eu/eli/reg/2019/1896/oj>.

<sup>72</sup> Jones, C., Lanneau, R., & Maccanico, Y. (2022). *Access denied: Secrecy and the externalisation of EU migration control*. Heinrich-Böll-Stiftung European Union & Statewatch. Available on: <https://eu.boell.org/en/secrecy-externalisation-eu-migration>.

<sup>73</sup> Rondi, L. (2023). Nessuno vuole mettere limiti all'attività dell'Agenzia Frontex. *Altreconomia*. Available on: <https://altreconomia.it/nessuno-vuole-mettere-limiti-allattivita-dellagenzia-frontex/>.

<sup>74</sup> European Union. (2020). *Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia*. Official Journal of the European Union. Retrieved from [http://data.europa.eu/eli/agree\\_internation/2020/865/oj](http://data.europa.eu/eli/agree_internation/2020/865/oj).

<sup>75</sup> Directorate-General for Neighbourhood and Enlargement Negotiations. (2024). *EU signs agreement with Serbia to strengthen migration and border management cooperation*, Bruxelles. [https://neighbourhood-enlargement.ec.europa.eu/news/eu-signs-agreement-serbia-strengthen-migration-and-border-management-cooperation-2024-06-25\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/eu-signs-agreement-serbia-strengthen-migration-and-border-management-cooperation-2024-06-25_en).



as part of the Western Balkans Action Plan<sup>76</sup>, the European Union has previously entered into similar agreements, with Moldova (2022), North Macedonia (2022), Montenegro (2023) and Albania (2023). One of the first cooperation agreements was between the European Union and the Republic of Moldova<sup>77</sup>, entered into force on 1 November 2022, with the EU deploying Frontex staff in the country to support border operations. This agreement provides for screening, registration and surveillance activities, all of which are conducted in close agreement with the Moldovan authorities<sup>78</sup>. It also empowers Frontex to exercise executive powers for border control, including joint operations and rapid interventions, the use of force and during operations. Members of Frontex teams will be able to carry weapons and use other tools necessary to carry out their assigned tasks, granting them immunity from criminal and civil prosecution for acts carried out in the exercise of their official duties, raising concerns about accountability and the protection of human rights. While the use of artificial intelligence in border control operations is not explicitly mentioned, the agreement does mention the EUROSUR system, the European system for border surveillance, which could include advanced technologies such as drones and AI-based tools for surveillance.

The agreement with North Macedonia, signed in 2022 and entering into force on 24 February 2023, upon its adoption by the Council, allows Frontex to work jointly with local police forces and deploy border management teams in the country. Prior to the agreement's implementation, Frontex's role was limited to observation and advisory functions. During that period, joint operations along the country's southern border were conducted by local border police together with foreign officers, primarily from Visegrad Group countries – the Czech Republic, Hungary, Poland, and Slovakia – with Frontex present as an observer<sup>79</sup>. The agency had also begun introducing a biometric registration system modeled after EURODAC.

Since April 2023, Frontex has replaced these foreign officers and is now actively deployed along North Macedonia's southern borders at the Bogorodica crossing, in collaboration with local police authorities. At the start of the operation, Frontex deployed 121 officers and 21 patrol vehicles<sup>80</sup>, and Frontex documents indicate that additional specialized equipment will be used, such as document readers and heartbeat detectors.

Similarly, Montenegro signed an agreement in May 2023<sup>81</sup> which entered into force on 4 December 2023, and authorizes Frontex staff to carry out operations along all the country's borders and no longer only with Croatia. As the other agreements, this one also allows Frontex staff to exercise executive powers, such as carrying out border controls and launching screening operations.

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<sup>76</sup> European Commission. (2022). *EU Action Plan on the Western Balkans*. Bruxelles. [https://homeaffairs.ec.europa.eu/eu-action-plan-western-balkans\\_en](https://homeaffairs.ec.europa.eu/eu-action-plan-western-balkans_en).

<sup>77</sup> European Union. (2022). *Agreement between the European Union and the Republic of Moldova on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Moldova*. Official Journal of the European Union. Retrieved from [http://data.europa.eu/eli/agree\\_internation/2022/449/oj](http://data.europa.eu/eli/agree_internation/2022/449/oj).

<sup>78</sup> Frontex. (2022). Frontex sending standing corps officers to Moldova. <https://www.frontex.europa.eu/media-centre/news/news-release/frontex-sending-standing-corps-officers-to-moldova-8KKC9T>.

<sup>79</sup> European Commission. (2021) North Macedonia 2021 Report. Retrieved from: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2021-10/North-Macedonia-Report-2021.pdf>.

<sup>80</sup> Frontex (2023) Today, North Macedonia celebrates the Republic Day! [Status update]. Facebook. Retrieved from <https://www.facebook.com/frontex/posts/today-north-macedonia-celebrates-the-republic-day-frontex-currently-supports-the/590838049894689/>.

<sup>81</sup> Council of the European Union. (2023). *Council Decision (EU) 2023/1040 of 15 May 2023 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro*. Official Journal of the European Union. Retrieved from <http://data.europa.eu/eli/dec/2023/1040/oj>.

Like the other agreements, the one signed by the European Union and Albania on Sept. 15, 2023<sup>82</sup> and entered into force on 1 June 2024<sup>83</sup>, after completion of the final approval procedure by the EU Council on 12 April 2024<sup>84</sup>, does not offer the necessary guarantees for the protection of human rights, limiting to call for compliance with all the relevant legal instruments. First, the agreement does not require Frontex or Albania to interrupt or cease an operation in the event of violations of fundamental rights. Migrants have reported systematic abuses by law enforcement, including violent pushbacks<sup>85</sup>. Second, while it requires both parties to set up a mechanism to address reports of fundamental rights violations committed by staff during operations, it is unclear whether such a mechanism extends to all stages of the process or is limited only to complaints relating to unsuccessful applications. In addition, the complaints mechanism is lacking in accessibility, effectiveness and independence, and is rarely used, without providing concrete results in response to any report to date. Finally, as with agreements with other states, Frontex staff have executive powers, including the ability to use force and weapons, while granting immunity from civil and criminal prosecution.

As can be seen, the *status agreements* with Frontex follow a uniform model, which includes border operations, returns, exchange of information and some details on the possible training of local police forces. In fact, as with the use of surveillance technologies, under the pretext of confidentiality in international relations and treating the migration issue as a security and counter-terrorism issue, access to the operational details of these agreements remains limited. In fact, they reveal a certain ambiguity regarding the training periods for national police and control authorities and it is not clear whether these activities are managed exclusively by the European Union in collaboration with Frontex. However, there are some elements that suggest the involvement of local authorities. Indeed, the agreement stipulates that Frontex operations must take place under the control of national authorities, which indicates active cooperation with local police forces, and this cooperation could also include training opportunities. In addition, each operational activity requires the drafting of an operational plan agreed with the local authorities, which defines tasks and responsibilities for both Frontex teams and national authorities.

One of the most controversial aspects of these agreements concerns the use of technologies such as drones and biometric surveillance to monitor migratory movements along the Balkan Route. Presumably, these technologies will be used by Frontex to more easily identify and track migrants along the Balkan Route, in collaboration with local police forces. However, questions raise about the adequate training of agents in the use of these technological tools and respect for human rights. These technologies have enabled Frontex to improve border control efficiency, but they have also raised concerns regarding privacy and the risk of discrimination against migrants. In particular, the Border Violence Monitoring Network (BVMN) has documented the role of surveillance and artificial intelligence – including drones, biometric identification systems, thermal sensors, and mobile signal detectors – in operations at the EU's external borders, where these technologies are used to identify individuals on the move. Although there is insufficient data to directly link the deployment of these

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<sup>82</sup> Council of the European Union. (2023). *Council Decision (EU) 2023/2105 of 7 September 2023 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania*. Official Journal of the European Union. Retrieved from <http://data.europa.eu/eli/dec/2023/2105/oj>.

<sup>83</sup> European Union. (2024). *Information relating to the entry into force of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania*. Official Journal of the European Union. Retrieved from <http://data.europa.eu/eli/opin/2024/1658/oj>.

<sup>84</sup> Council of the European Union. (2024). *Council Decision (EU) 2024/1169 of 12 April 2024 on the conclusion of the Agreement between the European Union and the Republic of Albania on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Albania*. Official Journal of the European Union. Retrieved from <http://data.europa.eu/eli/dec/2024/1169/oj>.

<sup>85</sup> Stavinoha, L., Barker, H., & Koukoumakas, K. (2024). Frontex Officers Failing to Report Migrant Abuses on Albania-Greece Border. *Balkan Investigative Reporting Network*, <https://balkaninsight.com/2024/06/28/frontex-officers-failing-to-report-migrant-abuses-on-albania-greece-border/>.

technologies to an increase in pushbacks, various monitoring reports suggest the potential of these surveillance tools to facilitate operations that may lack adequate legal safeguards, with possible implications for human rights<sup>86</sup>. For example, the BVMN recorded 33 incidents between 2017 and 2023 where drones were used to identify and monitor migrants near border zones, leading to subsequent detainment or refoulement operations involving approximately 1,004 individuals at borders including Greece-Turkey, Croatia-Bosnia<sup>87</sup>, Serbia-Hungary<sup>88</sup>, and Bulgaria-Turkey<sup>89</sup>. Although the use of these technologies aims to enhance border security, such practices raise concerns about privacy infringements and the potential for discriminatory targeting of migrants. Without proper preparation, the use of these technologies could lead to further abuses and discriminatory practices in the management of migrants.

### ***The Balkans between “two transits”: migratory route and path to accession to the European Union***

The use of border technologies along the Balkan Route has a significant geopolitical and security implications, impacting on both regional stability and EU-WB6 relations. On the one hand, the use of advanced border control technologies, has strengthened security along the borders, with joint operations and the presence of Frontex agents in strategic areas. For example, cooperation between the EU and Serbia will allow the deployment of an increasing number of agents along the borders with Hungary, Bulgaria and non-EU countries such as North Macedonia and Bosnia. This effort to “armor” the Balkan Route aims to reduce “irregular” migration and improve regional security, two essential requirements for countries seeking to join the European Union. On the other hand, these same measures raise human rights concerns, as enhanced border control often leads to violations of migrants’ rights. The central paradox is that while the EU requires Balkan countries to strengthen their security policies to move closer to European standards, the same measures risk distancing these countries from the fundamental principles of respect for human rights, a crucial condition for the EU accession process.

This persistence of the migratory flow is intertwined, in fact, with the process of accession of the Western Balkan countries to the European Union. The accession negotiations require these states to bring their domestic law into line with the EU legal *acquis*, including significant changes in their migration and asylum systems. In theory, such changes should align with EU legal standards and fundamental rights, but the reality on the ground tells a different story. Violence against migrants, documented on both sides of these borders<sup>90</sup>, shows that legislative reforms do not always translate into real protection of human rights.

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<sup>86</sup> BVMN. (2022). ‘Submission to EU Commission Feedback Mechanism on Data Protection.’ Available at: <https://www.borderviolence.eu/submission-to-eu-commission-feedback-mechanism-on-data-protection/>.

<sup>87</sup> BVMN. (2022). *Testimonies collected by BVMN reporting the use of technologies during pushback operations at external EU borders: Croatia-Bosnia*. Available at: <https://borderviolence.eu/testimonies/may-6-2022-1900-somewhere-close-to-e65-road-in-close-proximity-with-the-slovenian-border/>.

<sup>88</sup> BVMN. (2022). *Testimonies collected by BVMN reporting the use of technologies during pushback operations at external EU borders: Serbia-Hungary*. Available at: <https://borderviolence.eu/testimonies/october-1-2022-0130-horgos-serbia/>.

<sup>89</sup> BVMN. (2022). *Testimonies collected by BVMN reporting the use of technologies during pushback operations at external EU borders: Bulgaria-Turkey*. Available at: <https://borderviolence.eu/testimonies/march-10-2022-0300-from-malko-tarnovo-bg-to-sukrupasa-tr/>.

<sup>90</sup> Border Violence Monitoring Network. (2020). *Black Book of Pushbacks 2020*. Vol 1 & 2. <https://borderviolence.eu/black-book-of-pushbacks-2020/>.

Balkan countries are also required to comply with high standards of human rights protection to advance on their path to EU membership but the use of these technologies can conflict with these obligations. The region's central role in migration management for the EU was evident in May 2020, when European leaders met with representatives of the Balkans in Zagreb, adopting a declaration stressing the need for collaboration to address migration challenges, including countering migrant smuggling. In this regard, it was decided to give a broader mandate to Frontex, EASO and Europol<sup>91</sup>. Already in 2019, in Vienna, another declaration entitled “*Migration Challenges along the Eastern Mediterranean/WB Route*” was approved, which provided for a strengthening of operational cooperation, logistical support, the deployment of officials and the exchange of good practices, as well as joint patrols. In addition, it was agreed that the EU would intensify cooperation and provide concrete assistance on return and readmission policies. Balkan countries, in their path to EU membership, are dealing with a “double transit”: they are not only called upon to manage the transit of migrants, but also face their own “transit” towards European integration<sup>92</sup>.

With the accession process, in fact, there is a greater responsibility in the management of European borders, which often leads many migrants to be stranded along their route, due to the intensification of EU border controls, required by the Union itself. The concept of transit must therefore be examined not only in terms of migratory movements and their directions, but also through the lens of power dynamics and complex border management processes. The paths to EU membership, often characterized by slowness and uncertainty, are closely linked to local conditions and migratory movements, although these dimensions are sometimes considered separately.

The term “transit migrants” refers to those migrants who cross the Balkan Route in order to reach the EU suggesting that the Balkans do not represent their final destination. However, the transit of these people has become a more stable condition, as the EU has intensified its efforts to block their entry. This has slowed down the flow of migrants, which has become more circular<sup>93</sup> or multidirectional within the Balkans – which have gained the name of “backyard of Europe.”<sup>94</sup> The inclusion of the Balkans in the EU’s migration management system, required as one of the fundamental steps for accession, has ended up transforming these countries into “buffer zones” for the management of migration flows<sup>95</sup>.

The term “transit” also refers to WB6 and their process of EU integration and, more generally, it refers to the transformation that took place in the region after the collapse of socialism. In the 1990s, these post-socialist nations were often described as “in transition”, as they were moving towards building capitalist and democratic societies, founded on European values such as freedom and the rule of law. For those who managed to complete this path, the goal was entry into the EU. However, the struggle linked to the economic, social, and political aspects of this transition, as well as their path to EU membership, has led some experts to describe the Balkan region as an “unfinished job.”

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<sup>91</sup> European Union. (2020). *Zagreb Declaration*. Zagreb <https://www.consilium.europa.eu/media/43776/zagreb-declaration-en-06052020.pdf>.

<sup>92</sup> Leutloff-Grandits, C. (2023). The Balkans as “Double Transit Space”: Boundary Demarcations and Boundary Transgressions Between Local Inhabitants and “Transit Migrants” in the Shadow of the EU Border Regime. *Journal of Borderlands Studies*, 38(2), 191–209. <https://doi.org/10.1080/08865655.2022.2164043>.

<sup>93</sup> Uberti, S., & Altin, R. (2022). Editorial. Entangled Temporalities of Migration in the Western Balkans. *Ethnographic Perspectives on (Im)-Mobilities and Reception Governance. Journal of Balkan and Near Eastern Studies* 24, no. 3: 429–438. <https://www.tandfonline.com/doi/full/10.1080/19448953.2021.2015655>.

<sup>94</sup> Tošić, J. (2017). From a Transit Route to the ‘Backyard of Europe’? Tracing the Past, Present and Future of the ‘Balkan Route’. In *Facetten von Flucht aus dem Nahen und Mittleren Osten*, eds. Gebhard Fartacek, and Susanne Binder, 150–166. *Facultas Universitätsverlag*.

<sup>95</sup> Collinson, S. (1996). Visa Requirements, Carrier Sanctions, ‘Safe Third Countries’ and ‘Readmission’: The Development of an Asylum ‘Buffer Zone’ in Europe. *Transactions of the Institute of British Geographers* 21, no. 1: 76–90. <https://www.jstor.org/stable/622926?origin=crossref>.



Considering this “double transit”, it becomes essential to understand the interconnection between these two phenomena, especially with reference to mobility opportunities and restriction. While the European Union is requiring the Balkan countries to play a more active role in controlling migration flows and managing borders, it has also expanded the opportunities for Balkan citizens to move to the EU<sup>96</sup>. The EU's visa liberalization policies with the Western Balkans, part of the broader integration agenda, serve as leverage to enhance border control and migration management standards in these countries. The “Visa Liberalisation Roadmaps” used to negotiate these policies clearly stipulate compliance requirements, including substantial reforms in border management<sup>97</sup> and alignment with EU security policies. Thus, Balkan states can enjoy greater movement for their citizens contingent on their rigorous alignment with EU migration frameworks. This approach is reinforced through the EU-Western Balkans Action Plans<sup>98</sup>, focusing on cooperative management of migration and border security as integral parts of these countries’ accession journeys.

The concept of “double transit” is closely linked to various border management processes that occur simultaneously and are interconnected. The EU’s external borders coincide with the national borders of the countries of south-eastern Europe. With Croatia’s entry into the EU, the borders between Croatia and Serbia and between Croatia and Bosnia and Herzegovina became part of the EU’s external border, thus separating EU territories from non-EU ones. The position of the countries of south-eastern Europe with respect to EU membership has profound implications and consequences both for the inhabitants of these territories – not only in terms of mobility – and for the so-called “migrants in transit”, since it is accompanied by a strengthening of borders to counter the entry of irregular migrants.

The EU’s external border can no longer be seen simply as a line separating the inside from the outside, but rather as a complex and interconnected structure, which becomes even more complicated as European integration progresses and they need to be reshaped<sup>99</sup>. The interaction between the processes of “double transit” in the Western Balkans leads to a concomitant opening and closing of borders, affecting the mobility of various groups of people. Borders act as status indicators and track social differences between movements that are considered acceptable and those that are unwanted<sup>100</sup>. This categorization has had a significant importance in the Western Balkans, generating marked racial discrimination against migrants<sup>101</sup>. For example, during the refugee crisis, countries like Serbia, Croatia, and North Macedonia allowed entry only to migrants from specific nationalities, such as Syrians, Afghans, and Iraqis, while blocking those from Pakistan, Sudan, and Morocco<sup>102</sup>. This

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<sup>96</sup> Brücker, H., Falkenhain, M., Fendel, T., Promberger, M., Raab, M., & Trübswetter, P. (2020). *Evaluation of the Western Balkans regime: register data analysis and operational case studies*. Federal Ministry of Labour and Social Affairs. Research Report 544. Berlin: Federal Ministry of Labour and Social Affairs; Institute for Employment Research of the Federal Employment Agency (IAB). <https://www.ssoar.info/ssoar/handle/document/68998>.

<sup>97</sup> See as an example: European Commission. (2008). *Visa liberalisation with Serbia roadmap*. Bruxelles, <https://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Serbia.pdf>;  
European Commission. (2010). *Visa liberalisation with Bosnia and Herzegovina roadmap*. Bruxelles, <https://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Bosnia.pdf>;  
European Commission. (2010). *Visa liberalisation with former Yugoslav Republic of Macedonia roadmap*. Bruxelles, <https://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Macedonia.pdf>.

<sup>98</sup> European Commission. (2022). *EU Action Plan on the Western Balkans*. Bruxelles, [https://home-affairs.ec.europa.eu/document/download/e63e3b92-4f0c-4d95-a7f9-b0aff2dd0efc\\_en?filename=Western%20Balkans\\_en.pdf](https://home-affairs.ec.europa.eu/document/download/e63e3b92-4f0c-4d95-a7f9-b0aff2dd0efc_en?filename=Western%20Balkans_en.pdf).

<sup>99</sup> Balibar, E. (2002). *Politics and the Other Scene*. London: Verso Books.

<sup>100</sup> Lamont, M., & Molnár, V. (2002). The Study of Boundaries in the Social Sciences. *Annual Review of Sociology* 28, no. 1: 167–195. <https://www.annualreviews.org/content/journals/10.1146/annurev.soc.28.110601.141107>.

<sup>101</sup> Zoppi, M., & Puleri, M. (2022). The Balkan Route (and Its Afterlife): The New Normal in the European Politics of Migration. *Journal of Balkan and Near Eastern Studies*, <https://www.tandfonline.com/doi/full/10.1080/19448953.2021.2015658>.

<sup>102</sup> Milivojević, S. (2018). Race, gender, and border control in the Western Balkans. In M. Bosworth, A. Parmar, & Y. Vázquez (Eds.), *Race, criminal justice, and migration control: Enforcing the boundaries of belonging* (Oxford, online edn, Oxford Academic). <https://doi.org/10.1093/oso/9780198814887.003.0006>.



discriminatory practice denied certain groups access to asylum procedures, leaving them stranded at borders in harsh conditions. Furthermore, migrants from non-European countries, particularly those with darker skin, have been subjected to harsher treatment, including suspicion, violence, and even forced returns, further reinforcing racial hierarchies in border control. Borders are constructed, renegotiated and contested by different actors and gain power through a series of practices, networks, narratives and infrastructures that shape complex processes of definition and delimitation. The “border regime” includes complex mechanisms for managing and controlling mobility. through policies, practices and infrastructures that regulate migration flows selectively, distinguishing between legal and illegal migrants, between those who can move freely and those who are excluded or confined. Borders become a tool for tracing social and political differences, shaping access and mobility according to the interests and logic of the European system.

The Western Balkan countries are now at the center of an integration process that will lead them to become part of the EU’s common migration management system. This perspective has already encouraged the adaptation of their national legislation to European legislation (the *acquis Communautaire*), especially in areas such as visa policy, border management and asylum procedures. In this regard, the Action Plan for the Western Balkans aims to strengthen cooperation with these countries, focusing on the coordinated management of migration flows, the acceleration of asylum procedures, the fight against human trafficking and returns<sup>103</sup>. However, the process of regulatory harmonization is proceeding unevenly, with some states lagging behind in alignment<sup>104</sup>.

This delay is particularly worrying considering the large influx of migrants crossing the Western Balkans. The Route, in fact, continues to be one of the main channels of entry for migrants heading to the EU, with countries such as Greece, Bulgaria and Croatia acting as gateways. However, non-EU countries such as Bosnia and Herzegovina, Albania, North Macedonia and Serbia find themselves managing the flows out of the EU’s southern borders, often with insufficient resources and in precarious humanitarian conditions. The lack of a common system of solidarity between member and candidate countries, combined with the restrictive policies of countries such as Croatia and Hungary, has transformed the Balkans into a sort of “migratory enclave”, with thousands of migrants stranded in transit countries.

At the same time, reports of systematic human rights violations along the Balkan Route have multiplied<sup>105</sup>. Even EU member states such as Greece<sup>106</sup> and Croatia<sup>107</sup> have been repeatedly accused of illegal pushbacks and abuses against migrants. Bulgaria, a member of the EU since 2007, was one of the main protagonists of these violations during the migration crisis of 2015-2016, along with Hungary, which has been part of the Union since 2004. In these areas, there have been episodes of persecution by police forces and attacks by far-right groups, often with the complicity of the authorities. Similar practices risk to undermine the EU’s credibility as a promoter of human rights and to cast doubt on the EU’s ability to positively influence the accession candidates. Investigations

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<sup>103</sup> European Commission. (2022) “Commission action plan for migratory routes in Western Balkans”. Bruxelles, [https://home-affairs.ec.europa.eu/news/commission-action-plan-migratory-routes-western-balkans-2022-12-05\\_en](https://home-affairs.ec.europa.eu/news/commission-action-plan-migratory-routes-western-balkans-2022-12-05_en).

<sup>104</sup> *Ibid.*

<sup>105</sup> Border Violence Monitoring Network. (2024). *Illegal pushbacks and border violence reports*. <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-May-2024.pdf.pdf>.

<sup>106</sup> Stevis-Gridneff, M., Kerr, S., Bracken, K., & Kirac, N. (2023). Greece Says It Doesn’t Ditch Migrants at Sea. It Was Caught in the Act. *New York Times*. Available at: <https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html>.

<sup>107</sup> European Center for Constitutional and Human Rights. (2023). *Croatia’s Pushback Policy: A System of Unlawful, Covert, and Perpetuated Expulsions*, [https://www.ecchr.eu/fileadmin/user\\_upload/ECCHR\\_Croatia\\_factsheet\\_February\\_2023.pdf](https://www.ecchr.eu/fileadmin/user_upload/ECCHR_Croatia_factsheet_February_2023.pdf).

conducted by BIRN<sup>108</sup> and Solomon<sup>109</sup> showed that Frontex officers were aware of, but overlooked, the pushbacks in Albania and Bulgaria. The evidence uncovered by this investigation reveals that Frontex is still unable to ensure that human rights are respected in the operations in which it is involved. Meanwhile, Bulgaria has been rewarded, politically and financially, for tightening its border controls at any cost, in a quid pro quo for advancing Sofia's long-standing demand to join the Schengen zone. Extensive documentation obtained by Solomon and BIRN indicates that concerns about large-scale mistreatment of migrants have been put aside to further the Commission's long-standing goal of bringing Bulgaria into the Schengen area. On 20 March 2023, Commission President Ursula von der Leyen announced a pilot project to "prevent irregular arrivals" and "strengthen border and migration management", including through "accelerated asylum procedures" and swift expulsions of unwanted migrants. The Commission has selected two "voluntary" countries for the pilot project, Romania and Bulgaria, both of which have been vying to join Schengen for over a decade. To implement the project, the Commission has allocated € 69.5 million of EU funds to Bulgaria, while Frontex has deployed additional border guards and surveillance equipment.

Concerns have recently emerged that the EU may neglect human rights violations against migrants in the Balkans, with the aim of facilitating the integration process of these countries. Within the framework of enlargement policy, the migration crisis has significantly affected relations between the EU and the candidate countries of the Western Balkans. The Union's strategy in this region is based on an association and stabilisation process that encourages socio-political reforms through enhanced political dialogue and the provision of financial aid. In return, candidate countries must comply with several political conditions, adopting not only European regulations, but also values such as democracy and the rule of law. However, the migration crisis has weakened this process: the European Union has often turned a blind eye to signs of democratic regression. In particular, the focus is on Serbia and North Macedonia, as they are crucial passages along the Western Balkans route to the EU Schengen area. Numerous human rights organizations have expressed concern about these countries' accession processes, arguing that they have violated the rights of migrants seeking access to the European Union.

Both the Balkan member states and candidate countries seem to neglect the protection of human rights for migrants travelling the route, despite the fact that respect for human rights is one of the fundamental conditions for EU membership. With the introduction of the Copenhagen criteria in the Treaty on European Union, any country wishing to join the Union is obliged to respect democracy, the rule of law and human rights. However, if, as we have seen, the Member States themselves do not comply with these standards, it becomes unlikely that the candidate countries will see any real incentive to comply with these standards. This misalignment generates a dangerous paradox: on the one hand, the EU requires respect for human rights as a condition for membership, on the other hand, some member states systematically violate them. This raises questions about the EU's consistency in maintaining the protection of human rights as a priority, and the so-called "transformative power" of enlargement policies, which has historically exerted positive pressure on candidate countries to incentivise respect for fundamental rights, now appears to be weakened.

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<sup>108</sup> Stavinoha, L., Barker, H., & Koukoumakas, K. (2024). Frontex Officers Failing to Report Migrant Abuses on Albania-Greece Border. *Balkan Investigative Reporting Network*, <https://balkaninsight.com/2024/06/28/frontex-officers-failing-to-report-migrant-abuses-on-albania-greece-border/>.

<sup>109</sup> Solomon. (2024). "An Open Secret": How Frontex and the European Commission turned a blind eye to violent pushbacks in Bulgaria's bid to join Schengen. *Solomon*. <https://wearesolomon.com/mag/focus-area/migration/an-open-secret-how-frontex-and-the-european-commission-turned-a-blind-eye-to-violent-pushbacks-in-bulgaria-bid-to-join-schengen/>.

## *Conclusion*

The analysis of the Balkan Route and the process of enlargement of the European Union to the Western Balkans highlights how the management of migration flows is intrinsically linked to a logic of security, increasingly influenced by the adoption of advanced technologies such as artificial intelligence. The introduction of digital surveillance and border control tools, although presented as a necessity to manage “irregular” migration, raises serious concerns about human rights, especially in a context such as the Balkans, where resources to protect fundamental freedoms are limited. Frontex, with its growing role in the region, represents this tension between the need to strengthen borders and respect for human rights, a tension that is exacerbated in the Balkan candidate countries.

This dual movement, in which the Balkan countries are at the same time places of transit for migrants and subject to their own “transit” towards integration into the EU, demonstrates how the enlargement of the Union is inextricably linked to migration policies. If on the one hand, EU membership represents a push towards democratization for these countries, on the other hand, the adoption of security measures imposed by the Union risks compromising respect for human rights, creating a political and moral paradox. While the EU requires Balkan countries to comply with strict human rights standards as a condition for membership, the migration policies implemented may, at the same time, violate these standards. And if some member states systematically violate them, how can the EU require these countries to comply with them in turn?

Therefore, the real challenge for the European Union and the Western Balkan countries will be to find a balance between security and rights, balancing the need to better manage the influx of migrants with respect for fundamental freedoms, if they want to fully realize the vision of an inclusive Europe that respects the rights of all.