



## Human Rights Watch submission to the Europe and North America Regional Review on implementation of the Global Compact for Safe, Orderly and Regular Migration

*“Protecting migrants through rights-based border governance measures”*

October 30, 2020

Adoption of the Global Compact for Safe, Orderly and Regular Migration (GCM) in December 2018 by the vote of 152 states, a quarter of which are states of the United Nations Economic Commission for Europe (UNECE) region, marked a significant milestone in global commitment to protect the rights of migrants, reduce the risks and vulnerabilities they face, and improve systems, policies, and practices responding to migration.

In advance of the first UNECE regional review, Human Rights Watch welcomes the opportunity to provide input on the status and human rights dimensions of the implementation of the GCM in Europe and North America. Our input concerns point (c) of the UN Network on Migration’s outline for stakeholder submissions: “the main gaps and challenges... to existing regional approaches, strategies and implementation plans.”

In light of our mandate as an independent international organization dedicated to investigating, documenting, and exposing human rights violations worldwide, Human Rights Watch has chosen to focus this submission on the theme for regional review Roundtable 3: “Protecting migrants through rights-based border governance measures.”

Our submission addresses challenges to regional and state progress on two of the GCM Objectives to be discussed during Roundtable 3:

- **Objective #13:** “Use **migration detention** only as a measure of last resort and work towards alternatives.” States committed to ensuring that any detention “follows due process, is non-arbitrary, is based on law, necessity, proportionality and individual assessments, is carried out by authorized officials and is for the shortest possible period of time”; and “to prioritize non-custodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants.”
- **Objective #21:** “Cooperate in facilitating **safe and dignified return** and readmission, as well as sustainable reintegration.” States committed to due process and adhering to the prohibition on collective expulsion and refoulement: “We commit to facilitate and cooperate for safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture and other cruel, inhuman and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law.”

This document presents an overview of Human Rights Watch’s key findings relating to the above two objectives, focusing on seven UNECE states that voted in favor of adoption of the GCM: **Canada, Croatia, Cyprus, France, Greece, Malta, and Turkey**. In this submission, we are not reporting on the records of countries that voted against or did not vote to adopt the GCM, although we have documented egregious rights violations against migrants and asylum seekers during 2019-2020 in several of those countries, including [Hungary](#), [Italy](#), [Poland](#), and the [United States](#),

Our findings are grounded in research we conducted through in-person and telephone interviews between January 2019 and October 2020 – with migrants, asylum seekers, refugees, aid workers, witnesses to violations, government officials, and others – as well as analysis of videos, photos, injuries, and other evidence.

A few states, notably Canada, made some progress in line with the above GCM objectives by releasing some immigration detainees and pursuing alternatives to detention, primarily for public health reasons related to Covid-19. However, we have documented a wide range of practices during 2019 and 2020 by all seven countries that not only contravene their commitments under the GCM, but violate international and regional human rights and refugee law.

**Human Rights Watch has documented the following abuses, which could be characterized as regional patterns, during 2019 and 2020:**

- Persistent practices of arbitrary detention of migrants and asylum seekers, sometimes for prolonged and indefinite periods, by Canada, the self-declared Turkish Republic of Northern Cyprus (TRNC), Greece, Malta, and Turkey. In the cases of occupied Northern Cyprus and Greece, children have been among those arbitrarily detained. Greece and Malta detained people in squalid and unacceptable conditions.
- Summary or collective expulsions or forced returns (including pushbacks at sea or land borders) of migrants and/or asylum seekers, without due process, and in some cases accompanied by violence, by Croatia, the Republic of Cyprus, France, Greece, Malta, and Turkey.

Below we note applicable international law prohibiting these practices, followed by details on the documented abuses, organized by GCM objective and by country. Human Rights Watch urges participants of the Europe and North America regional review in November, including members of the UN Network on Migration, UNECE member states, and stakeholders such as civil society and other organizations, to bring up and address these points during the relevant Roundtable session. We invite Canada, Croatia, Cyprus, France, Greece, Malta, and Turkey to respond to the allegations listed below and detail how they will address the issues cited, in order to work towards better implementation of GCM Objectives #13 and #21.

#### **Detention: Legal Obligations**

International human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), prohibits arbitrary arrest and detention. Irregular migrants should not be detained if their detention is not necessary and proportional to achieve a legitimate, lawful aim. If there is no realistic prospect to deport a detained person, including because they would face harm in their country, or if the person is unable to challenge their removal, the detention is arbitrary. Migrants should only be held in administrative detention on an individual basis, in full compliance with due process rights and procedural safeguards, for the shortest possible period, and only as an exceptional measure of last resort. While detained, they should be able to communicate with

their families and have access to the UN refugee agency (UNHCR) and consular missions. Detention conditions and treatment should fully comply with international human rights standards, including prohibition of inhuman and degrading treatment.

International organizations including the [UN Subcommittee on Prevention of Torture](#) and the [Council of Europe's Commissioner of Human Rights](#) have repeatedly called on governments to release immigration detainees. Authorities should work to ensure immediate release of immigration detainees with no foreseeable prospect of deportation, mitigating risks through alternatives to detention. They should prioritize, in particular, the release of those who are at a high risk of serious illness or death if they contract the novel coronavirus. Authorities should also ensure those released have access to coronavirus testing and counseling, appropriate accommodations, support, and health care. Quarantine measures may be considered for those released if they comply with [WHO guidelines](#).

States should not detain children for immigration-related reasons and are obliged to provide appropriate care to unaccompanied children. International human rights standards hold that immigration-related detention, including "protective custody" as in the case of Greece, is never in the best interest of the child and should be prohibited due to its harmful impacts. On April 13, UNICEF called on all [governments to impose a moratorium on detaining children](#) and urgently release children where alternatives are possible, due to heightened risks of Covid-19 in detention.

#### **Forced Returns and Collective Expulsions: Legal Obligations**

The principle of non-refoulement – under the 1951 Refugee Convention, the 1984 Convention against Torture, the ICCPR and ECHR, EU asylum law, the EU Charter of Fundamental Rights, and international customary law – prohibits the return of anyone to a place where they would face a real risk of threats to their lives or freedom, torture, or other serious harm. The claims of anyone expressing such fears should be examined in full and fair procedures prior to any removal proceedings.

Article 33 of the Refugee Convention prohibits the refoulement of refugees "in any manner whatsoever." UNHCR and a wide body of other legal sources have made it clear that the principle of non-refoulement applies wherever a state exercises control or jurisdiction, without geographical limitation. The prohibition on forced return also applies to asylum seekers not yet formally recognized as refugees. Governments may not use violence or threat of violence or detention to coerce people to return to places where they face harm. The UN Committee on the Rights of the Child has noted in its [General Comment No. 5](#), para. 27, that states party to the 1989 Convention on the Rights of the Child "shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child."

Additionally, the ECHR [prohibits](#) collective expulsions. The European Court of Human Rights ruled in [Hirsi v. Italy](#) that it is a violation of that prohibition to summarily expel multiple migrants traveling irregularly by boat who are interdicted at sea, and in [Sharifi and Others v. Italy and Greece](#) held that collective expulsion of migrants who are prevented from requesting asylum is a violation of their right to a remedy, as well as the right to be protected from inhuman and degrading treatment. International maritime law also imposes a clear duty on all vessels at sea to rescue people in distress, whether in territorial or international waters.

## I. State actions contravening GCM Objective #13: “Migration detention as a measure of last resort”

### **Canada**

Every year, Canada detains thousands of people for purely administrative reasons related to their immigration status. The total number of immigration detainees has increased every fiscal year since 2016-17, peaking at [8,825 immigration detainees](#) in 2019-20. Prior to the Covid-19 pandemic, most immigration detainees were held in dedicated Immigration Holding Centers, which resemble medium-security prisons. The rest – approximately a third of all immigration detainees over the past several years – have been held in maximum-security jails and other facilities designed for criminally accused and convicted individuals. Canada is among the only countries in the world without a legislative limit to the length of detention, which has resulted in cases of arbitrary, prolonged, and indefinite detention. Over the past several years, scores of migrants have been detained for more than a year without any countdown to a release date.

The majority of immigration detainees in provincial jails are held because they are deemed a flight risk. [Research](#) shows that immigration detainees with real or perceived mental health conditions, or suicidality, are often held in provincial jails because authorities deem them to be “problematic” or “uncooperative.” The government has claimed that detainees can better access health care services in jail, even though a [2020 Independent Review](#) by an Ontario judge found that “prolonged segregation (15 days or longer) remains a routine practice for individuals with mental health and/or suicide risk alerts on file” in provincial correctional facilities. Canada’s treatment of immigration detainees with mental health conditions constitutes indefinite and arbitrary detention, is discriminatory and cruel and inhuman, and violates the right to health.

Since the start of the Covid-19 pandemic, Canada took the positive step of releasing immigration detainees at unprecedented rates, largely due to public health concerns – proving that alternatives to detention are possible. The Canadian government should implement this approach in a more systemic manner. It should also acknowledge the risk of transmission within detention facilities and jails and be transparent about cases of Covid-19 within these facilities.

**For more information, see:** April 2020, “Immigration Detainees in Canada Desperate for Release, Transparency,” <https://www.hrw.org/news/2020/04/07/immigration-detainees-canada-desperate-release-transparency>.

\*\*Note: A Human Rights Watch report on this issue is forthcoming in early 2021.

### **Greece**

Under a containment policy in place since the 2016 EU-Turkey agreement, Greek authorities confine asylum seekers on the Aegean islands until their asylum claims are adjudicated, which can take months or years. A new asylum law [passed](#) in November 2019 and modified in May 2020 further [restricted the substantive and procedural rights](#) of asylum seekers, making it easier to detain them for longer periods and scrapping protections for vulnerable people, including unaccompanied children. The situation on the islands, where as of October 28 over 16,600 migrants and asylum seekers – including children – were trapped in abysmal conditions in camps, has reached the crisis point. In response to the Covid-19 pandemic in March 2020, Greek authorities locked down some camps, mainly on the islands, leaving asylum seekers in legal limbo with the closing of government offices. We [reported](#) in March that the detention of nearly 2,000 newly arrived migrants and asylum seekers was arbitrary, as they were denied the right to lodge asylum claims and there was no legal justification for their prolonged detention.

In April, we [reported](#) that Greece had not done enough to address the acute overcrowding and lack of health care, access to adequate water, sanitation, and hygiene products to limit the spread of the virus that causes [Covid-19](#) in the squalid camps. The [September 2020 fires](#) inside Moria camp on Lesbos island worsened the situation, leaving nearly 13,000 migrants and asylum seekers homeless with limited shelter. Authorities subsequently set up an emergency tent camp where authorities [failed to provide](#) adequate access to water, sanitation, health care, education, supplies for menstrual hygiene management, or sufficient protection from the elements and from sexual and gender-based violence and harassment. Rather than rebuilding a replica of the same thing, Greece should fundamentally rethink the inhumane containment policies that led to the creation of a sprawling, unsanitary, and dangerous refugee camp.

The European Court of Human Rights ruled twice in 2019 that Greece has violated its human rights obligations by detaining unaccompanied children in so-called “protective custody” in police stations and detention centers. Under this system, children have been [held for weeks and months in dirty, overcrowded cells](#), often with unrelated adults, putting children at risk of abuse and long-term psychological harm. As of October 15, an estimated 176 unaccompanied children were detained while waiting to be transferred to a shelter, down from 229 in June. While this marked some progress, the government should abolish the protective custody regime entirely and release all children held in detention because of their status as soon as possible, ensuring sufficient capacity in child-friendly housing.

**For more information, see:**

- September 2020: “Greece/EU: Bring Moria Homeless to Safety”  
<https://www.hrw.org/news/2020/09/16/greece/eu-bring-moria-homeless-safety>
- April 2020: “Greece: Island Camps Not Prepared for Covid-19”  
<https://www.hrw.org/news/2020/04/22/greece-island-camps-not-prepared-covid-19>
- April 2020: “Greece: Free Unaccompanied Migrant Children”  
<https://www.hrw.org/news/2020/04/14/greece-free-unaccompanied-migrant-children>
- March 2020: “Greece: Nearly 2,000 New Arrivals Detained in Overcrowded, Mainland Camps”  
<https://www.hrw.org/news/2020/03/31/greece-nearly-2000-new-arrivals-detained-overcrowded-mainland-camps>
- January 2020: World Report on events of 2019: Greece  
<https://www.hrw.org/world-report/2020/country-chapters/greece>
- October 2019: “Greece: Asylum Overhaul Threatens Rights”  
<https://www.hrw.org/news/2019/10/29/greece-asylum-overhaul-threatens-rights>

**Malta**

During April and May 2020, Malta arbitrarily detained hundreds of migrants and asylum seekers on tourist cruise boats just outside its territorial waters. The government paid a private company to keep people on the vessels, which were not designed to accommodate people for lengthy periods. Conditions on board deteriorated significantly during the weeks the people were detained. One detained man said in a message to the nongovernmental organization Alarm Phone: “[D]ue to lack of full health care, there’s been an outbreak of skin diseases ... there is lack of care when it comes to food. Hunger strikes have started and we’re in a deplorable state.”

The Maltese government stated explicitly that it was keeping people at sea to pressure other EU countries to take them. Authorities did not state whether the detentions on cruise boats were mandatory quarantines to limit the potential spread of coronavirus, nor was it clear if they carried out

any public health measures, such as testing, isolating people with symptoms, and enabling social distancing. Regardless, groups were detained on the boats for longer than the commonly mandated 14-day quarantine period. As the government did not provide a legal basis or legitimate purpose for keeping people on these ferries, this was an arbitrary deprivation of liberty.

In September, Malta reportedly began negotiations with a private company to charter a large passenger ship to hold migrants offshore. Malta should ensure that persons rescued at sea are swiftly disembarked and accommodated in adequate facilities, and that any public health measures reflect the latest available scientific evidence and are implemented transparently.

**For more information, see:** May 2020: “Malta: Disembark Rescued People; End Arbitrary Detention on Tourist Ferry Boats,” <https://www.hrw.org/news/2020/05/22/malta-disembark-rescued-people>

### ***Self-declared Turkish Republic of Northern Cyprus***

In April 2020, we [reported](#) that Turkish Cypriot authorities had arbitrarily detained 175 Syrian asylum seekers, including 69 children. Following a 14-day quarantine period, authorities maintained the asylum seekers under effective house arrest, confined to apartments under constant surveillance. We spoke with two asylum seekers, who described their conditions as cramped, with 15 to 21 people per room. “They don’t let us outside,” one said. “We spend all day in our rooms. We don’t know anything and don’t know what will happen to us.” The legal basis for their continued confinement was unclear, as under the law in Northern Cyprus, detention on migration grounds is authorized only for 8 days, extendable only by a court decision, which we understood had not been sought in this case. This detention was arbitrary under international law, which provides that public health measures should be proportionate, nondiscriminatory, and based on available scientific evidence.

**For more information, see:** April 2020, “Turkish Cypriot Authorities: Release Detained Syrian Asylum Seekers,” <https://www.hrw.org/news/2020/04/16/turkish-cypriot-authorities-release-detained-syrian-asylum-seekers>

### ***Turkey***

In October 2019, we [reported](#) that between January and September 2019, Turkish authorities in Istanbul and Antakya arbitrarily detained dozens of Syrians prior to their deportation (see next section for more on the deportations). Among the 15 Syrians we interviewed, some had been detained for up to six weeks, most did not have access to lawyers, and none were charged with any offense or allowed to challenge their detention. Some alleged that violence was used to force them to sign deportation papers. Turkey should allow UNHCR to freely access its removal centers, and the Interior Ministry should ensure that police officers and immigration officials do not use violence against Syrians or other detained foreign nationals. Anyone using violence against detainees should be held to account.

**For more information, see:** October 2019, “Turkey: Syrians Being Deported to Danger,” <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>

## II. State actions contravening GCM Objective #21: “Safe and dignified return”

### **Croatia**

Human Rights Watch has documented ongoing, summary collective expulsions of migrants and asylum seekers and often-abusive pushbacks at borders by Croatia since 2016. In some instances border officials used force and violence, pummeling people with fists and kicking them, and sometimes directed violence at women and children. Unlike with lawful deportations, migrants collectively expelled have not been returned at ports of entry, but rather in remote border areas, including, at times, forced to cross freezing streams.

In October 2020, [credible reports](#) alleged that Croatian border patrol police had carried out brutal pushbacks involving dozens of asylum seekers between October 12-16, including some alleged instances of sexual abuse, beatings, and robbery. The Croatian government [dismissed](#) the allegations of violence but said it would launch an investigation with the goal of removing any doubt about police conduct and punishing any possible misdemeanors. In 2019, Croatia reported that it blocked entry [to 9,487 people at its borders](#) during the first eight months, and [credible reports](#) cited illegal and violent pushbacks of migrants by Croatian police into Bosnia and Serbia. In November 2019, we [released](#) a video documenting violent border pushbacks in August 2019. The video includes interviews with people summarily returned to Bosnia and other pushback victims and witnesses, as well as footage of [Croatian police officers escorting groups of migrants across the border](#) to Bosnia and Herzegovina without due process.

Croatian authorities have repeatedly denied allegations of violent pushbacks and have not taken credible steps to halt the practice. Croatia should put in place an independent monitoring mechanism to thoroughly investigate summary returns of migrants and asylum seekers at its borders and allegations of Croatian police using violence against them. All responsible parties should be held to account.

#### **For more information, see:**

- January 2020: World Report on events of 2019: Croatia <https://www.hrw.org/world-report/2020/country-chapters/croatia>
- November 2019: “EU: Address Croatia Border Pushbacks” <https://www.hrw.org/news/2019/11/08/eu-address-croatia-border-pushbacks>
- July 2019: “Croatia: President Admits Unlawful Migrant Pushbacks” <https://www.hrw.org/news/2019/07/15/croatia-president-admits-unlawful-migrant-pushbacks>

### **Cyprus**

In September 2020, we published a [report](#) documenting how Cypriot coast guard forces summarily pushed back, abandoned, expelled, or returned more than 200 migrants, refugees, and asylum seekers coming from Lebanon during the first week of September, without giving them the opportunity to lodge asylum claims. The boats contained Syrian refugees as well as Lebanese nationals fleeing their country’s worsening economic and political crisis.

We interviewed 15 Lebanese and Syrian nationals who entered or attempted to enter Cyprus or its territorial waters by boat between August 29 and September 7. Every migrant we interviewed who had encounters with Cypriot authorities said they pleaded not to be returned to Lebanon – and some explicitly requested asylum – but in no case were any allowed to lodge asylum claims. People reported being threatened by Greek and Turkish Cypriot coast guards and said that Greek Cypriot coast guard vessels circled them at high speeds, swamping their boats, and in at least one case abandoned them at

sea without fuel or food. In a case on September 3, a metal coast guard vessel rammed into a wooden boat full of people, injuring children and a woman. In some cases, Cypriot coast guard forces transferred people onto civilian passenger vessels guarded by marine police and took them directly back to Lebanon. Some interviewees reported that marine police handcuffed and beat people who resisted return. One Lebanese man said that “they started beating me, handcuffed me, and hit me with sticks.”

Cypriot authorities should order their security forces to stop endangering lives through dangerous maneuvers at sea and end the brutal treatment of people on the vessels. Judicial authorities should conduct a transparent, thorough, and impartial investigation into allegations that coast guard personnel are involved in acts that put the lives and safety of migrants and asylum seekers at risk. Any officer engaged in illegal acts, as well as their commanding officers, should be subject to disciplinary sanctions and, if applicable, criminal prosecution.

**For further information, see:** September 2020, “Cyprus: Asylum Seekers Summarily Returned,” <https://www.hrw.org/news/2020/09/29/cyprus-asylum-seekers-summarily-returned>

### **France**

Border police in France’s Hautes-Alpes department have summarily returned unaccompanied migrant children who attempt to cross the border between Italy and France, instead of referring them to protection services, we [reported](#) in May 2019. French law provides for an expedited “[entry refusal](#)” process for children and adults apprehended within 10 kilometers of the border. In such cases, police provide a written notice of the reasons for refusing entry and of the rights to seek asylum and to appeal. Children should be appointed a guardian. Police did not appear to respect these limited procedural protections in the nine cases described to Human Rights Watch. One 17-year-old child, from Benin, said: “I showed my papers that said that I was a minor, but the police didn’t want to hear it.” In October 2020, rights groups [reported](#) that children have also been sent back without due process from Menton (France) to Vintimiglia (Italy), sometimes after being detained for several hours at the French border police station. France shares the same obligations as all other EU countries to afford unaccompanied children who arrive at its borders special safeguards that protect their human rights, as set out in international and EU law.

**For more information, see:** May 2019, “Subject to Whim: The Treatment of Unaccompanied Migrant Children in the French Hautes-Alpes,” <https://www.hrw.org/report/2019/09/05/subject-whim/treatment-unaccompanied-migrant-children-french-hautes-alpes>

### **Greece**

Human Rights Watch has repeatedly documented unlawful returns of migrants and asylum seekers to Turkey, including through violent pushbacks and collective expulsions, by Greek law enforcement officers and others. In [July](#) 2020, we reported that law enforcement officers had summarily returned asylum seekers and migrants at the land and sea borders with Turkey in March and April 2020, during the Covid-19 lockdown. Some officers used violence and confiscated and destroyed migrants’ belongings. We interviewed 13 victims and witnesses who described incidents in which the Greek police, the Greek Coast Guard, and unidentified men who appeared to be working in close coordination with uniformed authorities, violently pushed migrants back to Turkey. Six interviewees said Greek officers rounded up people in the Diavata camp for asylum seekers in Thessaloniki, inside Greek territory; six others said Greek security personnel and armed masked men carried out summary returns to Turkey from the Greek islands of Rhodes, Samos, and Symi, casting them adrift on inflatable rescue

rafts with no motor near Turkish territorial waters. One asylum seeker said the Greek Coast Guard and unidentified men used dangerous maneuvers to force a boat full of migrants back to Turkey.

Additionally, our March 2020 [report](#) revealed that Greek security forces and unidentified armed men at the Greece-Turkey land border had detained, assaulted, sexually assaulted, robbed, and stripped asylum seekers and migrants, then forced them back to Turkey, in February and early March. We interviewed 21 asylum seekers and migrants in Turkey about their attempt to enter Greece over the land border. All said that armed men wearing law enforcement uniforms or in civilian clothes intercepted and detained them and stole their belongings before summarily pushing them back to Turkey. Seventeen described how the men assaulted them and others, including women and children, through electric shocks, beating with wooden or metal rods, prolonged beating of the soles of feet, punching, kicking, and stomping. Two said that Greek security forces used live fire to push people back, which resulted in injuries. One interviewee, a Syrian man travelling with his wife and children, said: “They [Greek security forces] tried to search my wife and touched her breasts. Then they tried to take off her headscarf and her trousers. When I tried to stop them, they beat me really badly with their fists, feet, a heavy plastic rod, and a metal stick. They hit my 2-year-old daughter with a heavy plastic stick on the head.”

In an October 2020 [open letter](#) with 29 other organizations, we called on Greece’s parliament to urgently establish an inquiry into all allegations of violence and unlawful returns of migrants to Turkey by law enforcement officers and others, in order to determine whether they amount to a de facto government policy. Greek judicial authorities should also investigate these allegations, and any officer engaged in illegal acts, as well as their commanding officers, should be subject to disciplinary sanctions and, if applicable, criminal prosecution.

**For more information, see:**

- July 2020: “Greece: Investigate Pushbacks, Collective Expulsions”  
<https://www.hrw.org/news/2020/07/16/greece-investigate-pushbacks-collective-expulsions>
- March 2020: “Greece: Violence Against Asylum Seekers at Border”  
<https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>

## **Malta**

During 2020, Malta participated in illegal pushbacks at sea and delayed rescue operations of boats in distress carrying migrants and asylum seekers. Nongovernmental groups like Alarm Phone documented at least seven cases between March and August in which both Italian and Maltese authorities appear to have delayed sea rescue operations. Failure by the Maltese and EU authorities to respond to repeated distress alerts [may have contributed](#) to the deaths of at least five people and the disappearance of seven others.

Credible sources also reported serious pushback incidents taking place in April. A joint investigation by the Italian newspaper [Avvenire](#) and the UK newspaper [the Guardian](#), based also on [evidence collected by Alarm Phone](#), alleged that the Armed Forces of Malta intercepted a boat carrying 101 people in April 2020 and told them at gunpoint to continue toward Italy. On April 15, the privately-owned *Dar al Salam 1*, allegedly acting on orders from Malta, intercepted a boat carrying 40 men, 8 women, and 3 children, and returned them to Libya, where they were [detained in the Tarik al Sikka detention center in Tripoli](#). On April 30, a [former Maltese official told prosecutors](#) investigating the allegations that he coordinated the pushback under instructions from the prime minister’s office as part of a [long-standing role as liaison with Libyan authorities](#). Despite this human toll, Malta proceeded in May to sign a cooperation agreement with Libya to counter irregular migration.

Malta should abide by its obligations in its search-and-rescue region by coordinating and performing rescues ending in timely disembarkation in a place of safety, including Malta, and base any cooperation with Libya on concrete measures to fully respect migrants' safety and rights.

**For more information, see:** August 2020, "Migrants Face Trial after Resisting Return to Libya as Children," <https://www.hrw.org/news/2020/08/12/migrants-face-trial-after-resisting-return-libya-children>

### **Turkey**

Turkey has repeatedly deported and pushed back Syrians into Syria, violating the principle of non-refoulement. In April 2020, we [reported](#) that Turkey had deported hundreds of Syrians since July 2019. We [spoke to](#) three Syrian asylum seekers in the Republic of Cyprus who said that on previous attempts to reach Cyprus in the past year they had been interdicted by the Turkish coast guard and ultimately returned to Syria. In all cases, they were [forced to sign voluntary repatriation forms](#), a practice that Human Rights Watch has previously documented.

In October 2019, we [reported](#) that between January and September 2019, Turkish authorities in Istanbul and Antakya unlawfully deported dozens of Syrians to Idlib governorate, an area experiencing active hostilities. Deported Syrians said that Turkish officials forced them to sign forms they were not allowed to read, but that they believed were voluntary repatriation forms; in some cases they said they were beaten or threatened. Some had no time to ask for a lawyer, while immigration officials told others they did not need a lawyer, or they could not afford legal fees. Among the 15 deported Syrians we interviewed, one said Turkish immigration officials hit him in the face, forced him to sign a voluntary return form, and bussed him to the border with 30 others. "Everyone said they had been pressured into signing a form and one of the women was crying, saying the officials had hit her in the face to force her to sign," he said.

Turkey should cease all forced returns and other abuses against Syrians. It should allow UNHCR to monitor the process of obtaining Syrians' permission to return them to Syria to make certain it is voluntary, and to observe interviews and removal procedures to ensure that police or immigration officials do not use violence against Syrians or other foreign nationals.

**For more information, see:**

- November 2019: "'Repatriation' of Syrians in Turkey Needs EU Action" <https://www.hrw.org/news/2019/11/07/repatriation-syrians-turkey-needs-eu-action>
- October 2019: "Turkey: Syrians Being Deported to Danger" <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>