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الأورو-متوسطية للحقوق

## *Return Mania. Mapping policies and practices in the EuroMed Region*



### Chapter 5

Egypt: a repressive environment, fertile ground for the EU's return obsession

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## Acknowledgment

This chapter is part of a wider research work, coordinated by EuroMed Rights, which aims at providing an overview of the current return policies and practices in the Euro-Mediterranean region by sharing testimonies and examples of these policies. It highlights the similar trends adopted across the region and sheds light on the violations of human rights entailed by this “return obsession” and which is shared across Member States, EU institutions and third countries alike.

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## Introduction

When it comes to irregular migration and management of border control, Egypt may seem to be the good student of the Mediterranean. In 2018, Egypt's internal development minister recalled that *"no illegal immigration boat has departed from Egypt since 2016 [...] because Egypt has adopted a comprehensive strategy to address illegal migration"*. The EU-Egypt cooperation on migration is not new, but has intensified following the so-called 'migration crisis' of the summer 2015. It became a priority of the bilateral cooperation when both parts renewed their relationship with new partnership priorities added in 2017<sup>1</sup>. In addition to development aid and institutional capacity building, Egypt benefits from EUR 89 million under the EU Trust Fund for Africa to support *"its efforts in enhancing migration management, addressing the root causes of irregular migration and sustaining local communities hosting refugees"*<sup>2</sup>.

The terms of cooperation mainly benefit the Egyptian authorities' interests in their search of political legitimacy at a time of increased criticism against the authoritarian ruling regime. Egypt's cooperation efforts were acknowledged during the second meeting of the migration dialogue between the EU and Egypt in 2019<sup>3</sup>. Several EU Member States also engaged in bilateral cooperation with Egypt regarding migration, in particular on the fight against human trafficking and migrant smuggling and on return policies. This is the case of Germany who signed an agreement with this country in 2017. Italy also decided to cooperate with the Egyptian authorities to tackle "illegal immigration" in 2018. Italy and Egypt had launched their dialogue in 2015 but it was interrupted after the murder, in Cairo in January 2016, of Italian PhD researcher Giulio Regeni<sup>4</sup>.

In a country where human rights violations continue to worsen, the EU externalisation of migration control comes with important consequences for the rights of migrants and refugees, whether they are Egyptians or not. As said, the increasing violation of individual rights in Egypt has not stopped the EU and its Member States from engaging in bilateral cooperation schemes. This cooperation has a negative impact on the rights of asylum seekers and migrants, with reported police violence and collective forced returns. The return policies between Egypt and EU Member States deliberately result in the forced returns of migrants to a country where protection norms are much lower than within the EU, thus resulting in a violation of the non-refoulement principle guaranteed by the 1951 Geneva Refugee Convention<sup>5</sup>.

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<sup>1</sup> Eu-Egypt Partnership Priorities 2017-2020, 16 June 2017, available at: <https://www.consilium.europa.eu/media/23942/eu-egypt.pdf>

<sup>2</sup> European Commission, EU Emergency Trust Fund for Africa, Egypt. Accessible at: [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/egypt\\_en#:~:text=In%20addition%2C%20Egypt%20benefits%20from,sustaining%20local%20communities%20hosting%20refugees.](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/egypt_en#:~:text=In%20addition%2C%20Egypt%20benefits%20from,sustaining%20local%20communities%20hosting%20refugees.)

<sup>3</sup> The European Union Delegation to Egypt (2019), Joint Statement, *Second meeting of the Migration Dialogue between the European Union and Egypt*. Accessible at: [https://eeas.europa.eu/delegations/egypt\\_en/65317/Second%20meeting%20of%20the%20Migration%20Dialogue%20between%20the%20European%20Union%20and%20Egypt](https://eeas.europa.eu/delegations/egypt_en/65317/Second%20meeting%20of%20the%20Migration%20Dialogue%20between%20the%20European%20Union%20and%20Egypt)

<sup>4</sup> "Italian PhD student Giulio Regeni was investigating trade unions in Egypt when he went missing on 25 January 2016. His body, bearing signs of torture, was discovered nine days later in Cairo." European Parliament, *Human rights in Egypt: MEPs debate murder of Italian researcher Giulio Regeni*, 10 March 2016, available at: <https://www.europarl.europa.eu/news/en/headlines/world/20160309STO18493/human-rights-in-egypt-meps-debate-murder-of-italian-researcher-giulio-regeni>

<sup>5</sup> European Union Agency for Fundamental Rights (FRA) (2016) *Scope of the principle of non-refoulement in contemporary border management: evolving areas of law*. Accessible at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-scope-non-refoulement\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-scope-non-refoulement_en.pdf).



Some of their leaders and staff members have been summoned on charges including "*receipt of illegal foreign funding*" and "*working without legal permission*". 34 human rights defenders are banned from travelling and 10 have their assets frozen<sup>9</sup>.

In September 2019, peaceful protests denouncing corruption and poor socio-economic conditions were severely repressed. More than 4,000 people were arrested in the following days and many of them are still held in pre-trial detention today as is the case for instance of human rights defenders Mohamed El-Baqer and Alaa Abdel Fattah<sup>10</sup>. In November of the same year, Egyptian independent media Mada Masr's offices were raided and three members of their staff including their editor-in-chief Lina Attalah<sup>11</sup> were shortly detained. In February 2020, Patrick Zaki, a researcher with the Egyptian Initiative for Personal Rights (EIPR), was arrested and tortured upon his arrival in Cairo while traveling back from Italy where he was completing an Erasmus Mundus master's degree<sup>12</sup>. The crackdown on human rights defenders reached a peak in November 2020 when three senior staff members of EIPR, Karim Ennarah, Mohammed Basheer and Gasser Abdel-Razek were held in pre-trial detention for two weeks after they had met with European diplomats in Cairo. Their assets remain frozen today and their colleague Zaki has been imprisoned for more than a year for allegedly joining a terrorist group and spreading false news.

Also, the crackdown on alleged LGBTIQ+ people is particularly worrying in Egypt, where, for instance, in September 2017, a concert of the band Mashrou' Leila in Cairo, during which a rainbow flag was displayed, triggered a series of arrests: 49 people were sentenced to prison for "incitement to debauchery"<sup>13</sup>.

The Egyptian government also used the Covid-19 outbreak to expand its power, for example, banning assemblies without reference to public health reasons, amending the emergency law and assigning the investigation of crimes to the military prosecution<sup>14</sup>. In the amended emergency law, for instance, a mere five out of the 18 amendments are related to public health emergencies, demonstrating that the focus is more on entrenching repression than tackling the virus and by extending the control of the President and the military over the justice system, judicial independence is *de facto* abolished<sup>15</sup>.

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<sup>9</sup> EuroMed Rights, *Factsheet: crackdown on human rights in Egypt*, 31 May 2021. Available at: <https://euomedrights.org/publication/factsheet-crackdown-on-human-rights-in-egypt/>

<sup>10</sup> EuroMed Rights, *NGOs call for immediate release of HRDs El-Baqer & Alaa Abdel Fattah*, 29 September 2020. Available at: <https://euomedrights.org/publication/egypt-international-ngos-call-for-the-immediate-release-of-human-rights-defenders-mohamed-el-baqer-and-ala-a-abdel-fattah-on-the-first-anniversary-of-their-arrest/>

<sup>11</sup> Human Rights Watch, *Egypt: Independent News Website Targeted*, 25 November 2019. Available at: <https://www.hrw.org/news/2019/11/25/egypt-independent-news-website-targeted>

<sup>12</sup> Amnesty International, *Egypt: Arbitrary arrest and torture of researcher studying gender in Italy*, 10 February 2020. Available at: <https://www.amnesty.org/en/latest/news/2020/02/egypt-arbitrary-arrest-and-torture-of-researcher-studying-gender-in-italy/>

<sup>13</sup> Amnesty International, *Égypte : 49 personnes présumées homosexuelles condamnées à de la prison ferme*, 8 December 2017, available at: [https://www.amnesty.fr/discriminations/actualites/egypte-49-personnes-presumees-homosexuelles-condamnees-a-de-la-prison-ferme?gclid=EA1aIQobChMI8lksMLn7wIV0u5RCh3O1wNVEAAYASAAEgIE6PD\\_BwE](https://www.amnesty.fr/discriminations/actualites/egypte-49-personnes-presumees-homosexuelles-condamnees-a-de-la-prison-ferme?gclid=EA1aIQobChMI8lksMLn7wIV0u5RCh3O1wNVEAAYASAAEgIE6PD_BwE)

<sup>14</sup> EuroMed Rights, *COVID-19: A new trojan horse to step up authoritarianism in Egypt*, 19 May 2020. Available at: <https://euomedrights.org/publication/covid-19-a-new-trojan-horse-to-step-up-authoritarianism-in-egypt/>

<sup>15</sup> *Ibidem*.

## 1.2. [The economic crisis since 2011](#)

The liberal turn in Egypt's economy in the 1970s negatively impacted the socio-economic well-being of the country. Instead of bringing modernisation and prosperity, the reforms increased corruption, reduced real income, deepened inequalities and caused under-employment.<sup>16</sup> As a consequence, many Egyptians turned to the Gulf region and Europe to seek better living conditions<sup>17</sup>. However, those who remained in the country did not see their situation improved over the years. On the eve of the revolution, 25% of the Egyptian population was living under the poverty-threshold of USD 1.3 per day, while it was roughly estimated that youth unemployment reached 30%<sup>18</sup>. The hope for better socio-economic conditions was at the heart of the 2011 revolution.

The political unrest that followed the ousting of President Mubarak has further worsened the economic crisis. The billion-worth investments made by Gulf countries in the government's real estate projects did not contribute to improve the well-being of the population. In 2016, President Al-Sisi negotiated a USD 12 billion loan with the International Monetary Fund (IMF) but the later came with strict conditionality and constrained the Egyptian government to devalue its currency and reduce its public spending including reducing subsidies for everyday commodities<sup>19</sup>. Overall the loan had negative impacts for the Egyptian people and in 2019 the national poverty rate was estimated at 32.5% of the population<sup>20</sup>. Furthermore, the country is also experiencing an important housing crisis that affects millions across the country<sup>21</sup>.

The Covid-19 outbreak encouraged Egyptian authorities to turn again to international institution to seek financial support and contain the anticipated economic fallout<sup>22</sup>. The IMF has already agreed on a USD 5.2 billion stand-by arrangement with Egypt, but there are no commitments relating to the protection of individuals' economic power. The World Bank estimated that around 2.7 million jobs were lost during 2020 pushing unemployment to 9.6%<sup>23</sup>.

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<sup>16</sup> Vi Nguyen, *Politics & History in 1970s Egypt*, 2014, available at: [https://prezi.com/qv3uop\\_vdfzy/politics-history-in-1970s-egypt/](https://prezi.com/qv3uop_vdfzy/politics-history-in-1970s-egypt/)

<sup>17</sup> In the beginning of the 2000s, it was estimated that 4 million of Egyptians migrants lived and worked abroad. IOM, Migration Aspirations and Experiences of Egyptian Youth, February 2011. Available at: <https://egypt.iom.int/sites/default/files/Migration%20Aspirations%20and%20Experiences%20of%20Egyptian%20Youth.pdf>

<sup>18</sup> Poverty rate rises in Egypt, widening gap between rich and poor: CAPMAS, Ahrām Online, 29 November 2012. Available at: <http://english.ahram.org.eg/NewsContent/3/12/59433/Business/Economy/Poverty-rate-rises-in-Egypt,-widening-gap-between-.aspx>

<sup>19</sup> Egyptian Initiative for Personal Rights, "Eye on Debt III", *Egypt's government has executed 4 measures out of 14 during the third review period, all of which are hampering social and economic justice*, 21 October 2018. Available at: <https://eipr.org/en/press/2018/10/%E2%80%9Ceye-debt-iii%E2%80%9D-third-series-shadow-reports-imf-experts%E2%80%99-visit>

<sup>20</sup> Egyptian Street, CAPMAS: Egyptians Affected by Poverty Reach 32.5 Percent, 30 July 2019. Available at: <https://egyptianstreets.com/2019/07/30/capmas-egyptians-affected-by-poverty-reach-32-5-percent/>

<sup>21</sup> Achmet Gonim, Hossam Abougabal, *Resolving Egypt's Housing Crisis Crucial to Long-Term Stability*, 27 June 2016. Available at: <https://www.mei.edu/publications/resolving-egypts-housing-crisis-crucial-long-term-stability>

<sup>22</sup> Egyptian Initiative for Personal Rights, Credit to government for measures to combat spread of coronavirus, but protecting individuals' income and mitigation of economic and social impacts of the virus prevention are necessary, 24 March 2020. Available at: <https://eipr.org/en/press/2020/03/credit-government-measures-combat-spread-coronavirus-protecting-individuals%E2%80%99-income>

<sup>23</sup> The World Bank, *Egypt's Economic Update — October 2020*. Available at: <https://www.worldbank.org/en/country/egypt/publication/economic-update-october-2020>



## II- Egypt as a “host” and departure country

According to the statistics of the Egyptian Ministry of Foreign Affairs, at the end of 2018 the number of Egyptians abroad reached more than 10 million with 64.4% of those living in Arab countries. The remaining 35.6% reside in Europe, North America, and Australia.<sup>24</sup>

Hundreds of thousands of Egyptians now work in Libya in the oil and gas industry or in the services sector (before 2011, the number ranged between 330,000 and 1.5 million)<sup>25</sup>.

### 2.1. A sharp increase in the number of migrants and refugees

In parallel, the number of international migrants, including refugees, in Egypt increased from 300,000 in 2010 to reach 543,937 in 2020, with migrants primarily originating from the Syrian Arab Republic, Somalia, Sudan and the Palestinian Territories.<sup>26</sup> By mid-2020, of the total 543,937 migrants in Egypt, 324,736 were refugees and asylum seekers<sup>27</sup>.

Egypt has a long history of cooperating with Sudan on migration control. In 2006, Egypt forcibly returned at least six hundred Sudanese migrants and refugees<sup>28</sup> and again in 2008 when it forcibly returned activists and refugees to Darfur<sup>29</sup>. In 2018, Egypt forcibly returned the well-known Sudanese activist Mohamed Boshi, one of the most vocal critics of the Sudanese government.<sup>30</sup> In the same year, Egypt and Sudan established joint military patrols to control the two countries' borders.<sup>31</sup> In November 2020, both countries agreed to enhance the military cooperation and to bolster joint work in rehabilitation, training and border security.<sup>32</sup>

Amid an increasingly racist and xenophobic climate against migrants and refugees in Egypt, especially against people from Sub-Saharan African countries but also Syrians, violence and discriminatory attacks are on the rise<sup>33</sup>. On 29 October 2020, a 12-year-old Sudanese child, Mohamed Hasan, was brutally killed by an Egyptian man. The killing sparked protests among the members of the Sudanese community, both where the child had lived in Cairo and in front of the UNHCR office in 6th October City, an area in the western part of Greater Cairo, which is home to a large number of refugees and migrants.

<sup>24</sup> <https://www.capmas.gov.eg/Admin/Pages%20Files/2017109144221Egy.pdf>

<sup>25</sup> See also BPD, *The Egyptian Migration State*, 6 February 2020. Available at: <https://www.bpb.de/gesellschaft/migration/laenderprofile/304864/the-egyptian-migration-state>.

<sup>26</sup> International Migrant Stock 2019. UN DESA, Population Division, New York. Available at [www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp](http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp), in IOM, *World Migration Report 2020*, p. 67. Available at: [https://publications.iom.int/system/files/pdf/wmr\\_2020.pdf](https://publications.iom.int/system/files/pdf/wmr_2020.pdf)

<sup>27</sup> United Nations Department of Economic and Social Affairs, Population Division (2020). *International Migration 2020 Highlights (ST/ESA/SER.A/452)*, pag. 46. Available at: [https://un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesa\\_pd\\_2020\\_international\\_migration\\_highlights.pdf](https://un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesa_pd_2020_international_migration_highlights.pdf).

<sup>28</sup> Peter Kenyon, *Egypt Set to Deport Hundreds of Sudanese*, 4 January 2006. Available at: <https://www.npr.org/templates/story/story.php?storyId=5125739&t=1610856961883>

<sup>29</sup> Forced deportation of the people of Darfur from the Republic of Egypt to Sudan, 2008 <https://bit.ly/2OidZo8> (in Arabic)

<sup>30</sup> Human Rights Watch (HRW), Sudan: Exiled Activist Surfaces in Detention, 15 November 2018. Available at: <https://www.hrw.org/news/2018/11/15/sudan-exiled-activist-surfaces-detention>

<sup>31</sup> Reuters, Egypt and Sudan set up joint patrols against cross-border threats, 25 November 2018. Available at: <https://www.reuters.com/article/us-egypt-sudan-defence-idUSKCN1NU0T2>

<sup>32</sup> Egypt Independent, Egypt, Sudan agree to enhance military cooperation, 3 November 2020. Available at: <https://www.egyptindependent.com/egypt-sudan-agree-to-enhance-military-cooperation/>

<sup>33</sup> Sertan Sanderson, *Egypte : montée des violences racistes contre les migrants africains*, InfoMigrants, 14 January 2020, available at: <https://www.infomigrants.net/fr/post/22025/egypte-montee-des-violences-racistes-contre-les-migrants-africains>.



Protesters also voiced anger about violence and discrimination they have endured in Egypt, amid the state's failure to protect them.<sup>34</sup> Nevertheless, dozens of them have been arrested after the protests.<sup>35</sup> Egypt is considered as one of the main smuggling routes for migrants moving from Somalia, Sudan and Ethiopia, towards Egypt and Israel. However, smugglers have increasingly turned their activities towards the borders with Libya for two main reasons: firstly the Egyptian security forces don't hesitate to kill migrants trying to cross its Eastern borders with Israel<sup>36</sup>; and, secondly the deterioration of the political situation in Egypt, in addition to the dire socioeconomic conditions in the country<sup>37</sup>.

## 2.2. Increased border controls

Autonomous crossing attempts from the Egyptian coast are an exception, contrary to what happens on the Algerian and Tunisian coasts. Until 2016, well-organised smugglers were mainly operating in the coastal governorates of Marsa-Matrouh, Alexandria, Beheira and Kafr-El Sheikh and had good contact with the Egyptian border security forces to ensure the departures proceeded smoothly in exchange for bribes.<sup>38</sup>

In September 2016, a fully loaded fishing boat sank near the small town of Rashid, east of Alexandria, known as the Rosetta disaster. At least 202 people died. Unofficially, the numbers assume up to 400 victims.<sup>39</sup> Immediately after this shipwreck incident, the Egyptian authorities tightened their control over the beaches and at sea and greatly restricted attempts to cross.

Cooperation on migration policy between the European Union and Egypt has greatly intensified since then as the Al-Sisi regime showed that it was capable and ready to close off the coast to migrants by boats. As a result, only a few boats carrying migrants have departed since 2017, but almost all have been intercepted.

Migration routes have shifted again to Libya and smugglers who previously worked in Egypt's governorates on the Mediterranean have since focused on transporting people across the land border to Libya. Egyptian security authorities have repeatedly arrested Egyptian and foreign migrants attempting to enter Libya illegally, but individual officers are presumed to profit financially from the smuggling trade into Libya.<sup>40</sup>

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<sup>34</sup> Sofia Aboudari, Anger after Sudanese teenager stabbed to death in Egypt, Middle East Eye, 3 November 2020. Available at: <https://www.middleeasteye.net/video/anger-after-sudanese-teenager-killed-egypt>

<sup>35</sup> Zeinab Mohammed Salih, *Dozens of Sudanese migrants held in Cairo after protests*, 12 November 2020. Available at: <https://www.theguardian.com/global-development/2020/nov/12/dozens-of-sudanese-migrants-held-in-cairo-after-protests>

<sup>36</sup> The times of Israel, *Egypt police kill 15 Sudanese migrants at Israel border*, 15 November 2015. Available at: <https://www.timesofisrael.com/egypt-police-kill-15-sudanese-migrants-at-israel-border/>

<sup>37</sup> Middle East Monitor, *Egypt arrests 274 who tried to illegally cross into Libya*, 4 February 2019. Available at: <https://www.middleeastmonitor.com/20190204-egypt-arrests-274-who-tried-to-illegally-cross-into-libya/>; Sarah El-Sheikh, *131 Egyptians arrested attempting to cross into Libya*, 9 November 2015. Available at: <https://dailynewsegypt.com/2015/11/09/131-egyptians-arrested-attempting-to-cross-into-libya/>

<sup>38</sup> EuroMed Rights (2019), *EU-Egypt migration cooperation. Where are human rights?*. Available at: <https://euromedrights.org/publication/eu-egypt-migration-cooperation-where-are-human-rights/>

<sup>39</sup> See IOM, *Mediterranean Migrant Arrivals Reach 300,450; Deaths at Sea: 3,501*, 23 September 2016, available at: <https://reliefweb.int/report/italy/mediterranean-migrant-arrivals-reach-300450-deaths-sea-3501>; Pasha Magid, *Report from Rashid: Where was the state when hundreds drowned?*, Madamasr, 13 October 2016, available at: <https://www.madamasr.com/en/2016/10/13/feature/politics/report-from-rashid-where-was-the-state-when-hundreds-drowned/>

<sup>40</sup> EuroMed Rights (2019), *EU-Egypt migration cooperation. Where are human rights?*. Available at: <https://euromedrights.org/publication/eu-egypt-migration-cooperation-where-are-human-rights/>

The Egyptian migrants who leave by boats almost exclusively depend on crossing to Italy, because Italy does not forcibly return Egyptian minors.<sup>41</sup> In 2016, Between 6 – 8 % of the migrants arriving in Italy by boat were Egyptians – the majority of them minors. In October 2020, the percentage decreased to 3%<sup>42</sup>, with 1,264 Egyptians arriving by sea in Italy from January to December 2020<sup>43</sup>, while Egyptian asylum applicants in 2019 in Italy were 802.<sup>44</sup> Greece also attracted the vast majority of applications from unaccompanied minors from Egypt (78 %) as seen in previous years, the overwhelming majority of unaccompanied minors applying for international protection in EU+ countries (EU and European Economic Area - EEA) reached 330 in 2019 – were male between the ages of 14 and 18 – compared to 190 in 2018.<sup>45</sup>

In 2019, asylum applicants in the EU from Egypt were granted refugee status far more often than subsidiary protection.<sup>46</sup> During 2018, considering asylum-seekers from Egypt, 5,110 asylum applications were lodged in EU+ while in 2011 there were 2,300 asylum applications<sup>47</sup>.

### III- EU cooperation with Egypt

#### 3.1. A key partner in the region for the EU

When it comes to preventing irregular migration and externalising migration policies to third countries, Egypt is one of Europe's key strategic partners. Indeed, if the EU and its Member States want to further externalise border control in the Mediterranean region, they absolutely depend on cooperation with Egypt due to the country's geographical location and its importance as a transit and origin country for migrants and refugees.<sup>48</sup>

The Project to Enhance Response to Migration Challenges in Egypt (ERMCE) is one of these forms of collaborations which is being implemented since 2017 in Egypt with a package of EUR 60 million and consists of seven different projects under the umbrella of the EU Emergency Trust Fund for Africa (EUTF)<sup>49</sup>. One of these is the EUR 3 million “*Strengthening of migration management through institutional support*” which is implemented by the Spanish Agency for International Development Cooperation (AIDC) with the National Committee for Combating and Preventing Illegal Migration (NCCPIM-TIP).

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<sup>41</sup> ARCI, *Security and Migration Economic Interests And Violations Of Basic Rights The Cases Of Libya, Niger And Egypt*, May 2019. Available at: <https://www.arci.it/app/uploads/2019/05/report-2019-inglese-normal.pdf>.

<sup>42</sup> UNHCR, Italy Sea Arrivals Dashboard (October 2020). Available at: <https://reliefweb.int/report/italy/italy-sea-arrivals-dashboard-october-2020>

<sup>43</sup> Italian Interior Ministry, Cruscotto Statistico Immigrazione, 31 December 2020. Available at: [http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto\\_statistico\\_giornaliero\\_31-12-2020\\_1.pdf](http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-12-2020_1.pdf)

<sup>44</sup> <https://www.worlddata.info/europe/italy/asylum.php>

<sup>45</sup> EASO Asylum Report 2020. Available at: <https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020.pdf>

<sup>46</sup> *ibidem*.

<sup>47</sup> *ibidem*.

<sup>48</sup> EuroMed Rights (2019), *EU-Egypt migration cooperation. Where are human rights?*. Available at: <https://euromedrights.org/publication/eu-egypt-migration-cooperation-where-are-human-rights/>

<sup>49</sup> See European Commission, *Enhancing the Response to Migration Challenges in Egypt (ERMCE)*, available at: [https://ec.europa.eu/trustfundforafrica/region/north-africa/egypt/enhancing-response-migration-challenges-egypt-ermce\\_en](https://ec.europa.eu/trustfundforafrica/region/north-africa/egypt/enhancing-response-migration-challenges-egypt-ermce_en).

Its aim is “to contribute to enhancing migration governance and management in Egypt through institutional strengthening and capacity building” and to combat and prevent “illegal” migration, as well as human trafficking<sup>50</sup>.

Under the EU Trust Fund for Africa, Egypt is also playing an important role on the Regional Operational Centre in support of the Khartoum Process<sup>51</sup> and the African Union (AU)-Horn of Africa Initiative (ROCK). This EUR 5 million project, whose focus is mostly on focus on human trafficking and people smuggling aims to share information on migration and associated networks amongst the countries of the Khartoum Process.<sup>52</sup>

Another example is the launch, on 19 October 2020, by Egypt, the EU and Germany of the EUR 30 million project “Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa” (THAMM). This project is in line with several other jointly funded programmes by the EUTF and the German Federal Ministry of Economic Cooperation and Development (BMZ), in coordination with the ILO, IOM and GIZ.<sup>53</sup>

### 3.2. Strengthening border control

The Egyptian security apparatus is taking advantage of the highly controversial EU project “Euromed Police IV” which aims to strengthen strategic and operational cooperation with neighbourhood countries.<sup>54</sup>

Egypt has also recently intensified its cooperation with the European Union's border protection authority Frontex,<sup>55</sup> through the EUR 4 million programme “Strengthening the Africa-Frontex Intelligence Community” financed by the Instrument contributing to Stability and Peace (DG DEVCO)<sup>56</sup>. With over EUR 4 million, the project EU4BorderSecurity aims to enhance border security by fostering bilateral and regional cooperation and to enhance the capacity of Egypt, as a participating country to conduct tactical border and coast guard operations.<sup>57</sup>

Frontex also supports the International Training Centre at the Egyptian Police Academy (ITEPA). It's an EU-funded project led by Italy and Egypt aiming to deliver training to border police officers from 22 African countries.<sup>58</sup>

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<sup>50</sup> See Action fiche of the EU Emergency Trust Fund, Egypt 2017 T05-EUTF-NOA-EG-01, p. 7. Available at: [https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/ad\\_t05-eutf-noa-eg-01\\_13072020.pdf](https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/ad_t05-eutf-noa-eg-01_13072020.pdf). Last accessed: 23.03.2021.

<sup>51</sup> “The Khartoum Process is a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe. It aims at establishing a continuous dialogue for enhanced cooperation on migration and mobility. The process also seeks to support member states in identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants.” (<https://www.khartoumprocess.net/>)

<sup>52</sup> European Commission, Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative (ROCK). Available at: [https://ec.europa.eu/trustfundforafrica/region/horn-africa/regional/regional-operational-centre-support-khartoum-process-and-au-horn-africa\\_en](https://ec.europa.eu/trustfundforafrica/region/horn-africa/regional/regional-operational-centre-support-khartoum-process-and-au-horn-africa_en)

<sup>53</sup> EU Neighbours, Egypt, the EU and Germany officially launch the “Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa” (THAMM) Project, 20 October 2020. Available at: <https://www.euneighbours.eu/en/south/stay-informed/news/egypt-eu-and-germany-officially-launch-towards-holistic-approach-labour>; Arab International Turkey, Europe is negotiating with Egypt a “bigger role” in combating irregular migration, 26 December 2018; Available at: <https://bit.ly/2PRwYGk>

<sup>54</sup> EU Neighbours, EUROMED POLICE IV. Available at: <https://www.euneighbours.eu/en/south/stay-informed/projects/euromed-police-iv>

<sup>55</sup> El Watan News, European Union: We support Egypt's efforts and commitment to confront illegal immigration, 29 September 2019. Available at: <https://www.elwatannews.com/news/details/4358419>

<sup>56</sup> Frontex, Non-EU Countries Partners and Projects. Available at: <https://frontex.europa.eu/partners/non-eu-countries/>

<sup>57</sup> *Ibidem*.

<sup>58</sup> Frontex, Consolidated annual activity report 2019, 27 May 2020. Available at:

[https://frontex.europa.eu/assets/Key\\_Documents/Annual\\_report/2019/General\\_Report\\_2019.pdf](https://frontex.europa.eu/assets/Key_Documents/Annual_report/2019/General_Report_2019.pdf)

The project with Italy includes training on border control, return procedures, identification of forged identity documents as well as the establishment of a team of Egyptian-Italian experts and the delivery of equipment to Egypt.

Frontex has an essential role when it comes to return operations. The Agency has been involved in the coordination and conduct of forced returns of Egyptians since the early days of its mandate. For example, on 15 June 2016, it provided assistance, coordination and co-financing to return operations from Switzerland to Egypt and Sudan on a charter flight.<sup>59</sup> Frontex also stated that there were multi-return operations to Egypt from EU Member States via chartering of aircrafts and scheduling flights in 2018.<sup>60</sup>

### *Security and bilateral arms sales*

Among the elements of the EU's cooperation with Egypt, it is worth mentioning the bilateral cooperation on security policy measures. This includes arms exports as well as armaments and training assistance to internal authorities, for which Italy and Germany have been standing out since the last few years.

For Italy, the cooperation started on 5<sup>th</sup> May 2010 when former Italian Minister of Interior, Roberto Maroni, delivered two patrol boats to Egypt in order to strengthen Italian cooperation to combat irregular migration flows.<sup>61</sup>

In 2019, Italy agreed to supply naval weapons, (including 4 "Corvette" ships<sup>62</sup> and about 22 lightning attack launches) to Egypt. This naval equipment is furnished with accompanying electronic material, radars and modern remote sensing devices.

Besides these talks, Egypt is also discussing with major Italian arms manufacturing companies such as Iveco, Fincantieri Marine Group and Fiocchi, regarding projects to establish major factories and workshops in Egypt to manufacture marine and land pieces for sale to the Arab Gulf states and Africa. The Italian company "Fincantieri", which manufactures the frigates "FREMM" and the Egyptian Ministry of Defence were also discussing cooperation in 2018. In 2019, the Italian Foreign Ministry approved arms deals with Egypt for a total value of EUR 870 million. This number is the largest in the history of military relations between the two countries.

As for Germany, the Ministry of Economy stated in a report that the value of German arms exports permits to Egypt for 2020 amounted to EUR 763.7 million. This ranks Egypt as second among the countries to which the German federal government issued permits for German arms exports in 2020.<sup>63</sup>

⇒ A partnership with Egypt, a country whose security services are judged "capable" and willing to significantly restrict border permeability, is deemed essential at EU level. This is also the case when it comes to returns and border management as shown in the example of Italy and Germany. ←

<sup>59</sup> Frontex Evaluation Report | Joint Return Operation, *Egypt and Sudan by Switzerland on the 15th of June 2016*, 22 September 2016. Available at: [https://frontex.europa.eu/assets/Key\\_Documents/Frontex\\_Evaluations\\_Reports/Return/2016/Return\\_Operation\\_to\\_Egypt\\_15\\_06\\_2016.pdf](https://frontex.europa.eu/assets/Key_Documents/Frontex_Evaluations_Reports/Return/2016/Return_Operation_to_Egypt_15_06_2016.pdf)

<sup>60</sup> Frontex Evaluation Report, *Return Operations 2nd Semester 2018 Operational Response Division* European Centre for Returns Return Operations Sector, 31 May 2019. Available at: [https://frontex.europa.eu/assets/Key\\_Documents/Frontex\\_Evaluations\\_Reports/Return/2018/Return\\_operations\\_second\\_semester\\_2018.pdf](https://frontex.europa.eu/assets/Key_Documents/Frontex_Evaluations_Reports/Return/2018/Return_operations_second_semester_2018.pdf)

<sup>61</sup> European Migration Network (EMN), *Practical responses to irregular migration: the Italian case*, 2012. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/irregular-migration/it\\_20120105\\_practicalmeasuresoirregularmigration\\_en\\_version\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/irregular-migration/it_20120105_practicalmeasuresoirregularmigration_en_version_final_en.pdf)

<sup>62</sup> Corvette" ships are small, fast frigate with an economical operating cost and suitable for small naval battles, countering submarines and carrying torpedoes.

<sup>63</sup> Federal Ministry of Economic Affairs and Energy, *The Federal Government's policy on defence exports in the first semester of 2020 – provisional licensing figures*, 1 July 2020. Available at: <https://www.bmwi.de/Redaktion/EN/Pressemitteilungen/2020/20200701-the-federal-governments-policy-on-defence-exports-in-the-first-semester-of-2020-provisional-licensing-figures.html>

## IV- Collaboration on returns and border management

Italy and Germany are also very present and active European partners in return and border management.

### 4.1. Cooperation with Italy

The first bilateral agreement between Italy and Egypt in the field of return was signed in 2000. Two others followed in 2004 and 2007, the latter still in place. So far, these agreements have never been questioned in spite of the authoritarian trend in Egypt and the lack of collaboration on the Regeni case.<sup>64</sup>

As documented in a [report](#) by the Italian NGO *Italian Recreational and Cultural Association* (ARCI), the collaboration with Egyptian authorities covers both return policies and border management, an area in which Egypt is seen by European countries as a model that other North African States should follow.

- ⇒ When it comes to **border management**, the Italian government signed a “technical agreement” on migration with Egypt in September 2017. This agreement is to be implemented by the Italian State Police, and in particular the Central Directorship for Immigration and Border Police, financed with the Funds for Internal Security - Borders and Visa for a total amount of more than EUR 1.8 billion for two years<sup>65</sup>. This falls under the already-mentioned ITEPA Project, a joint Egyptian and Italian project which has been implemented in Cairo to train police officers and border police from 22 African countries on “*how to combat human trafficking and illegal immigration*”. The ITEPA project foresees the creation of an international training centre at the Egyptian police academy providing instruction in migration-related topics. Italy thus recognises Egypt as a model in border management to be exported to other African countries, without taking into account the dangerous symbolic value of the project.
  
- ⇒ **As for returns**, the 2007 agreement with Egypt allows Italy to return people without identifying them in the event that there is a strong evidence of Egyptian nationality. Egypt has only 7 days to respond to Italy's expulsion request and silence means consent. Only after their arrival in Cairo can Egypt return people to Italy if it turns out that they are not Egyptians. Consequently, there is a clear risk of using the agreement to illegally send non-Egyptians to Egypt, a country – as evidenced in the previous chapters – which does not respect fundamental human rights.

The number of expulsions towards Egypt indicates that the agreement is effectively working<sup>66</sup>: in 2018, 294 Egyptians were repatriated. Italy organised 3 charter flights to repatriate 60 people to Cairo. The remaining 234 were carried out using regular flights.

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<sup>64</sup> Egypt Watch, *Regeni timeline: 5 years of searching for the truth*, 15 December 2020. Available at: <https://egyptwatch.net/2020/12/15/regeni-timeline-5-years-of-searching-for-the-truth/>

<sup>65</sup> Privacy International, *New Report Underlines the EU's Strategy in the War on Migration: Border Externalisation*, 11 September 2019. Available at: <https://privacyinternational.org/news-analysis/3224/new-report-underlines-eus-strategy-war-migration-border-externalisation#:~:text=In%20September%202017%2C%20the%20Italian,for%20a%20total%20amount%20of>

<sup>66</sup> Readmission Agreements and Refugee Rights: From a Critique to a Proposal [Mariagiulia Giuffrè](#) - *Refugee Survey Quarterly*, Volume 32, Issue 3, September 2013, Pages 79-111, <https://doi.org/10.1093/rsq/hdt012> – Published: 02 July 2013

The same year the Italian National Guarantor of Prisoners' Rights, Mauro Palma, issued a strong comment on forced returns to Egypt, expressing strong reservations on organising forced return flights to countries such as Egypt and Nigeria, which have not established a national mechanism to prevent torture (Egypt has not signed the Optional Protocol to the Convention against Torture).<sup>67</sup> Again in February 2020, the Italian National Guarantor expressed concerns about the forced returns to Egypt, which in 2019 were 363. In this regard, he noted that the bilateral readmission agreement with Egypt should be revised, as the human rights situation in Egypt in 2020 is different from the 2007 situation when the agreement was signed.<sup>68</sup>

Although 2020 saw a decrease in expulsions to Cairo from Italy (mainly due to the pandemic), Italy never challenged the 2008 agreement, despite there being no monitoring mechanism in place to know what happens to people once they are expelled. The 2008 agreement is in direct violation of Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance, ratified by Italy in July 2015. This article specifies that return procedures cannot be carried out in countries where people are at risk of enforced disappearance<sup>69</sup>. Italy should be well aware, in light of the Regeni case and of the thousands of people detained in Egyptian prisons, that Egypt is on the list of such countries.

## 4.2. Collaboration on returns: the German example

### *The framework of the agreement with Egypt*

In July 2016, three years after the military coup had been put down, Germany and Egypt signed an agreement on security cooperation which was approved by the German Bundestag in 2017.<sup>70</sup> Earlier negotiations were stopped by Germany in 2012, because of the internal situation in Egypt, but despite the Egyptian military's recapture of state power, talks had resumed by 2014. The cooperation has been heavily criticised by the Die Linke and Die Grünen political parties. Andrej Hunko, elected official for Die Linke at the Bundestag, said the German government was acting as an *"accessory to repression and strengthening state terror in Egypt"*.<sup>71</sup>

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<sup>67</sup> ARCI, *Security and Migration Economic Interests And Violations Of Basic Rights The Cases Of Libya, Niger And Egypt*, May 2019. Available at: <https://www.arci.it/app/uploads/2019/05/report-2019-inglese-normal.pdf>.

<sup>68</sup> Ristretti Orizzonti, *Migranti. Rimpatri forzati: il Garante nazionale ha presentato le sue Linee guida*, 19 February 2020. Available at: [http://www.ristretti.org/index.php?option=com\\_content&view=article&id=87424:migranti-](http://www.ristretti.org/index.php?option=com_content&view=article&id=87424:migranti-)

<sup>69</sup> Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance reads as follows: "1. No State Party shall expel, return (*"refouler"*), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law."

<sup>70</sup> Draft Law on the Agreement of 11 July 2016 between the Government of the Federal Republic of Germany and the Government of the Arab Republic of Egypt on Cooperation in the Field of Security, 13.03.2017. Available at: <https://dip21.bundestag.de/dip21/btd/18/115/1811508.pdf>

<sup>71</sup> Jefferson Chase, Naomi Conrad, *Will security deals with Egypt ignore torture, human rights abuses?*, DW, 28 September 2016. Available at: <https://www.dw.com/en/will-security-deals-with-egypt-ignore-torture-human-rights-abuses/a-35915194>



Germany committed to train the Egyptian border police on document security and usage of forged document readers. Germany also provided equipment and appointed a German liaison officer on border security at the German Embassy in Cairo.<sup>72</sup>

Article 4 of the agreement on security cooperation, which was signed in July 2016, specifically mentions that '[t]he Contracting Parties shall advance the necessary technical developments in order to incorporate biometric features into their travel documents.'<sup>73</sup>

When in March 2017 the president of Germany's criminal investigation unit, Bundeskriminalamt (BKA), met with the Egyptian ambassador in Germany, they agreed the main emphasis of the security cooperation needed to be on terrorism and "illegal" migration.<sup>74</sup> The German Federal Police '*committed itself to intensify cooperation with Egyptian border police authorities through measures for training and equipment assistance in the area of border protection [...]*'.<sup>75</sup> That same month, Chancellor Merkel visited Egypt and affirmed cooperation on migration, calling Egypt Europe's key southern Mediterranean guardian.<sup>76</sup>

### *The context of German return policy*

In 2018, Germany took part as an organiser or a participant in return operations coordinated and co-financed by Frontex. Overall, in 2018, Germany was the first country in organising charter flights and the third for scheduled flights. Also, it was amongst the top three EU Member States in terms of return pools experts, contributing with the highest number of working days.<sup>77</sup> Germany's involvement in the deportation of around 100 Egyptians in March 2018 led to an outcry and it has since avoided giving out any such information<sup>78</sup>.

Returns from Germany have also decreased dramatically in 2020, due in part to the COVID-19 pandemic. In response to a question submitted by the Parliamentary Member of the Left Party, Ulla Jelpke, the German Undersecretary of the Interior Ministry responded that during the period from January 2020 to the end of October 2020, 8,802 people were forcibly returned from Germany.

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<sup>72</sup> Deutscher Bundestag, Bundestagsdrucksache 18-7274, Schriftliche Frage des MdB Andrej Hunko, Januar 2016, Frage Nr. 14; German Bundestag, Answer of the Federal Government to the Small Question of the Members of Parliament Andrej Hunko, Wolfgang Gehrcke, Sevim Dağdelen, further Members of Parliament and the parliamentary group Die Linke, Armed Conflicts and Measures of the European Union in Libya, Printed Paper 18/9563, 13 October 2016; German Bundestag, Answer of the Federal Government to the Small Question of the Members of Parliament Ulla Jelpke, Wolfgang Gehrcke, Frank Tempel, further Members of Parliament and the parliamentary group Die Linke, Police and Customs Operations Abroad (as of: fourth quarter 2016), printed matter 18/11218, 7 March 2017. Available at: [https://www.frnw.de/fileadmin/user\\_upload/MF-14-Zahl\\_Abschiebungen\\_2020.pdf](https://www.frnw.de/fileadmin/user_upload/MF-14-Zahl_Abschiebungen_2020.pdf)

<sup>73</sup> Readmission Agreements and Refugee Rights: From a Critique to a Proposal [Mariagiulia Giuffrè](#) - *Refugee Survey Quarterly*, Volume 32, Issue 3, September 2013, Pages 79-111, <https://doi.org/10.1093/rsq/hdt012> – Published: 02 July 2013.

<sup>74</sup> German Bundestag, Federal Government's answer to the minor question from MPs Andrej Hunko, Jan van Aken, Christine Buchholz, other MPs and the DIE LINKE parliamentary group, cooperation with Libya to control land borders, printed matter 18. See also: <https://twitter.com/bka/status/83877275214626816>

<sup>75</sup> German Bundestag, answer from the Federal Government to the minor question of the deputy Irene Mihalic, Dr. Franziska Brantner, Claudia Roth (Augsburg), another MP and the parliamentary group BÜNDNIS 90 / DIE GRÜNEN, questions about police Collaboration on the occasion of recent trips the Federal Minister of the Interior and the Vice Chancellor and Federal Minister of Economics in the capital of Arab Republic of Egypt, printed matter 18/8449, 31 May 2016

<sup>76</sup> Mohamed Soliman, *Why Europe Is Floating Egypt's Navy. The Promise and Pitfalls of Arms Deals With Cairo*, 24 March 2017. Available at: <https://www.foreignaffairs.com/articles/europe/2017-03-24/why-europe-floating-egypts-navy>

<sup>77</sup> Frontex, Consolidated Annual Activity Report 2018, 12 June 2019. Available at: [https://frontex.europa.eu/assets/Key\\_Documents/Annual\\_report/2018/Annual\\_Activity\\_Report\\_2018.pdf](https://frontex.europa.eu/assets/Key_Documents/Annual_report/2018/Annual_Activity_Report_2018.pdf)

<sup>78</sup> Germany departs Egyptian refugees, and there are conflicting numbers about their number, DW. Available at: <https://p.dw.com/p/2u18s>



For comparison, 22,097 people were forcibly returned in the whole of 2019<sup>79</sup>. According to the response, the main destination countries were Albania (733 people), Georgia (711 people), France (639 people), Serbia (608 people) and Moldova (525 people). 25,522 people are currently required to leave Germany, an increase of 10% compared to 2019<sup>80</sup>.

There has also been a decrease in asylum applications this year most likely due to the COVID-19 pandemic. In 2019, 12,906 asylum applications had been registered while only 9,894 refugees had applied by November 2020. Most of the applicants came from Syria, Afghanistan and Iraq.<sup>81</sup>

Germany, as it is very well known, is the country hosting most refugees in the European Union, however, less is known about the characteristics of its returns policy.

This country is pursuing a different strategy to implement the returns of unwanted asylum seekers, including those suffering from health problems or unaccompanied minors, through the ‘**Assisted Voluntary Return and Reintegration**’ (AVRR) programs<sup>82</sup> implemented through the International Organisation for Migration (IOM) in Europe since 1979. According to IOM, beneficiaries of the programmes may include stranded migrants in host countries, migrants and asylum seekers who decide not to pursue their claims or who are found not to be in need of international protection<sup>83</sup>. AVRR assistance can also be provided to migrants in vulnerable situations, such as Victims of Trafficking (VoTs), unaccompanied and separated children (UASC), or migrants with health-related needs. Particular emphasis is placed on providing targeted and comprehensive support. Germany is the leading host country within the EEA with 13,053 people in 2018 and 15,942 people in 2019 who have been assisted by IOM through the AVRR program.<sup>84</sup>

According to the Federal Office for Refugees and Migration (BAMF), just under 166,000 new applications or continued asylum applications were filed nationwide in 2019. Returns of rejected asylum seekers are complex and expensive. This is why the federal government has been funding voluntary return trips since 2017 in addition to cash payments with the **Starthilfe Plus program**<sup>85</sup>. *Starthilfe Plus* was launched in early 2017 in response to the refugees’ political crisis in order to encourage those who wish to return to their countries of origin and are ready to reintegrate into society. Those wishing to return to 45 countries can receive assistance from this programme. This means that returnees receive money for home furnishings or medicines depending on the country of return. Citizens of some countries like Iraq, Afghanistan, Eritrea or Egypt managed to receive the money after six to eight months following their return to their home countries.<sup>86</sup>

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<sup>79</sup> European Council on Refugees and Exiles (ECRE), Country Report: Germany, 2020, [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_de\\_2019update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_de_2019update.pdf), p. 105, in Migreurop, *Locked up and Excluded. Informal and illegal detention in Spain, Greece, Italy and Germany*, p. 44, available at: [http://www.migreurop.org/IMG/pdf/gue\\_migreurop.pdf](http://www.migreurop.org/IMG/pdf/gue_migreurop.pdf)

<sup>80</sup> Question Time of the German Bundestag on 16.12.2020 to Ulla Jelpke, available at: [https://www.ulla-jelpke.de/wp-content/uploads/2020/12/MF-14-Zahl\\_Abschiebungen\\_2020.pdf](https://www.ulla-jelpke.de/wp-content/uploads/2020/12/MF-14-Zahl_Abschiebungen_2020.pdf) (in German)

<sup>81</sup> *Ibidem*

<sup>82</sup> *Two Egyptians deported from Germany arrive at Cairo airport*, 24 August 2017. Available at: <https://www.masress.com/almasyalyoum/4182146>

<sup>83</sup> IOM, World Migration Report 2020. Available at: [https://publications.iom.int/system/files/pdf/wmr\\_2020.pdf](https://publications.iom.int/system/files/pdf/wmr_2020.pdf)

<sup>84</sup> *Ibidem*

<sup>85</sup> IOM, Starthilfe Plus programme, available at: <http://germany.iom.int/en/starthilfeplus>

<sup>86</sup> Federal Foreign Office, Rumors about Germany, Will Germany help you to return to your country of origin?, available at: <https://rumoursaboutgermany.info/rumours/will-the-german-government-help-you-to-go-back-home/>

## *REAG and GARP: return-oriented programmes*

In the 1970s and 1980s, Germany launched two different programmes: Reintegration and Emigration Program for Asylum Seekers in Germany (REAG) and Government Assisted Repatriation Program (GARP)<sup>87</sup>.

REAG was launched in 1979 by the Federal Ministry for Family, Women, Youth and Health Affairs in cooperation with the International Organisation for Migration of the United Nations, while the GARP initiative was launched 1989 by the German Ministry of the Interior<sup>88</sup>. These two programmes were since combined in 2000. This joint initiative was created to help organise the return trip, including covering travel costs, and providing financial support for the returnee to start a small business in his/her country of origin. Deportees, people who obtained asylum and people who did not obtain asylum are entitled to obtain the services of this programme. More than half a million people have benefited from the programme since 2000.<sup>89</sup>

The German government provides reintegration assistance amounting to an additional EUR 3,000 for families (EUR 1,000 for individuals) for their housing needs under a new programme called **Your country. Your future. Now!**, extended from 1 December 2017 to 28 February 2018.<sup>90</sup> Those wishing to return to their country of origin can apply for funds to improve their housing situation. The programme was funded by the German government in coordination with the IOM office in the returnee's country of origin. After the return, the IOM office transfers the money to the builders, contractors, carpenters or furniture makers, to improve the residence of the returning person and not directly to the returnee. The German government and its partners want the person wanting to return to be aware of the merits of the decision to return before making it. To facilitate this process, the Federal Office for Migration and Refugees (BAMF) has set up a counselling program (ZIRF) in cooperation with the International Organisation for Migration which provides the person wishing to return the information s/he needs to help him make a decision to return and prepare for it.<sup>91</sup>

In 2019, Egypt has received 127 Egyptian citizens back through this programme.<sup>92</sup> As far as the federal government is aware, a total of 4,319 voluntary departures were allowed by October 2020, which were financed via the federal-state program REAG / GARP.

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<sup>87</sup> See IOM, REAG/GARP available at: [http://germany.iom.int/de/reaggarp#\\_ftn1](http://germany.iom.int/de/reaggarp#_ftn1). See also information portal *ReturningfromGermany*, available at: <https://www.returningfromgermany.de/de/programmes/reag-garp>

<sup>88</sup> Federal Foreign Office, Rumors about Germany, Will Germany help you to return to your country of origin?, available at: <https://rumoursaboutgermany.info/rumours/will-the-german-government-help-you-to-go-back-home/>

<sup>89</sup> *Ibidem*

<sup>90</sup> Sertan Sanderson, *Voluntary return from Germany: financial help and other incentives*, Infomigrants, 21 December 2017. Available at: <https://www.infomigrants.net/en/post/6676/voluntary-return-from-germany-financial-help-and-other-incentives>

<sup>91</sup> ZIRF-Counselling Programme. Available at: <https://www.returningfromgermany.de/en/>

<sup>92</sup> Federal Foreign Office, Rumors about Germany, Will Germany help you to return to your country of origin?, available at: <https://rumoursaboutgermany.info/rumours/will-the-german-government-help-you-to-go-back-home/>

## Monitoring mechanisms

In terms of **monitoring mechanisms**, “return observers” have been present for several years in a few German airports (Frankfurt, Düsseldorf, Berlin and Hamburg). These are employees of charity organisations, who have access to all the areas used for return operations. These observers do spot checks and are not present at each return operation. In some return operations these observers were present during the pre-departure phase at the airport of departure, but they were not on board during the in-flight phase of the national return operations. While there are monitoring mechanisms at European level, which are too often systematised and limited at the arrival on the soil of the countries of origin, in the “destination” countries no monitoring mechanism are in place.<sup>93</sup>

## V- Criminalisation of departures and risks for returnees in Egypt

Egypt indirectly criminalises the attempt of migrants to leave the country since the law punishes the disclosure of rumours about Egypt's internal situation abroad. Therefore, such penal dispositions might also be used against returning migrants, especially failed asylum seekers who probably disclosed information about Egypt's internal situation during their asylum application process. Besides legal dispositions on the criminalisation of immigration, attention to the authorities' practices is required, whether these practices derive from legal dispositions or not.<sup>94</sup>

When returning to Egypt as a country of origin, migrants automatically face the national authorities' decisions and practices. Thus, it is relevant to underline the range of national authorities' usage that can involve serious human rights' violations for migrants.

There are three main kinds of threats: fines, imprisonment and physical violence.<sup>95</sup> Often, the returned migrants are kept away from their families. The Egyptian authorities have reportedly subjected detainees to physical violence.

More is known about threats that failed asylum seekers face upon return because of their asylum application process abroad. In Egypt, they are particularly persecuted because they are accused of betraying the national interest. The case of failed-asylum seekers tends to show the intertwined responsibilities of both countries, Egypt and countries of emigration.<sup>96</sup>

Egypt does not operate dedicated facilities for immigration-related detention, but there is a list of detention sites for this purpose monitored and documented through the efforts of the civil society<sup>97</sup>.

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<sup>93</sup> Frontex, Consolidated Annual Activity Report 2018, 12 June 2019. Available at:

[https://frontex.europa.eu/assets/Key\\_Documents/Annual\\_report/2018/Annual\\_Activity\\_Report\\_2018.pdf](https://frontex.europa.eu/assets/Key_Documents/Annual_report/2018/Annual_Activity_Report_2018.pdf)

<sup>94</sup> Immigration and Refugee Board of Canada, *Egypt: Treatment of failed refugee claimants who return to Egypt* (April 2006). Available at: <https://www.refworld.org/docid/45f1472c3.html>

<sup>95</sup> Amnesty International (2007), *Egypt – Systematic abuses in the name of security*, 11 April 2007. Available at: <https://www.amnesty.org/download/Documents/64000/mde120012007en.pdf>

<sup>96</sup> Ireland: Refugee Documentation Centre, *Egypt: Information on failed asylum seekers*, 3 September 2009, Q10738, available at: <https://www.refworld.org/docid/4aa60a426.html>.

<sup>97</sup> Global Detention Project, Egypt. Available at: <https://www.globaldetentionproject.org/countries/africa/egypt>

However, according to Decree 659 (1986), the following prisons should be used for the temporary custody of foreigners awaiting deportation: Qanater El-Khairia Men's Prison, Qanater El-Khairia Women's Prison, Borg el Arab Prison in Alexandria.<sup>98</sup>

## VI- Recommendations

### 6.1. Recommendations to EU Member States involved in bilateral cooperation with Egypt, in particular Germany and Italy

- Considering the numerous violations of human rights refugees and asylum seekers face in Egypt, EU Member States should ensure there are no forced returns to Egypt.
- In the absence of a post-return monitoring mechanism in Egypt, Italy and Germany should suspend their bilateral agreements on migration with Egypt that contain a repatriation clause.
- EU Member States should better collaborate with civil society to prove the conditions in detention and waiting areas and to ensure the monitoring of returns.

### 6.2. Recommendations to the European Union

- The European Commission should develop guidelines for EU member states on protecting the people who face expulsions and stop forced returns to countries where protection norms are lower than within the EU, as it is stipulated in 1951 Geneva Convention.
- The EU Emergency Trust Fund for Africa should be equipped with an effective human rights monitoring system and it should include an assessment system on its allocation for refugees- and asylum seekers-related programmes.
- In the current context and regarding the recent crackdown on human rights, no cooperation on forced returns should be concluded between the EU or its Member States and Egypt as Egypt is not a safe country of return for refugees and asylum seekers.
- Cooperation between FRONTEX and the Egyptian military and police should be suspended given the systemic human rights violations these Egyptian institutions commit against migrants and refugees.

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<sup>98</sup>EuroMed Rights (2019), *EU-Egypt migration cooperation. Where are human rights?*. Available at: <https://euromedrights.org/publication/eu-egypt-migration-cooperation-where-are-human-rights/>

### 6.3. [Recommendations to Civil Society in Europe](#)

- Those who are not affected by forced returns can become legal observers of detention and expulsions and advocates for ending detention and forced returns.
- Institutions across Member States - education, medical, social services—also serve an important role in creating safe access and equitable outcomes for all immigrants regardless of immigration status, and should create spaces where those who access services can feel heard, supported, protected, and valued.
- Report findings and highlight any mistreatment.

### 6.4. [Recommendations to Civil Society in Egypt](#)

Develop a network to monitor the situation of returnees in Egypt and the effectiveness of aid programmes in Europe.

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