



# Humanity Overboard

*How the EU and its member states are obstructing search and rescue in the Mediterranean and depriving refugees of their human rights through migration policies*



*“I am a refugee. All refugees have a story. The children of my country [Sudan] lost many things: their future, their education, their health and their parents.*

*I tried to cross the Mediterranean. The first time I was not successful. The second time neither. I became one of the prisoners of Libya. You have to pay a lot to get out of the prison. [...] The authorities in Libya were beating us and torturing us in many bad ways.. [...]*

*I heard there are human rights in Europe and said to myself: I have to go there!”*

(anonymous, 28 years, from Sudan)



Photo: Pietro Bertora / SOS Humanity

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# Abstract

While the EU promotes its noble values to the world, it acts in a contradictory manner at its external Mediterranean border. This is not only hypocritical and undermines both standards and credibility, but is also inhumane and deadly. Either people in distress are inhumanely left to drown - their silent disappearance in the vast sea is knowingly accepted - or they are towed back to Libya by criminals who are paid well and falsely labelled as a 'Coast Guard'. This breaches international law.

All this is being witnessed, among others, by a committed civil society that does not simply accept this injustice, but pays close attention to it and takes action. SOS Humanity, a non-governmental search and rescue organisation founded in Berlin in 2015, has been on search and rescue missions in the central Mediterranean with various ships since 2016. As of 2022, it has been operating the ship *Humanity 1*, whose search and rescue work between September 2022 and March 2024 is evaluated in this report and contextualised within legal and policy frameworks in chapter 1. A survey of survivors on board, which was conducted after rescues carried out between September 2022 and June 2023, provides exclusive insights into the multidimensional causes of flight and non-linear refugee routes in chapter 2.

The report shows in black and white how distress calls from people fleeing across the central Mediterranean are deliberately not passed on to civil rescue ships. Rescues are obstructed by European authorities or interrupted by the so-called Libyan Coast Guard, sometimes at gunpoint. Civil search and rescue organisations are also deliberately prevented from making full use of their rescue capacities. The far-right government in Italy sends NGO ships as far away from the rescue area as possible or detains them on spurious grounds and on the basis of lies. In this way, the organisations that survive from donations are financially squeezed and their

humanitarian work is blocked. In total, two years of operational time were lost in 2023 due to the systematic obstruction of civil search and rescue by Italy. Fewer rescue ships in action means more deaths in the central Mediterranean.

Malicious narratives are used to defame search and rescue NGOs, yet it is the EU and its member states that are acting unlawfully, as clearly shown in this report. The EU and its member states should comply with international law and fulfil their duty to rescue at sea. They must support the member states bordering the Mediterranean and set up an EU search and rescue programme. Human rights must be respected and the responsibility for people seeking protection must not be sold and outsourced to third countries such as Libya and Tunisia. If there were safe refugee routes, people would not have to expose themselves to such deadly refugee routes as the Mediterranean - sometimes repeatedly and with children. The measures proposed in chapter 3 could prevent these unnecessary repetitions by stopping the cycle of human rights violations and refugees' repeated attempts to flee to Europe. Human lives could be saved and the rights of vulnerable people would be safeguarded. The largest proportion of refugees rescued by the *Humanity 1*'s crew since 2022 have fled across the central Mediterranean from the war-torn dictatorship of Syria. The EU is treating them with harshness, unfairness and inhumanity.

A committed civil population that supports maritime rescue - including in Italy - does not accept this growing erosion of values and the deliberate endangerment of human lives. They are, however, being let down by politicians at the highest level in Brussels. Nevertheless, these citizens are standing up for Europe's values, saving lives, acting humanely and implementing the protection of human rights despite the political headwinds.



Photo: SOS Humanity / Wasil Schauseil

# Introduction

In the central Mediterranean, the extent of the inhumanity and lawlessness at the European Union (EU)'s external borders is particularly evident. Since 2014, more than 23,100 people have been documented as dead or missing in the Central Mediterranean - the estimated number of unrecorded cases is significantly higher.<sup>1</sup> At the same time, the EU and its member states have increasingly withdrawn from search and rescue and outsourced responsibility to third countries. At sea, the crew<sup>2</sup> of the Humanity 1 witnesses every day how Europe is throwing international law and humanity overboard.

Based on operational data from the civil rescue ship Humanity 1, testimonies from people rescued from distress at sea and survey results collected on board Humanity 1, this report describes the extent of breaches of law and human rights violations, as well as the consequences for people seeking protection.

During Humanity 1's missions in the reporting period, the crew witnessed how European states ignored distress calls and refused to provide assistance, actively obstructed civil search and rescue operations and supported illegal returns to Libya. In 2023, the obstruction of civil search and rescue by Italy reached a new level of escalation, with a new law restricting it and the assignment of distant ports to non-governmental rescue ships for the disembarkation of those rescued from distress at sea. Nevertheless, the crew of the Humanity 1 was able to save a total of 2,223 people from drowning and bring them safely ashore from September 2022 to March 2024.

The testimonies of survivors on board who were rescued from distress at sea by the crew provide insights into why people flee across the central Mediterranean. They show that, contrary to popular belief, people do not flee to Europe for a single straightforward reason, but for a variety of reasons, some of which are interrelated. The survivors interviewed on board Humanity 1 most frequently mentioned protection from armed conflict or war and educational prospects. They also reported on violence and human rights violations in Libya and Tunisia, which they experienced on the move. People often repeatedly try to flee Libya and the detention camps there until they manage to escape. More than a quarter of the people questioned attempted to cross the central Mediterranean from Libya three or four times. This deadly risk is taken because refugees in Libya are systematically exposed to human rights violations such as arbitrary imprisonment, torture, rape, homicide, deprivation of basic rights, exploitation, hunger and lack of medical treatment, and thus have no possibility of living in safety.<sup>3</sup>

Meanwhile, the EU and its member states are continuing to expand cooperation with third countries: In July 2023, the EU concluded an agreement with Tunisia to keep refugees away from European shores. Closed-door deterrence policies, and the injustice at the EU's external borders, will be further increased by the reform of the Common European Asylum System (CEAS) agreed between the European Council, Parliament and Commission in 2023 and thus be enshrined in law.

Europe's current migration policy causes human rights violations, death and suffering on a serious scale at the EU's external border in the central Mediterranean. SOS Humanity therefore urgently calls on the EU and its member states to change course towards a human rights-based migration policy that respects and prioritises the lives, dignity and safety of those seeking protection.



Photo: Raphael Schumacher / SOS Humanity

# Humanity 1

## Search and rescue operations

06.09.2022 – 04.03.2024



**37**  
rescues



**1** transshipment

04.12.22:  
Louise Michel to  
Humanity 1



**5** medical evacuations

22.09.22: 16 people  
27.10.22: 1 person  
30.06.23: 2 people  
11.07.23: 5 people  
17.10.23: 2 people



**5** illegal pull- and push-backs witnessed

06.12.22:  
around 50 people by so-called Libyan Coast Guard  
25.05.23:  
27 people by merchant ship P. Long Beach  
30.11.23:  
around 35 people by so-called Libyan Coast Guard  
02.03.24:  
around 50 people by so-called Libyan Coast Guard  
02.03.24:  
unknown number due to intervention by the so-called Libyan Coast Guard in the rescue operation of Humanity 1



**4** search and rescue zones

Maltese SAR zone:  
18 operations  
Libyan SAR zone:  
15 operations  
Italian-Maltese SAR zone:  
4 operations  
International waters off Tunisia:  
1 operation



**14** distant ports

Ancona (twice)  
Bari (twice)  
Civitavecchia  
Crotone (twice)  
Livorno (twice)  
Marina di Carrara  
Ortona  
Ravenna  
Taranto (twice)

## 2,223 people rescued from distress at sea



**3** countries of departure

Libya: 1,614 people  
Tunisia: 403 people  
Lebanon: 206 people



**687** minors

12 babies (< 1 year)  
136 children (< 13 years)  
**475** unaccompanied minors



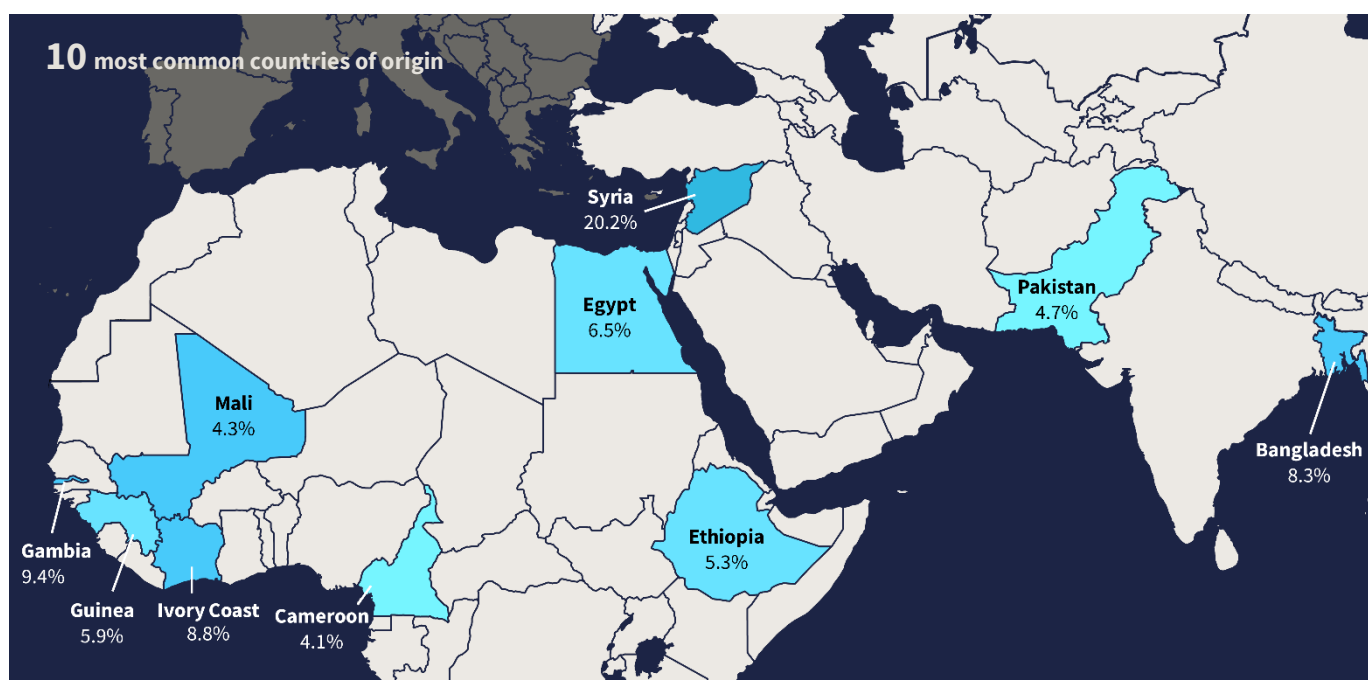
**181** women

12 pregnant women



**1,355** men

**10** most common countries of origin





# 1. The Humanity 1 in operation

## Bearing witness to inhumanity in the central Mediterranean

In eleven night and day missions with 37 rescues and one transshipment, the crew of the Humanity 1 rescued a total of 2,223 children, women and men from distress at sea between September 2022 and March 2024. People from 32 countries seeking protection were saved from drowning and provided with basic necessities on board the Humanity 1: medical treatment, psychological emergency aid, food, clothing and information about their fundamental rights. These people were exposed to brutal violence and dehumanisation on the move – the humane treatment on board Humanity 1 has become an exception at Europe's borders.

Instead of fulfilling their duty to rescue at sea and uphold human rights, the EU and its member states are guilty of human rights violations against people seeking protection at the external border in the central Mediterranean. On the missions that Humanity 1 carried out during the reporting period, the crew witnessed how European states ignored distress calls and refused to provide assistance, actively obstructed non-governmental search and rescue operations and supported illegal pull-backs to Libya.

The inhumanity directed towards people seeking protection at Europe's external borders is now clothed in practices, agreements and laws that violate human rights. In 2023, this reached a new level of escalation and SOS Humanity had to witness the consequences directly at sea during Humanity 1's operations.

### 1.1 European coastal states disregard the duty to rescue at sea

#### Lack of coordination and failure to render assistance

Humanity 1's missions are carried out in strict compliance with international maritime law. At sea, however, the crew of the Humanity 1 repeatedly witnesses how this law is systematically broken by EU member states. Since the withdrawal of the EU and its member states from maritime rescue, namely the end of Operation Mare Nostrum in 2014 and the withdrawal of the ships of the EU military operation Sophia in March 2019, rescue missions in international waters outside of coastal areas are mainly carried out by non-governmental ships.

The coordination of search and rescue measures by EU member states is also inadequate. The rescue coordination centres in Malta and Italy, and the European border protection agency Frontex, generally do not pass on information on maritime emergencies to civil ships in the vicinity - even if these are explicitly rescue ships.

During Humanity 1's 38 missions, the responsible state Maritime Rescue Coordination Centres (MRCCs) provided little to no information on maritime emergencies. Instead, these were mostly reported by NGOs, in particular the civil emergency hotline 'Alarm Phone' or civil reconnaissance aircraft. The Italian and Maltese MRCCs also responded evasively on the phone, asking people to call back later or referring them to another Rescue Coordination Centre. While the Italian MRCC took over the coordination of search and rescue in some cases, the Maltese MRCC did not respond in a

single case – even though 22 of Humanity 1's rescue missions took place in the Maltese search and rescue zone. The Libyan Rescue Coordination Centre could not be reached in English, nor did it otherwise ensure that maritime rescues were carried out in accordance with applicable maritime law.

### Rescue at sea is a duty!

#### Regulated by international law:

The duty to rescue at sea is firmly anchored in international law.<sup>4</sup> It applies everywhere at sea and equally to all ships. Central principles of maritime law include the duty to rescue at sea and state coordination of maritime emergencies as well as the disembarkation of rescued persons to a place of safety.

#### Which boats are distress cases?

A distress case at sea occurs when people on board a boat are in serious danger and cannot escape to safety on their own. The boats in which people seeking protection flee across the central Mediterranean are not seaworthy: they are usually dangerously overcrowded and people are not wearing life jackets. Therefore, as soon as these boats leave the coast, they must be treated as a maritime emergency.

#### When does a rescue operation end?

Maritime rescue involves rescuing people in distress at sea, providing them with (medical) first aid and bringing them to a place of safety. According to international maritime law, it is the responsibility of the competent coastal states to coordinate maritime emergencies and immediately assign a nearby place of safety.

#### What is a place of safety?

In a place of safety, the lives of those rescued must not be in danger, their basic needs must be met and they must not be returned to countries with a precarious human rights situation.

Delaying and withholding information in life-threatening situations is not only a breach of international maritime law, but also represents a criminal offence of failure to render assistance, which can lead to death. As soon as a state Maritime Rescue Coordination Centre is made aware of an emergency at sea in its search and rescue (SAR) zone, it is legally responsible for coordinating the search and rescue measures. The first Rescue Coordination Centre reached is responsible for coordinating the case of distress at sea until the competent Rescue Coordination Centre or another authority assumes responsibility. This obligation to provide assistance has been confirmed by the courts several times, including by the Court of Rome when it declared the Italian Coast Guard and navy responsible for the deaths of 268 refugees in the shipwreck of 11 October 2013 in the Maltese SAR zone<sup>5</sup>. Even 10 years later, a lack of coordination and failure to render assistance by EU actors led to countless shipwrecks and deaths that could have been prevented by a coordinated maritime rescue. In 2023 alone, at least 70 people died in a shipwreck off the Italian port of Crotone in February 2023 and at least 600 people died in a shipwreck off Pylos, Greece, in June 2023. In both cases, no assistance was provided, even though state authorities and the EU border and coast guard agency Frontex were demonstrably informed and were legally obliged to initiate search and rescue measures and mobilise sufficient rescue capacities. European authorities are therefore directly responsible for the loss of human lives.

## 1.2 The far-right Italian government systematically obstructs non-governmental search and rescue

Since 2015, European citizens have operated a non-governmental search and rescue service in the Mediterranean because EU member states have not created one. However, the life-saving work of the donation-funded humanitarian organisations that operate the rescue ships has been politically obstructed by EU member states - especially Italy and Malta - since 2017 and the humanitarian scope of action has been restricted. This is done by spreading false information and defamation, failing to pass on information and by a lack of coordination at sea, prosecuting crew members, administrative harassment and obstruction, including illegitimate sanctions such as fines for NGOs and the detention of rescue ships.

Since the end of 2022, these practices have toughened even further: new laws and measures in Italy have had a drastic impact on all activities to save lives at sea. When the far-right Italian government took office in October 2022 under Prime Minister Giorgia Meloni, a new chapter was opened in the long history of obstructing and criminalising non-governmental search and rescue.

### Unlawful decree in November 2022: Instruction to selectively disembark survivors

Just one month after the change of government, in November 2022, new obstruction measures were introduced by the Italian government: for over two weeks, SOS Humanity's rescue ship Humanity 1, with 179 rescued people on board, was not given permission to dock off the coast of Sicily. Subsequently, a decree issued by the new Italian government against the Humanity 1

stated that the captain was only allowed to dock in Catania for the selective disembarkation of particularly vulnerable people – all other survivors should be brought back to international waters. The captain resisted this explicit call to violate human rights law (the non-refoulement principle) and maritime law (the obligation to disembark survivors in a safe place), while SOS Humanity at the same time took legal action against the responsible ministries. After massive public pressure and a hunger strike called by survivors, all those rescued were finally able to go ashore in Catania. Later, the local civil court also declared the order for selective disembarkation of survivors to be illegitimate.



Photo: Laurin Schmid/ SOS Humanity

### Piantedosi law since 2023: Systematic obstruction of non-governmental search and rescue

After this first attempt by the Italian government to obstruct non-governmental search and rescue failed, it issued a broad decree in January 2023, under the leadership of Interior Minister Matteo Piantedosi, to regulate civil search and rescue. This became law on 24 February of the same year with the approval of parliament. Act 15/2023 (the 'Piantedosi law') contains comprehensive administrative regulations for search and rescue NGOs.

The provision that rescue ships must immediately sail to the assigned port after the first rescue they carry out, and thus leave the area where most emergencies occur, is particularly significant. If captains do not comply with this requirement, they may face administrative detention or even confiscation of their ship as well as fines.



Larger rescue ships in particular, such as the Humanity 1, have the capacity to take on board several hundred survivors and are therefore able to respond quickly to several emergencies in succession. The Italian law arbitrarily and artificially restricts the rescue capacities of the civil fleet. The law does not explicitly prohibit multiple rescues - this would be forbidden under international maritime law, if there are known cases of distress at sea. However, actual operational experience shows that the Italian Rescue Coordination Centre urges rescue ships to leave the operational area immediately, even if there is information about other emergencies.



Photo: Arez Ghaderi / SOS Humanity

In practice, this exposes captains to an operational and legal dilemma: If captains do not provide assistance to people in distress at sea, they are in breach of their obligations under international maritime law; if they do provide assistance, they are in breach of Italian law and face sanctions in Italy that prevent future rescue operations. The Italian law creates an unnecessary and illegitimate hurdle that delays, and in the worst case prevents, rescues. Instead of being able to fulfil the obligation to provide assistance in further cases after an initial rescue, there are sometimes hours of negotiations on the bridge of the rescue ship with the Italian Rescue Coordination Centre in order to obtain permission from the officers on duty to continue the search and rescue operations.

The thin, arbitrary line between survival, drowning or the illegal pull-back of refugees in the Mediterranean depends in individual cases on the persistence of civil actors who insist on the duty to rescue, although state actors should themselves guarantee adherence to international maritime law. SOS Humanity's operational experience also confirms the tragic opposite: in May 2023, the captain of Humanity 1 was denied permission to search for an open, i.e. already reported, emergency case at sea. After the crew found another unseaworthy wooden boat near the Libyan coast and brought all the people safely on board, three survivors explained, visibly agitated:

*“There was another boat that left with us, after about a day we lost sight of it. The sea was bad. You have to look for them, don't worry about us, please go find them!”.*

The boat could have been in the immediate vicinity, but even after repeated requests, the Italian Rescue Coordination Centre refused permission to search for it. The fate of those on board remains unknown to this day.

#### **Unlawful detentions: Rescue ships detained in port for a total of 446 days**

Captains are not protected from sanctions even if they follow the instructions of the Italian Rescue Coordination Centre. In December 2023, Humanity 1 was detained after several rescue missions - despite following the instructions of the Italian Rescue Coordination Centre. An unseaworthy rubber dinghy was initially stopped near Humanity 1 by a speedboat of the so-called Libyan Coast Guard in order to forcibly bring the refugees on board the speedboat and illegally return them to Libya. More than 40 people ended up in the water, in danger of drowning. Despite express permission from the duty officer at the Italian Rescue Coordination Centre to our captain to help these people immediately, Humanity 1 was detained after arriving in Crotone, Italy. The reason given: our captain had supposedly not responded to radio messages from the so-called Libyan Coast Guard and disregarded instructions from the Libyan Rescue Coordination Centre - a false claim that has been refuted by communications recorded on the bridge, Humanity 1's operational hub. In addition, the presence of the Humanity 1 allegedly led to people falling into the water - another allegation clearly refuted by video footage from the civil reconnaissance aircraft Seabird, which was on scene at the same time. SOS Humanity has been taking legal action against this illegitimate detention and the fabricated allegations since 13 December 2023.

Since the introduction of the Piantedosi law, alleged violations of the illegitimate regulations between February 2023 and April 2024 led to a total of 21 detentions of civil rescue ships and fines of up to 10,000 euros. In total, rescue ships of the civil fleet were detained for 446 days - well over a year - which they could have otherwise spent saving lives on the Mediterranean.

### Assignment of distant ports: 374 lost days of operation

The obstruction of civil search and rescue by the Piantadosi law is having a particularly dramatic effect due to the Italian authorities' practice of assigning civil rescue ships to unnecessarily distant ports for disembarkation. Instead of ensuring that survivors on board rescue ships are disembarked as quickly as possible, in accordance with international maritime law, by assigning ports in the south of Italy, the Italian government has been assigning distant ports in the north and east of the country since December 2022. As an intentional result, NGOs that finance their work through donations are also being squeezed financially. The higher fuel costs due to longer routes, along with fines, legal costs and double port dues are immense and operationally crucial.

The additional journeys imposed, which take days, violate the fundamental rights of the survivors on board. People who rescued from the Mediterranean are physically and psychologically weakened by the danger to their lives and the brutal violence to which many of them were subjected or which they witnessed on the move. Unnecessarily exposing vulnerable people by these journeys to distant ports in sometimes stormy weather and cramped conditions, on board a rescue ship with basic equipment, risks a further deterioration of their physical and psychological condition, and delays their access to urgently needed care ashore.

The practice of assigning distant ports also has a dramatic impact on the operational capability of search and rescue NGOs on one of the world's deadliest refugee routes. In 2023, civil rescue ships lost 374 days in the operational area while they travelled a total of 154,538 kilometres on avoidable routes to the north and east of Italy – equivalent to more than three and a half times around the world. The civil fleet lost over a year of operational time during which it could have been active in the search and rescue of people in distress at sea and potentially prevented numerous fatal shipwrecks.

The political obstruction and prevention of rescue operations in the Mediterranean has fatal consequences for people seeking protection and is contrary to international and EU law. For this reason, SOS Humanity, together with the search and rescue NGOs Mission Lifeline and Sea Eye, filed a lawsuit at the civil court in Rome in April 2023 against the illegitimate, systematic practice of assigning distant ports.

In addition, SOS Humanity, together with the organisations Doctors without Borders, Oxfam Italia, Association for Juridical Studies on Immigration (ASGI) and Emergency, has filed a joint complaint with the EU Commission against Italian Act 15/2023 and the practice of assigning distant ports. We are calling for its compatibility with relevant EU law, and the obligations of EU member states under international law with regard to search and rescue operations at sea, to be examined.

## 1.3 The EU and its member states are toughening their externalisation policy

Instead of fulfilling their duty to rescue at sea, since 2016 the EU and its member states have increasingly outsourced this duty to third countries – with dramatic consequences for people seeking protection. The EU and its member states are cooperating with countries in which refugees and migrants are exposed to human rights violations – often the very countries from which they are fleeing. In this way, the EU deliberately undermines the right of people seeking protection to asylum.

Reports from people rescued from distress at sea as well as examinations by the medical and psychological teams on board Humanity 1 confirm the human rights violations in Libya and Tunisia documented by non-governmental and international organisations.<sup>6</sup>

### EU funding for illegal pull-backs to Libya

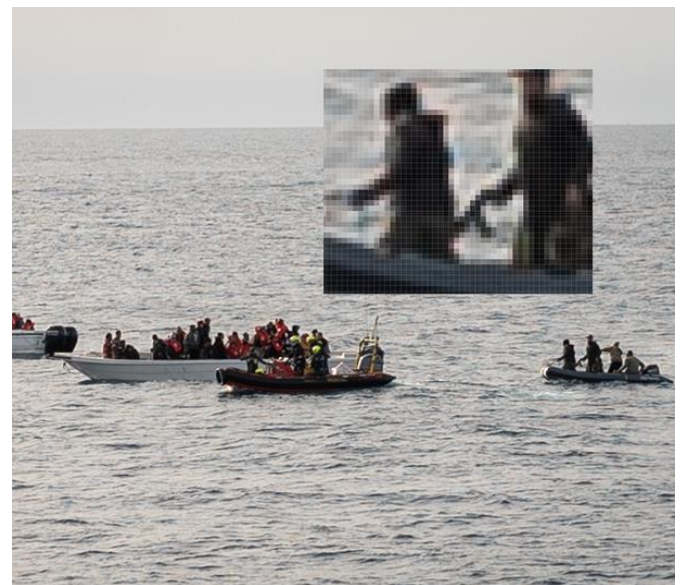


Photo: Camilla Kranzusch / SOS Humanity

A total of 16 of Humanity 1's 38 search and rescue missions in the period from September 2022 to April 2024 took place in the Libyan search and rescue zone. In none of these cases did the Libyan Rescue Coordination Centre respond to Humanity 1's requests and fulfil its legal obligation to coordinate.

The crew of the Humanity 1 repeatedly came into direct contact at sea with the so-called Libyan Coast Guard, which is supported by the EU. Instead of providing search and rescue in accordance with international law, the so-called Libyan Coast Guard systematically violates human rights. On several occasions, the crew of Humanity 1 witnessed how armed masked men on EU-funded boats endangered people in emergency situations through their reckless, unprofessional and threatening or even violent behaviour.

In both December 2022 and November 2023, the so-called Libyan Coast Guard did not take any rescue measures when people ended up in the water during one of their interception manoeuvres, and would have left them to drown if Humanity 1 had not arrived there in time. On board the Humanity 1, survivors had to watch helplessly as family members and acquaintances were separated from them and forced back to the place from which they had fled.

On 2 March 2024, the so-called Libyan Coast Guard violently and unlawfully intervened in Humanity 1’s ongoing rescue operation. During the incident, the so-called Libyan Coast Guard threatened both crew members of the Humanity 1 and refugees in distress at sea with armed force and even fired a shot. Numerous people jumped or fell into the water in panic. According to survivors, at least one person drowned. In addition, the so-called Libyan Coast Guard forced an unknown number of people back to Libya in violation of international law. The patrol boat that interrupted the rescue operation of the Humanity 1 by force of arms was one of two ships financed by the EU in 2023 and delivered to the so-called Libyan Coast Guard.<sup>7</sup>

After Humanity 1 had brought the survivors of this life-threatening incident safely to Italy, the rescue ship was falsely detained by the Italian authorities under the pretence that the crew had caused a dangerous situation for the people in distress at sea, despite clear evidence to the contrary. In reality, it was the so-called Libyan Coast Guard, financed by the EU, that jeopardised the lives of the refugees and Humanity 1’s rescue crew. SOS Humanity took legal action against the unlawful detention in summary proceedings. On 18 March 2024, the civil court in Crotone, Italy, annulled the detention of the Humanity 1 following a preliminary assessment<sup>8</sup> and confirmed this urgent decision on 19 April 2024<sup>9</sup>. In the decision, the court assessed the actions and activities of the Libyan Rescue Coordination Centre and the so-called Libyan Coast Guard not as search and rescue operations, but rather as illegal pull-backs to a country that is not a safe place.<sup>10</sup> The court will decide on the lawfulness of the detention in further proceedings.

**Libya is not a safe place for people rescued from distress at sea**

Most of the survivors on board Humanity 1 departed from Libya. Many report in striking unanimity that they would rather die in the Mediterranean than remain in Libya or be forced back there by the so-called Libyan Coast Guard.

The survivors’ testimonies (see chapter 2.5) are in line with many reports regarding the actors supported by the EU and its member states, such as the so-called Libyan Coast Guard and the ‘Directorate for Combating Illegal Migration’, which reports to the Libyan Ministry of the Interior and is responsible for the detention camps for migrants and refugees in Libya. These actors not only carry out pull-backs, but also profit directly from the inhumane cycle of detention, extortion and torture, human smuggling, forcible pull-backs and renewed detention in Libya.<sup>11</sup>

Nevertheless, European governments are not only continuing their cooperation with these actors, but are actively expanding it. The Italian government in particular is increasingly trying to pressure civil rescue ships to cooperate with Libyan actors during their missions and even punishing them for their supposed lack of cooperation under false pretences, as the absurd justification for the detentions of Humanity 1 in December 2023 and March 2024 clearly demonstrate.





## Tunisia is not a safe place for people rescued from distress at sea

Since March 2023, there has been a sharp increase in departures of people seeking protection from Tunisia, among other things due to a massive deterioration in the human rights situation for Black people, refugees and migrants in the country.<sup>12</sup> For the first time, more people departed in unseaworthy boats from Tunisia than from Libya. Of a total of 157,651 refugees who reached Italy by sea in 2023, 97,667 departed from Tunisia (62 per cent of departures) and 51,986 from Libya (33 per cent of departures).<sup>13</sup>

Despite the increase in human rights violations in Tunisia, the EU signed an agreement with the country in July 2023 to expand cooperation in the field of search and rescue, among other things.<sup>14</sup> The agreement and the funds allocated to Tunisia were widely criticised, including by the European Parliament itself in a resolution in March 2024.<sup>15</sup>

In June and July 2023, the crew of Humanity 1 rescued in nine rescue missions a total of 403 people who had fled Tunisia in overcrowded and unseaworthy metal boats. Their stories bear witness to the extreme increase in racist violence and persecution to which they were subjected in Tunisia. Many had tried to build a life there, which was destroyed in one fell swoop.

A survivor from the Ivory Coast on board Humanity 1 in the summer of 2023 recounts:

*“When I came back [from football training one day], they had beaten my wife. They beat her up, she was bleeding from the abdomen, she was vomiting. She was beaten up for no reason. [...] We went to the hospital. But the doctors told me there was no room for her.*

*I lost my baby.*

*That was the reason why I left Tunisia with my wife. We were also hunted by the Tunisian police. If they catch you, they send you to the desert.*

*I went into the bush with my wife, into the olive groves. We hid there for four days, with nothing but biscuits, until the police left. I didn't eat anything. Then a friend called me and said: Come on, we'll go to Italy if we get on a boat.*

*I thought: There are risks everywhere. It's not legal. But what was I supposed to do? If I stay here, they'll kill me. So I have to go on board to see if I can get to Italy.”*

Demsey\*, male, age unknown, from Ivory Coast

## Situation in Tunisia

Under the leadership of the new President Kais Saied, Tunisia has increasingly turned from a democracy with a progressive constitution into an autocratic presidential system in recent years. As a result, basic human rights and freedoms in Tunisia are not sufficiently guaranteed. In addition to women, non-Muslim people, LGBTQI+ and political opponents, migrants and refugees in particular are exposed to inadequate protection of their rights. Although Tunisia has signed the Geneva Convention on Refugees, it does not have a formal and functioning asylum system. Refugees and migrants therefore have no access to legal assistance or a fair asylum procedure: entry into Tunisia is a criminal offence and there is no individual assessment of protection status.

According to reports by human rights organisations, migrants and refugees in Tunisia are attacked, arbitrarily detained and forcibly deported to neighbouring countries or border regions as part of collective deportations<sup>16</sup> - a clear violation of the principle of non-refoulement under international law. In July 2023, at least 2,000 people were deported by Tunisian authorities to the desert regions bordering Algeria and Libya. They were left there without access to food, water or healthcare, which led to the deaths of at least 27 people.<sup>17</sup> The collective deportations are linked to a racist discourse that has been causing discrimination and attacks against migrants from sub-Saharan Africa for years. However, this discourse has increasingly intensified since an incendiary speech by Tunisian President Saied in February 2023 and has led to a sharp rise in racist attacks against Black people.<sup>18</sup> Against this backdrop, Tunisia cannot be categorised as a safe country of origin or a safe third country for people seeking protection and cannot be a place of safety for people rescued from distress at sea.

# 2. Testimonies from survivors

## Inhumanity experienced on the move

Who is fleeing across the central Mediterranean and why? The analysis of a survey conducted for the first time on board the Humanity 1 and the reports of survivors provide insights into the stories of those who survived the dangerous crossing. The results show: the stories of why people flee are individual and complex, with diverse and often overlapping reasons for fleeing their country of origin. The statements and experiences of the interviewees also confirm again and again: Libya is not a safe place for migrants and refugees due to massive human rights violations.

### 2.1 Methods

As a basis for this report, in addition to operational data from the Humanity 1, witness reports from rescued people were used and their interviews on board the Humanity 1 were analysed.

The qualitative survey was conducted between September 2022 and June 2023 using a standardised questionnaire. Participation was voluntary and anonymous. People were informed on board in several languages about the opportunity to participate and could complete the paper-and-pencil questionnaire on their own in English, French or Arabic. In individual cases, the survey was conducted as a face-to-face interview with the support of translators to enable participation in another language.

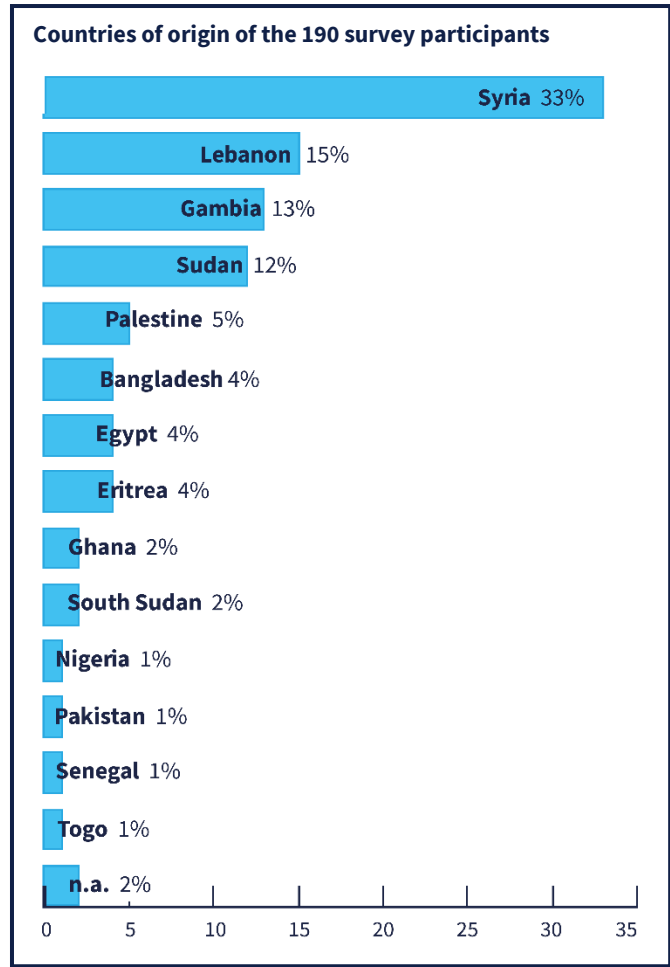
Of the 781 people rescued from distress at sea by Humanity 1's crew in the relevant period, a total of 190 took part in the survey, including 32 women and 43 minors. The total number of respondents corresponds to 24 per cent of those rescued from distress at sea by SOS Humanity during this period.

The survey results provide insights into the backgrounds and experiences of those who fled. It can be assumed that both language barriers and lack of education (including illiteracy), as well as the specific emergency situation of the survivors who were on board, led to distortions.

All survivors quoted in this report voluntarily provided information about why they fled in the survey and gave their consent for this information to be shared publicly. To protect their identity and safety, all information and statements are published anonymously.

### 2.2 Multidimensional causes of flight and unsafe refugee routes

Of the 190 respondents, the largest proportion of people were from Syria (33 per cent), followed by Lebanon (15 per cent), Gambia (13 per cent), Sudan (12 per cent) and Palestine (5 per cent). This survey, conducted on board the Humanity 1 in the Mediterranean, provides important insights into the complexity of flight stories, causes and refugee routes.



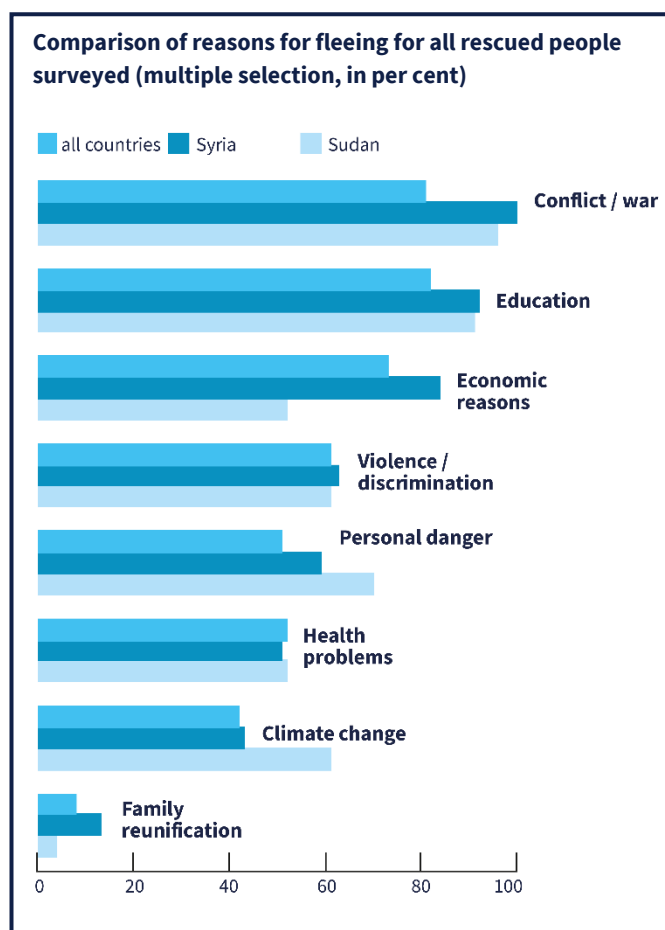
#### Causes of flight

The majority of the 190 respondents stated several factors that made them leave their country of origin. Contrary to widespread perceptions of a single reason for fleeing, the reasons why people flee their country of origin prove to be diverse, overlapping or interrelated.

It is striking that more than 80 per cent of the respondents indicate both the search for safety - mostly fleeing political and armed conflicts - and their prospects in the form of educational opportunities as reasons for fleeing. Years or even decades of political and armed conflicts drastically restrict access to

education or make it completely impossible for many. The same applies to earning a living, access to adequate healthcare or the means to deal with the consequences of climate change, such as droughts and floods. Both Syria and Sudan are characterised by massive armed conflicts: 100 per cent of Syrians and 91 per cent of Sudanese respondents indicated conflicts as the main reason for fleeing, as well as the search for education (92 per cent of Syrians and 91 per cent of Sudanese).

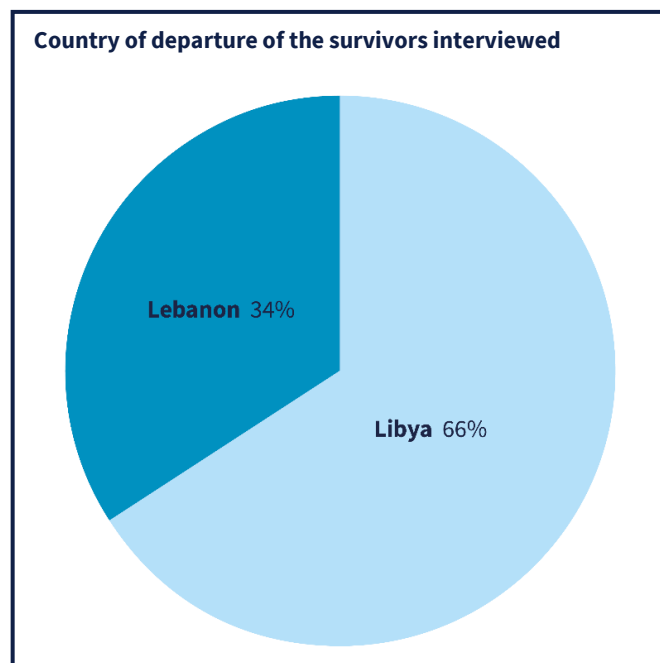
The overall results show that conflicts and lack of access to education are only some of the many reasons people flee. Although lack of access to education (82 per cent), armed, political and religious conflicts (81 per cent) and economic motivations (73 per cent) are the most frequently stated reasons for fleeing, violence and discrimination (61 per cent), health problems (52 per cent) and personal endangerment (51 per cent) were also indicated by the majority of respondents as triggers for leaving their country of origin. 42 per cent of respondents also pointed to climate change-related causes, such as the loss of work or home due to drought, flooding or other drastic environmental changes. This high figure of 42 per cent is remarkable because climate-related reasons for fleeing often have an indirect effect over longer periods of time and are therefore more difficult to identify.



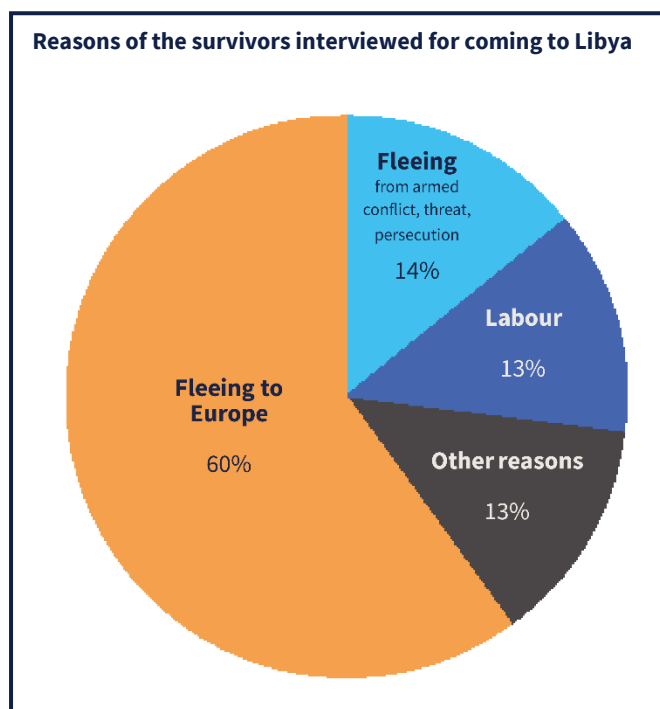
In general, with the exception of family reunification (8 per cent), all other reasons for fleeing apply to at least 42 per cent of survivors respectively. It is clear that individual reasons to flee rarely stand alone, but are interrelated. Monocausal attempts to explain flight thus fail in view of the complexity of reality and the hardships of the people who embark on the unsafe journey from their countries of origin.

## Places of departure and refugee routes

The majority of the respondents (66 per cent) started the dangerous crossing of the central Mediterranean from Libya. 34 per cent of the interviewees on board Humanity 1 departed from Lebanon.<sup>19</sup> They came either directly from Lebanon or from the neighbouring countries of Syria and Palestine.



Those who departed from Libya had previously stayed in or travelled through many other countries. Some of them travelled to Libya via Sudan, others via Algeria and Niger. Some of the interviewees stated that they travelled from Bangladesh to Dubai and from there to Libya. 60 per cent of the interviewees came to Libya to get to Europe, 14 per cent to flee from danger due to (armed) conflict or war and persecution, 13 per cent to work there and 13 per cent for other reasons.





The reasons given for fleeing and the diverse mix of reasons for coming to Libya contradict the widespread view that all refugees leave their country of origin with the intention to reach Europe. Instead, people's actual refugee routes are characterised by the necessary adjustments to changing circumstances, risks and (work) opportunities that only arise after leaving their country of origin.

According to the UN High Commissioner for Refugees (UNHCR), 62.5 million (57 per cent) of the 110 million forcibly displaced people worldwide were internally displaced people (IDPs) within their own country in the first half of 2023. 69 per cent of all refugees were taken in by neighbouring countries. The fact that the majority of refugees worldwide are in their country of origin or in neighbouring countries shows that most refugees remain close to their country of origin in order to find safety there and be able to return if possible.<sup>20</sup>

## 2.3 Minors on the move

With regard to the age composition of the total number of people rescued by SOS Humanity during the reporting period, the high number of minors is particularly striking. Of the 781 people rescued from distress at sea by Humanity 1's crew in the survey period up to June 2023, 334 were under the age of 18. This means that over a third of the survivors on board were minors - i.e. teenagers, young children and even babies in some cases. As a vulnerable group, they are particularly vulnerable to experiences of violence and imprisonment on the move, in Libya and during the dangerous crossing at sea.

The high number of minors is also reflected in the survey participants: Around a quarter of the respondents (43 out of a total of 190 participants) are minors. The majority of them are from Gambia (53 per cent), the second largest group comes from Syria (30 per cent), followed by minors from Sudan (7 per cent) and Lebanon (2 per cent). Their survey responses shed light on why so many young people feel compelled to risk crossing the Mediterranean. For them, the search for education is the most frequently stated reason (88 per cent) for leaving their country of origin. A country-specific look at Syria shows that fleeing armed conflicts was the main reason for underage Syrians to flee (100 per cent). For young people from Gambia, the search for better education (87 per cent) and healthcare (74 per cent) are key factors. As in the survey in general, not just one but several reasons play a role for minors when deciding to leave their country of origin. This means that explanations must take a multifaceted approach.

## 2.4 Fleeing Syria

Syria was the main country of origin of the total number of survivors on board the Humanity 1, accounting for 20 per cent of all those rescued from distress at sea in the period from September 2022 to March 2024. Of all participants during the survey period from September 2022 to June 2023, Syrians were also the largest group, with 33 per cent. Fleeing the war in Syria and its longer-term political, social and economic consequences is one of the main reasons for the dangerous crossing of the Mediterranean to Europe. All Syrian respondents stated that they had to flee because of war or armed conflict. The majority of them, 92 per cent, also

indicated the hope for better education, and 84 per cent economic reasons, as causes of flight. 43 per cent of Syrian respondents hope for a better education for their children. Discrimination (63 per cent), personal threat (59 per cent), health problems (51 per cent) and the consequences of climate change (43 per cent) - loss of home or farmland due to drought or flooding - also played an important role in the decision to leave Syria.

### Situation in Syria

The Syrian war has claimed almost half a million lives since 2011 and turned 12 to 14 million people into refugees. This corresponds to around half of the Syrian population. At 6.8 million people, the country also has the largest number of internally displaced persons (IDPs) in the world.<sup>21</sup> Since the outbreak of the war, Syria's territory has been highly fragmented and characterised by fierce armed conflicts.<sup>22</sup> Political oppression and persecution in the areas controlled by the Assad regime, but also by Turkey, is also severe.<sup>23</sup> According to the UN Human Rights Council, tens of thousands of people are imprisoned in detention centres across the country.<sup>24</sup>

The country's economic and social situation has deteriorated enormously since the start of the war: the devaluation of the Syrian currency has caused the cost of living to skyrocket and 16.7 million people are dependent on humanitarian aid.<sup>25</sup> Syria was ranked 150th out of 191 in the 2021 Human Development Index.<sup>26</sup> According to the United Nations World Food Programme, 12.1 million people - more than half the population - live in food insecurity,<sup>27</sup> and Oxfam International estimates that 80% of the population lives below the poverty line.<sup>28</sup> 2.4 million children between the ages of 5 and 17 do not attend school, and on average only one of three existing schools is used for education.<sup>29</sup> In addition to death, devastation and displacement, the years of war have massive psychological consequences. According to a study published in 2021 on mental illness and post-traumatic stress disorder (PTSD) in Syria, 44% of respondents are suffering from severe mental illness and 27% from PTSD.<sup>30</sup>



Photo: Laurin Schmid / SOS Humanity

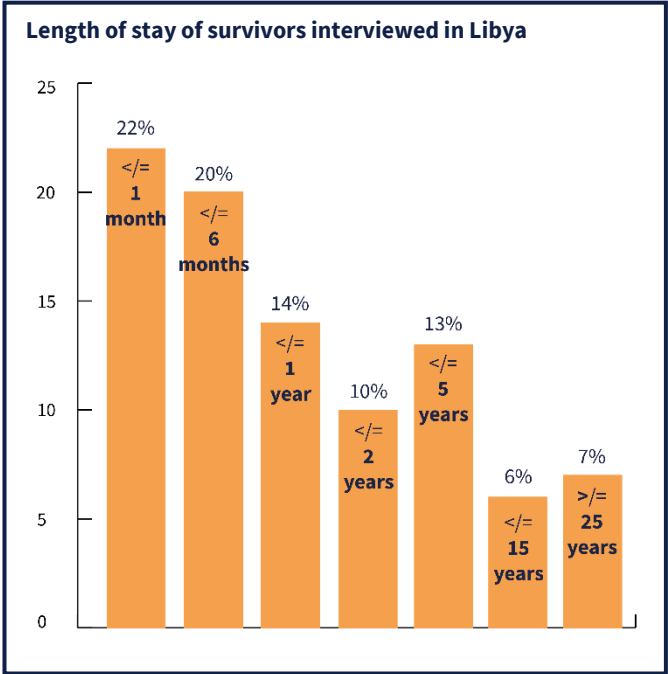
Against the backdrop of the long-term humanitarian and political crisis in Syria, the survey results show that the question of why people flee must be seen as an intersection of different reasons, with armed conflicts the trigger for a deterioration of all areas of people's lives. This also becomes evident from the testimonies of Syrian refugees on board. Rami\*, 53 years old, explains the background of his flight from Syria as follows:

*“After the regime took back control in 2018, we expected things to return to normal and life to resume, but what happened was the opposite. During this period, thefts and gangs spread, and drugs became widespread. As for living conditions, the cost of living became exorbitant and prices increased day by day, especially with the rise of the dollar against the Syrian pound. During that period, I was working in agriculture, but the harvests were weak due to the lack of rain. What I had gained in harvest one year, I lost in the following two years because I grew wheat and barley, which rely on rainwater and not irrigation. Therefore, I decided to emigrate with two of my nephews in hopes of getting opportunities in life and education.”*

(Rami\*, male, 53 years old, from Syria)

## 2.5 Fleeing Libya

Of the total of 190 interviewees, 125 had fled across the Mediterranean from Libya. None of the respondents originated from Libya. The total number of arrivals by sea in Italy also shows that those fleeing Libya are mainly from sub-Saharan African countries, the Middle East and Southeast Asia.<sup>31</sup>



56 per cent of the respondents stated that they had spent less than two years in Libya, while 33 per cent had lived in Libya for between two and 55 years. Some of the respondents originally intended to work and live in Libya, but were forced to leave due to the inhumane conditions. 59 percent of the respondents indicated torture, arbitrary violence, armed conflict, sexualised violence or imprisonment as reasons for leaving Libya.

In 2022, a person rescued from distress at sea on board the Humanity 1 described the kind of violence that forced him to flee:

*“ I ended up in Libya, but I knew nothing about it. I used to hear some of the stories that people talk about. I used to hear bad things. By the time I ended up in Libya, I knew that what people talked about was true. There is no other country like Libya. It’s a war zone.”*

(Buba\* male, 18 years old, from Gambia)

## Situation in Libya

Civil war has raged in Libya since the fall of former ruler Muammar al-Gaddafi in 2011. Despite a ceasefire in place since October 2020, the country remains in a state of political instability.

Since March 2022, two governments have been competing for control of the country: the Government of National Stability based in the east and the current Transitional Government of National Unity based in Tripoli.

### Migrants and refugees

Libya has been both a transit and destination country for migrants and refugees for decades. The country has not signed the Geneva Convention on Refugees and thousands of people seeking protection are held in detention centres run by the Libyan Ministry of the Interior or in private prisons controlled by armed militias.

Reports by refugees, as well as by human rights and international organisations, have been drawing attention to the catastrophic human rights situation for years. Inhumane conditions prevail in the country's detention centres for migrants and refugees due to a lack of access to food, water and medical care.

In connection with the arbitrary detention of migrants and refugees, serious human rights violations such as murder, enforced disappearance, torture, enslavement, sexual violence, slavery and rape have also been proven. Furthermore, racial discrimination against migrants is described as pervasive in Libya.

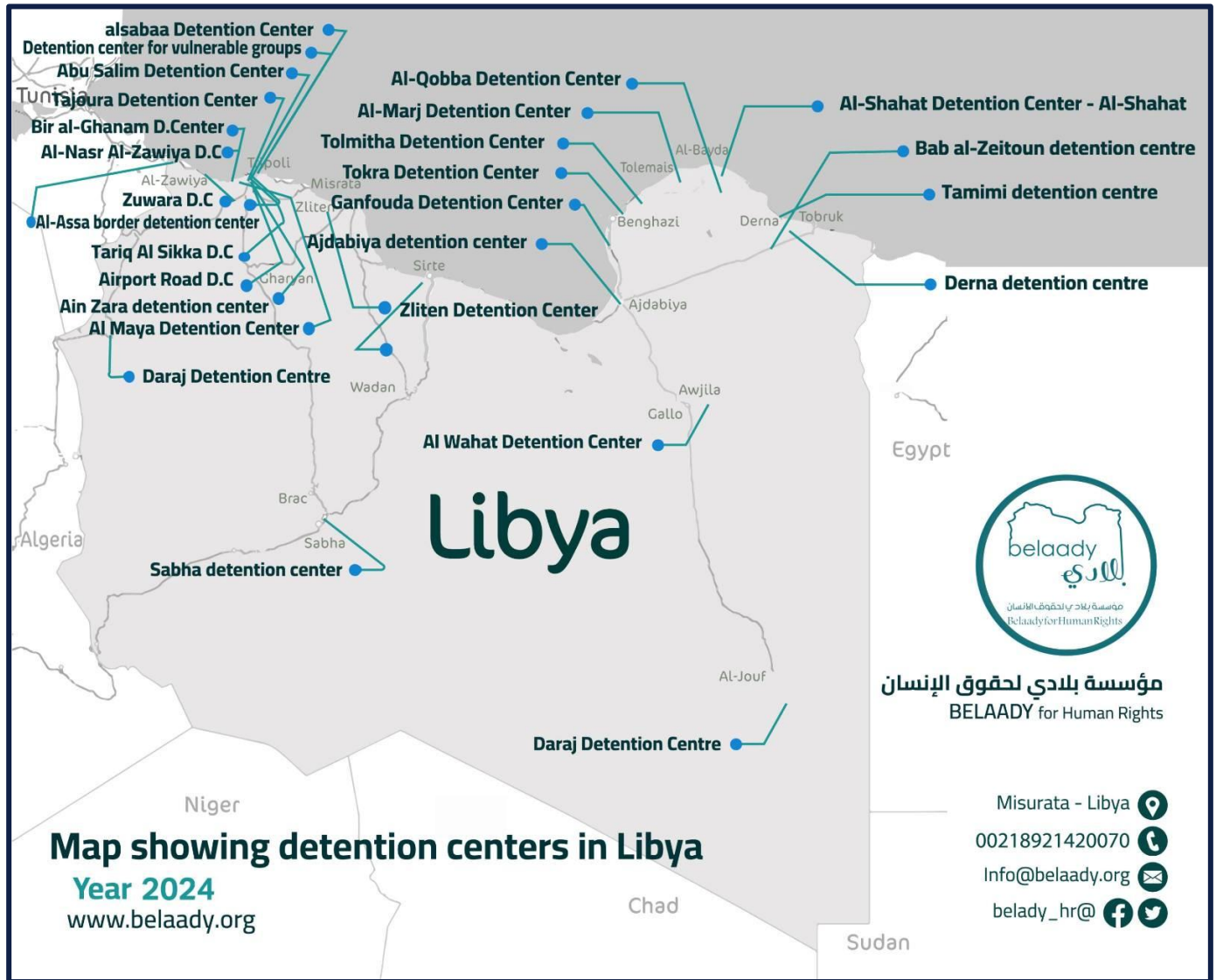
### Crimes against humanity

A United Nations fact-finding mission, which was active from 2020 to 2023, categorises the detention of refugees and migrants in these camps as crimes against humanity.<sup>32</sup>

The findings of the UN fact-finding mission show that Libyan authorities such as the so-called Libyan Coast Guard, the Directorate for Combating Illegal Migration, which reports to the Libyan Ministry of the Interior, and the Stability Support Authority (SSA), a state-funded militia, are responsible for human rights violations at sea and crimes against humanity in the detention camps, and cooperate directly with human traffickers and militias.<sup>33</sup>

According to the UN fact-finding mission's report, these actors have received technical, logistical and financial support from the EU and its Member States.<sup>34</sup> The UN Fact-Finding Mission on Libya criticises the EU's involvement in the crimes in Libya and the central Mediterranean.





Keita\*, a fifteen-year-old boy from Guinea, described the detention conditions in Libya to the crew of the Humanity 1 in June 2023:

“We were beaten up and tied up. I was in prison for some days or a week. My father brought the money. I paid 3,500 Libyan Dinar [approx. £568] for the departure. Now I was paying another 3,500 Dinar to get out of prison, otherwise I’d die inside.

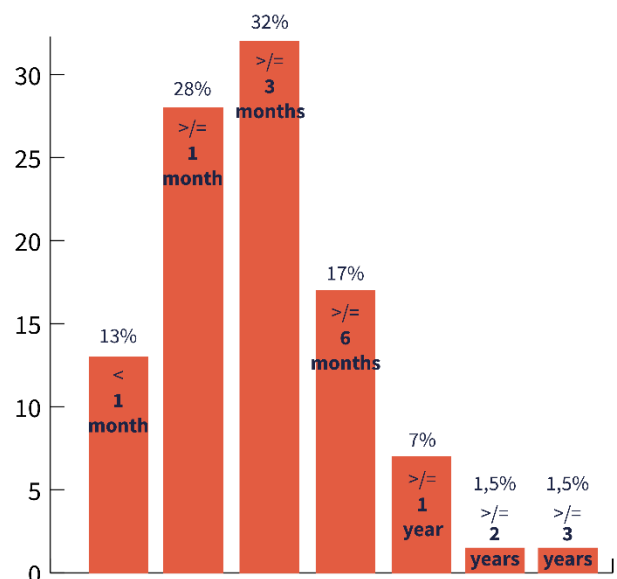
My father said to me, whatever happens, he would get me out, he would take out a loan. So, I left.

After that again, I did three departures from Libya. Each time, the Libyans caught us. Three attempts, three times in prison. They torture you. It’s a business, it’s like theft, if you’re Black, they’ll come in and take you at night.”

(Keita\*, male, 15 years old, from Guinea)

## Detention in Libya

### Duration of detention of survivors interviewed in detention centres in Libya



A total of 54 per cent of the respondents to the survey on board the Humanity 1 who departed from Libya stated that they had been detained in Libya. The proportion is even higher among minors, with 65 per cent of the respondents stating that they had been detained. The majority of the respondents who provided information on the period of their detention spent between one and three months in Libyan detention camps. However, some survivors also reported that they had been detained for several years.

More than a quarter of the interviewees named the Ayn Zara or Zawiya detention camps as the place of their imprisonment. In both detention camps, the United Nations (UN) fact-finding mission collected data on Libya confirming serious human rights violations. According to the data, the Stability Support Authority (SSA), a state-funded militia, played a particularly central role in crimes against humanity in the Ayn Zara detention camp through its cooperation with the so-called Libyan Coast Guard and its control over the camp.<sup>35</sup>

Interviewees on board the Humanity 1 also claim to have stayed in the Abu Salim, Abu Isa and Tariq al-Sikka detention camps. These camps are also listed in the final report of the UN fact-finding mission to Libya due to catastrophic hygiene, health and human rights conditions.<sup>26</sup> There is a shortage of mattresses, sleeping places and toilets; the quantity and quality of food and water is insufficient, causing detainees to suffer from malnutrition, and detainees report overcrowding, filth, insect infestations and the spread of infectious diseases.<sup>37</sup> In addition, detainees are subjected to systematic violence. Torture, forced labour and rape are used in the detention camps to intimidate, punish, humiliate or exploit. The UN fact-finding mission categorises the detention of refugees and migrants in these camps as crimes against humanity.<sup>38</sup>

25-year-old Aisha\*, who was rescued by the crew of Humanity 1 in December 2022, reports:

*“ I was kidnapped for the first time in Benghazi when I was 20 years old. I was in prison for 1 month, there was no food, no water and no light - I think it was a kind of car park.*

*They beat me every day. They demanded 5,000 Libyan dinars [approx. £811], but I had no money.*

*One day the kidnapper came and - bang bang bang bang - started shooting at everyone. I was lucky they didn't kill me. I ran away and escaped. The girls who stayed were sold into prostitution. ”*

(Aisha\*, female, 25 years old, from Cameroon)

In addition to the official camps, there are unofficial camps in Libya to which humanitarian organisations do not have access. 18 per cent of the respondents on board the Humanity 1 who were detained gave names and locations of camps that are not on the list of official camps of the International Organisation for Migration (IOM).<sup>39</sup>

## Cycle of violence

In December 2022, Fatime\* reported on board Humanity 1 how she lost her two brothers at sea during a violent pull-back by the so-called Libyan Coast Guard:

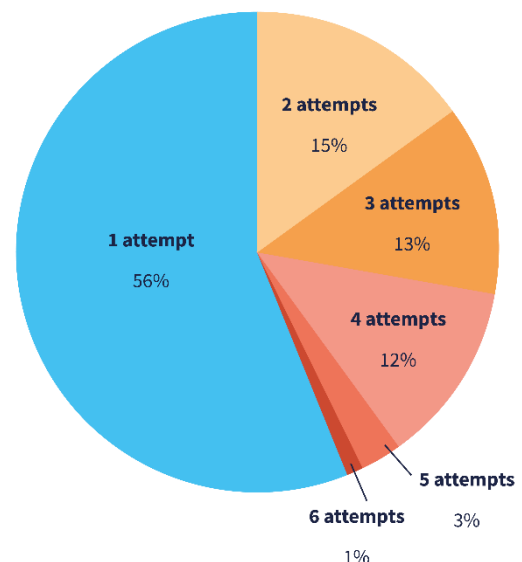
*“ I came to Libya the first time with my two brothers, one younger and one older. The first time we tried to escape, the Libyans came. They took our money and shot at the boat, so we started to capsize.*

*I lost my two brothers in the sea, they both drowned. After that they [the Libyans] took me and put me in prison. ”*

(Fatime\*, female, 20 years old, from Ivory Coast)

The crossing in the unseaworthy boat from which the crew of the Humanity 1 rescued Fatime\* was thus not her first attempt to flee. Like many others, she had to pay another ransom to flee after her re-imprisonment. The survey analysis shows that many people attempt to flee across the central Mediterranean several times because they were intercepted by the so-called Libyan Coast Guard on previous attempts and returned to Libya. A total of 44 per cent of those surveyed who had fled Libya had already attempted to flee to Europe via the Mediterranean before. More than a quarter even reported having attempted the dangerous crossing three or four times.

Number of attempts to flee by survivors interviewed



Reports from survivors make clear that at least some are aware that each of these crossings can end in death, but that they see no alternative:

*“ I was aware of how dangerous it is to cross the sea, but you know, it's better to die in the Mediterranean than to die on land in Libya. ”*

(Buba\*, male, 18 years old, from Gambia)

# 3. SOS Humanity calls for a change of course

## towards a human rights-based EU migration policy

The operational data and reports from refugees on board the Humanity 1 show the alarming extent of legal breaches and violence at Europe's external border in the central Mediterranean. Again and again, SOS Humanity bears witness to how humanity and the rule of law are being thrown overboard by European member states.

The failure of states to fulfil their obligations in search and rescue is part of an EU refugee policy that relies on deterrence and closing the door on protection seekers, deliberately accepting violent refoulement at the EU's external borders, breaches of refugee law and the deaths of thousands of people fleeing to Europe. Instead of ensuring protection for people in distress, the European Union is increasingly depriving refugees of their rights through the reform of the Common European Asylum System (CEAS)<sup>40</sup> and agreements with third countries such as Libya and Tunisia to keep them away from Europe.

### **Closing the door on refugees and depriving them of their rights through reform of the European asylum system**

With the agreement of EU member states on the CEAS reform from 2026, the EU has decided to learn from its worst examples. This includes a lowering of human and refugee rights standards, where refugees are increasingly turned away from Europe, and does not provide for any measures to end the deaths in the central Mediterranean.

The reform undermines the individual right to asylum in the EU by tightening border procedures and expanding the concept of "safe third countries". In future asylum procedures, it shall first be decided whether an asylum application is admissible at all. Anyone arriving via a supposedly safe third country will be rejected, regardless of the actual reasons for fleeing. This will enable deportations to unsafe third countries and (chain) deportations which can lead to persecution in the country of origin.

The reform also formalises some of the most inhumane practices that EU member states have used in their deterrence policy towards people seeking protection, such as the detention of refugees at the border and the "hotspot approach", which has led to catastrophic conditions such as those in the Greek camp Moria.<sup>41</sup> The opportunity to establish a fair and solidarity-based distribution system in the EU has been missed. Instead, the EU's external border states remain responsible for carrying out asylum procedures, which means that the responsibility continues to fall mainly on these border states and the needs of those seeking protection are disregarded.

The strategy of deterrence and closing the door perpetuated by the CEAS reform will not lead to less migration, but will force more people to take dangerous refugee routes and thus mean more deaths at the EU's external borders.

### **Lack of legal and safe refugee routes**

The high number of refugees from Syria on board Humanity 1, as outlined in this report, is a reminder that the war that broke out in 2011 and its economic and social consequences continue to cause people to flee to neighbouring countries and ultimately across the Mediterranean. The widespread notion that war refugees are given access to protection in the EU and that "irregular migration" mainly involves people with little chance of being recognised for asylum is refuted by the results of the survey on board Humanity 1. On the contrary: the majority of those rescued were fleeing the direct consequences of armed conflicts and yet were forced to embark on the dangerous crossing of the Mediterranean due to the lack of regular refugee routes.

The possibility of obtaining protection presupposes that a person makes it into the territory or at least to the border of the EU. At the same time, access to this territory is systematically made more difficult to reach. This asylum paradox leads to a serious human rights problem and thousands of deaths, as well as violence and exploitation at the EU's external borders.

The results of the survey on board Humanity 1 indicate that the reasons for flight are not monocausal, but complex and multidimensional. Human rights-based political responses by the EU and its member states must take this complexity into account and guarantee the individual right to asylum instead of effectively abolishing it through measures such as the CEAS reform and relying on closed-door measures such as agreements with third countries which systematically disregard and violate the rights of refugees.

### **Cooperation with third countries to keep refugees away**

The dramatic effects of cooperation with third countries to repel refugees are regularly witnessed by SOS Humanity at sea, as this report shows: failure to provide assistance, unlawful and brutal pull-backs and human rights violations against refugees. The experiences of survivors on board Humanity 1 confirm once again: Libya is not a safe place for refugees and migrants due to the lack of refugee protection and serious human rights violations. Despite the crimes against humanity documented by the United Nations, the European Union and its member states continue to cooperate with Libyan authorities such as the so-called Libyan Coast Guard and are thus directly responsible for these crimes. SOS Humanity warns that the agreement between Tunisia and the EU and the expansion of cooperation in the field of search and rescue is already leading to an increase in human rights violations against refugees at sea and in Tunisia, similar to what we have observed in Libya and off the Libyan coast.



## Reduced scope for humanitarian work

This report also shows that the EU's strategy of keeping refugees away from Europe at all costs is drastically restricting the scope for humanitarian action. Since the Humanity 1 began its mission, SOS Humanity and all search and rescue NGOs have experienced both new and continuing attempts to defame our life-saving work, and to obstruct and restrict it through laws and administrative practices. A new escalation level of obstructing civil search and rescue can be seen in Italy, where civil rescue ships have been detained in 21 cases since 2023 and their operations restricted through the application of the Piantedosi law and the assignment of distant ports in northern Italy - a breach of international and European law. Civil rescue ships lost more than two years of operational time in total due to the detentions and assignment of distant ports. While organisations like SOS Humanity are fighting back in court, the European Commission has so far remained silent, although as guardian of the EU treaties it has the duty to demand that Italy complies with EU law.

Not only in Italy, but also in other EU member states, the room for manoeuvre for human rights defenders and solidarity with refugees is being restricted. In 2023, according to a study by PICUM, at least 117 human rights defenders were put on trial for their work in solidarity with refugees in the EU.<sup>42</sup> 40% of these cases concerned search and rescue operations. The average duration of proceedings was 3.5 years. Even if many investigations and administrative proceedings are ultimately discontinued or annulled by the courts,

they cause massive damage to civil search and rescue work. In addition to the considerable effort, costs and psychological strain for those affected, these proceedings defame search and rescue work, question the basic civilisational principle of rescuing people from distress at sea, and prevent life-saving operations. In Germany, a law change at the beginning of 2024 means altruistic assistance for refugees can be punished with up to 10 years imprisonment as "aiding and abetting unauthorised entry".<sup>43</sup> Although the German government publicly recognises the duty to rescue at sea, the law criminalises not only humanitarian aid for refugees on land, but also at sea. The criminalisation of humanitarian aid and solidarity is correlated with the increasing criminalisation of people who flee. The exercise of human rights in terms of freedom of movement and migration (Art. 13) as well as asylum (Art. 14) are actively being restricted for refugees in the EU. Instead, the assistance of entry into the EU is being criminalised and entry is denied through violence, deterrence and a lack of opportunities. Article 31 (1) of the Geneva Refugee Convention prohibits states from imposing penalties on refugees for unauthorised entry.

**SOS Humanity urgently calls on the EU and its member states to change course towards a human rights-based migration policy. Instead of abolishing the individual right to asylum, criminalising flight and humanitarian aid for refugees and outsourcing responsibility for people seeking protection to third countries, human and refugee rights must be respected at all times, both at the EU's external borders and within the EU.**



Photo: Danilo Campailla / SOS Humanity

## Our demands to the EU and its member states:

### Implement applicable law

**SOS Humanity demands that international law be consistently observed and implemented at the EU's external borders.**

- European coastal states and EU institutions must make every effort to rescue people in distress at sea without delay. Any delay can mean the difference between life and death. No information that ships and aircraft on scene need for the rapid search and safe rescue of people in distress at sea should be withheld.
- The fastest possible disembarkation of those rescued to a nearby place of safety in the EU must be ensured. As responsible coastal states, Italy and Malta must immediately coordinate and assign a safe port in the immediate vicinity of the rescue ship in accordance with applicable maritime law. Due to the human rights situation, Libya and Tunisia cannot be considered as safe places for people rescued from distress at sea under international law.
- The EU and national institutions must ensure that (violent) incidents, shipwrecks and violations at sea are independently investigated.
- As guardian of the EU treaties, the Commission must ensure that EU member states are held accountable if they violate international and European law.

### Support civil search and rescue instead of obstructing it

**SOS Humanity calls for an end to the obstruction and criminalisation of civil search and rescue.**

- Italy must annul all restrictions on civil rescue ships and search and rescue organisations, including all laws and practices that contradict national, international and EU law. SOS Humanity calls for the immediate repeal of Italian Act 15/2023 and the consistent assignment of nearby safe places to disembark survivors in Italy.
- Germany must protect humanitarian aid for refugees at the EU's external borders instead of criminalising it. SOS Humanity calls for the end of criminal liability through section 96 of the German Residence Act for altruistic, humanitarian aid in connection with border crossings. At the very least, a humanitarian clause should be included in the text of the law.
- The EU Commission must live up to its responsibility as guardian of the EU treaties and stop the criminalisation and obstruction of humanitarian aid for people in distress at sea by EU member states such as Italy and Germany. This includes reviewing Italian Act 15/2023 and the practice of assigning distant ports and their compatibility with international and European law, and initiating infringement procedures against member states if no changes are implemented.

### Establish a pan-European search and rescue programme

**SOS Humanity calls for the EU to take responsibility for saving lives at its external borders and not leave it to the coastal states alone.**

- An effective, EU-funded, state-coordinated search and rescue programme is needed, in which sufficient ships and coherent resources are deployed for the purpose of search and rescue.
- The EU search and rescue programme should be solely focused on ensuring safety at sea and protecting human lives, i.e. non-military.
- The search and rescue programme, funding and resources must be managed by the EU and its member states in a transparent and publicly accessible manner in order to fulfil their responsibility for accountability. The public search and rescue organisation 'Salvamento Marítimo' in Spain could serve as orientation for the design of an EU search and rescue programme in the central Mediterranean.

### No cooperation with third countries to keep away refugees

**Any cooperation with third countries such as Libya and Tunisia that is aimed at repelling people seeking protection and consequently violates human rights law must be ended.**

- Under international law, neither Libya nor Tunisia can be categorised as safe places for people rescued from distress at sea.
- The EU and its member states must immediately stop all training, equipping and funding of the so-called Libyan Coast Guard and the Tunisian Coast Guard.
- European Rescue Coordination Centres and the European border and coast guard agency Frontex must not be involved in bringing people back to Libya and Tunisia - not even by passing on information on maritime emergencies.
- No further agreements may be concluded with third countries that lead to the violation of human and refugee rights.

### Establish legal and safe refugee routes to the EU

**People see themselves forced to board unseaworthy boats and jeopardise their lives because they have no alternative. In order to end the deaths, violence and exploitation at the EU's external borders, more safe and legal refugee routes to the EU must be created.**

- The EU and its member states must at all times comply with their international obligations to allow people seeking protection to enter and not repel them at the border (principle of non-refoulement).
- The EU and its member states must establish legal and safe refugee routes to the EU in order to end the deaths in the Mediterranean.

## Ensure refugee protection in Europe instead of CEAS reform

**In order to guarantee the right to asylum in the EU, there needs to be a division of responsibility in the EU based on solidarity and the needs of refugees. The quick and unbureaucratic solutions implemented in the wake of refugees fleeing from Ukraine show what is possible if the political will is there. Instead of the planned CEAS reform, we need a new system based on solidarity with the following premises:**

- Respecting the rights and dignity of people seeking protection must be the basis and goal of the European asylum system.
- Instead of the first entry principle, the principle of free choice of member state by those seeking protection should be introduced.
- In all EU member states consistent, humane standards for reception conditions, protection and support services must apply and be adhered to.
- In all EU member states, standardised asylum procedures based on the rule of law and the individual examination of asylum applications must be ensured.

The findings presented in this report from the operational experiences from the civil rescue ship Humanity 1 and the reasons for fleeing and experiences of people rescued from distress at sea demonstrate that the current premises, strategies and consequences of European border and asylum policy should be critically scrutinised and changed. People seeking protection at Europe's external borders and in the central Mediterranean, in distress at sea on one of the world's deadliest refugee routes, are paying the price for the EU's closed-door policy. The documented failure to respect the rights of refugees by the EU and its member states must not progress any further.

**SOS Humanity is campaigning for compliance with international law and the basic principle of humanity. We bear the humanitarian responsibility at sea that should be a matter of course for European decision-makers: to help people in acute distress and take seriously their experiences.**



Photo: Danilo Campailla / SOS Humanity



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