







Annual Report 2020

GLOBAL DETENTION PROJECT





The Global Detention Project is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To **promote the human rights** of detained migrants, refugees, and asylum seekers
- To **ensure transparency** in the treatment of immigration detainees
- To reinforce advocacy aimed at reforming detention systems
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies

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From the Executive Director and President

As we look back at 2020, the dramatic impact of COVID-19 on the lives of migrants, asylum seekers, refugees, and other vulnerable non-citizens across the globe appears to overshadow all else, and thus there is the temptation to narrowly focus our attention on what we did to respond to this unprecedented global crisis. But this Annual Report reveals that even as we sought to steady the GDP ship through this storm, we managed to make important advancements in our core objectives and outputs and—where necessary—to make course corrections (some temporary, some longer term) in our operations and strategies.

Key results last year included: the establishment of new partnerships with organisations operating across Africa, the Middle East, and Asia, who are a cornerstone of the data-driven advocacy work employing the GDP's online database, the Global Immigration Detention Observatory; the publication of our book *Immigration Detention in the European Union: In the Shadow of the "Crisis"* (Springer 2020), whose release was immediately eclipsed by the onset of the pandemic but which nevertheless quickly became a must-read on human rights and the evolution of immigration detention; the launch of a re-designed website that aims to increase the impact of our ever-deepening dataset on immigration detention systems; and completion of more than two dozen country detention profiles and submissions to human rights monitoring bodies, covering every region of the world.

Some activities, however, inevitably faced setbacks. Important among these were planned advocacy trips by partners and our interactions with UN treaty bodies, whose operations were greatly curtailed because of the pandemic. Also, crucially, just as the pandemic began its inexorable surge last March, the GDP was on the verge of launching a new Strategic Plan to replace the four-year plan that ended in 2019, which had steered us in our transformation from academic project to civil society organisation. But it quickly became obvious, even in those initial days and



weeks, that things would not be returning to normal any time soon, and that some things perhaps never would. Thus, in consultation with members of our Executive Committee, we made the decision to delay launching a new plan until we could observe more clearly the impact of COVID-19 and determine how to adapt our work to meet these unexpected challenges ... and also to take advantage of possible unexpected opportunities. In the interim, we agreed to temporarily extend the life of our previous plan, which has been such a steady guide for us.

A critical insight that seized our attention when the pandemic hit was that it would—or should—pose fundamental questions about immigration detention regimes. How would countries justify keeping this vulnerable population behind bars as the health implications—for detainees, their jailors, and the communities in which detention centres are located—became increasingly clear? With the reason for many detention orders—deportation—made impossible by the pandemic, we also knew that there would be growing legal challenges to keeping people in detention. Thus, we realised that the pandemic may provide new opportunities to challenge detention even as the shadow of COVID-19 grew: border closures left people precariously isolated in remote regions, often crammed into hastily set up camps; officials increasingly blamed, without evidence, migrants and refugees for spreading the virus; asylum seekers were locked inside shelters and reception centres, in some cases indefinitely, as a public health measure; and the virus spread dramatically in immigration detention centres in many countries.

How would countries justify keeping this vulnerable population behind bars as the health implications - for detainees, their jailors, and the communities in which detention centres are located - became increasingly clear?

Faced with this quickly developing crisis, and unable to pursue many of our planned activities with UN human rights bodies, we launched from scratch an entirely new project: The COVID-19 Global Immigration Detention Platform. As of mid-March 2021, nearly a year to the date after we launched the platform, we had published more than 400 entries covering almost every country on the globe. The platform, which has been widely cited in press accounts (see p.18), is being used by medical associations, UN bodies, academics, NGOs, journalists, and migrants as a source for understanding how the pandemic has impacted the treatment of migrants, refugees, and asylum seekers everywhere.

As you will read in this report, the operations of our COVID platform—together with our ability to create it quickly and efficiently—have taught us valuable lessons about the importance of our work in challenging abusive detention practises and the growing necessity of being agile in the face of a world that seems more precarious, more prone to calamity, and more unexpected than ever before.

Michael Flynn

Executive Director

Roberta Cecchetti

Kobnto MA

President

Setting the Stage for Change by Shining a Spotlight on Detention

The GDP provides perhaps the most important starting point for any investigation into detention.

Bernd Kasparek, founding member and board member, bordermonitoring.eu





"I was quite unfamiliar with the status of immigration detention policies worldwide before I learned about the work of the GDP. I have found their publications to be thorough, up to date, and useful for understanding how detention practices compare between countries."

Pål Morten Andreassen, Norway Court of Appeals/Trandum Detention Centre Supervisory Board The GDP continues to pursue its core activity of closely monitoring immigration detention systems around the world, producing in-depth reports that examine critical developments in national detention laws and practices and expanding the breadth and scope of detention data, statistics, and reporting. In 2020, we published 14 country profiles covering countries in Europe, the Americas, North Africa, the Middle East, the Caucasus, and Asia. This output represents arguably our broadest geographic coverage to date and includes several countries, like Paraguay and Azerbaijan, for which we had never previously published reports.

COUNTRY PROFILES PRODUCED IN 2020

COLOMBIA: At the Crossroads of the Americas

PARAGUAY: The Non-Detention Norm Versus Mandatory COVID Quarantine

AZERBAIJAN: Armed Conflict, Pandemic, and Immigration Detention

GERMANY: From Open Arms to Public Backlash

JORDAN: Detained by Employers, Locked Inside Refugee Camps, Pushed

Back Into Conflict Zones

ALGERIA: Pandemic Pushbacks

HUNGARY: Transit Zone or Twilight Zone?

SPAIN: A Rapid Response to COVID-19

ARGENTINA: A Paradigm Shift?

BELGIUM: COVID-19 Puts the Brakes on an Expanding Detention System

TUNISIA: Shrouded in Secrecy

NETHERLANDS: Prioritising Returns in Europe and the Caribbean

REPUBLIC OF KOREA: Penalising People in Need of Protection

AUSTRIA: Where the Refugee "Crisis" Never Ends

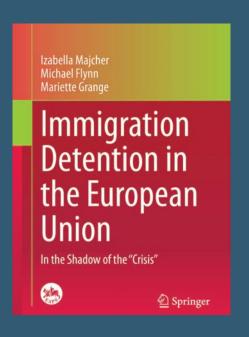
As many countries seek to shield their detention systems from scrutiny and oversight, these reports are crucial in helping to shine a light on detention practices so that states may be held accountable for their actions. They provide the GDP team and our partners with important insights about opportunities to promote reforms and gaps in human rights protections, and they provide comprehensive, meticulously developed accounts of laws and policies that engage multiple academic disciplines and policy arenas.

Each country profile is produced following a rigorous research process, which includes developing baseline country data with local partners, reviewing publicly available reports and legislation, requesting information from relevant officials and human rights institutions, and consulting country experts and local partner NGOs who provide key on-the-ground information. This process results in the production of thorough accounts on the evolution of laws and policies shaping detention, expansion of available empirical data on the location and operating status of detention facilities, and the development of targeted reports and submissions for partners and human rights monitoring institutions, and special reports.

IN FOCUS: IMMIGRATION DETENTION IN THE EUROPEAN UNION - IN THE SHADOW OF THE "CRISIS"

"From the evolution of national standards relating to the grounds and duration of detention to the treatment of children and conditions in detention, the book is the best source to consult in this field since it synthesizes numerous analyses, carried out over the past ten years by the Global Detention Project."

Jasmine Caye, Le Temps



Early 2020 saw the publication of the GDP-authored book *Immigration Detention in the European Union: In the Shadow of the "Crisis"* (Springer). Based on the GDP's monitoring and careful documentation of detention regimes in all European Union (EU) member states, the book provides a unique comparative assessment of the evolution of immigration detention systems across the region since the onset of the "refugee crisis."

By applying an analytical framework premised on international human rights law in assessing domestic detention regimes, the book reveals the extent to which EU legislation has led to the adoption of laws and practices that may disregard fundamental rights and standards. While emphasising policies and laws adopted in response to the "refugee crisis," the volume also shows how policies have evolved—and in many cases grown more restrictive—even as the "crisis" has receded from the borders of many European countries.

Since its publication, the book has become one of the "top used publications on SpringerLink that concern one or more of the United Nations Sustainable Development Goals (SDGs)," and has been downloaded more than 1,300 times.

MENTORING STUDENTS

Although we do not advertise internships on our website, we regularly receive requests from students seeking to engage with us. Invariably, these students are motivated and sharp. We mentor them in data documentation, relevant international human rights law, and the workings of the UN human rights monitoring system; and they provide an invaluable service, helping us increase the reach of data, engaging in social media, and researching key areas of concern in selected countries.

In the past year, we had the good fortune of working with research fellows from Oxford University and the Université du Québec à Montréal. Contributing regularly to the GDP's database, these fellows conducted extensive research of detention laws and practices—particularly within the COVID-19 environment—across Europe, North America, and Asia-Pacific. We also launched a new collaborative project with students at an NGO clinic at Zurich University of Applied Sciences School of Management and Law, refining the GDP's data on international law and human rights treaty bodies (for more on this collaboration, see: Arming Advocacy with Information and Analysis).

"During my time as a Fellow at the GDP. I greatly enjoyed the opportunity of learning more about immigration detention: both the magnitude of the phenomenon, and the gravity of human rights violations that take place within many facilities. It quickly became clear to me how vital the **GDP's documentation** work is for those calling for legislative reforms and advocating against the criminalisation of asylum. The Fellowship helped solidify my desire to pursue these issues in my own professional career."



Detainees inside Hal Far Open Centre for Migrants (Malta) after the camp was placed in lockdown during the COVID-19 pandemic, 6 April 2020 © Alamy

IN FOCUS: DOCUMENTING DEPORTATIONS AND PUSHBACKS IN NORTH AFRICA

"Violent pushbacks from Morocco to Algeria, arbitrary detention in Tunisia or the notorious mass deportations from Algeria to Niger; refugees, migrant workers and people on the move face unprecedented rights violations by authorities in these states, though civil society and the media struggle to verify information to properly report on these abuses. However, the Global Detention Project is one of the very few initiatives that systematically monitors the situation on the ground, providing the international public with the information needed to hold authorities accountable."

Sofian Philip Naceur, freelance journalist and North Africa correspondent, Tunis

One of the GDP's key areas of focus in 2020 was North Africa, with special attention on Morocco, Algeria, and Tunisia. Across the region, authorities have employed increasingly punitive methods—often with support from European governments—to limit the movement of migrants and asylum seekers. We have sought to document pushbacks, expulsions, and abuses in detention in these countries, including by partnering with local organisations in bringing abuses to the attention of international monitoring bodies.

Together with the Moroccan Association for Human Rights, we reported on the impacts of violent raids and roundups of migrants at makeshift camps in the northeast of **Morocco**—particularly areas near the Spanish enclaves of Ceuta and Melilla—and their forced expulsion into Algeria, where many have been abandoned in desert areas. We then submitted information about these issues to the Committee on Migrant Workers and the Committee on the Elimination of Racial discrimination.

In country profiles covering Algeria and Tunisia, we detailed the meagre access to information that is available regarding the treatment of people in detention, the endemic racism migrants face, and reports of violent expulsions and pushbacks. In **Algeria**, which has adopted an increasingly hostile posture towards migration in recent years, we documented reports of arbitrary arrests of sub-Saharan migrants, their detention in facilities in urban centres along the coast and in a police-administered camp in the far south, and their expulsion into desert areas near the Nigerien and Malian borders.

In **Tunisia**, whose responses to refugee and migratory pressures have drawn widespread criticism, we reported on allegations of pushbacks of refugees and migrants from detention sites along the country's borders with Algeria and Libya. Specific concerns related to the treatment of children in Tunisia were subsequently addressed in a joint submission, with the *Forum Tunisien pour les Droits Économiques et Sociaux*, to the Committee on the Rights of the Child.



Screenshots of mobile phone footage, captured by migrants while they were being expelled by Algerian authorities into Niger, June 2018 @ Youtube

Arming Advocacy with Information and Analysis

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The GDP has been a resourceful and dependable partner in our efforts to challenge illegal detention of migrants in transit countries, in particular in Tunisia and Mauritania. We have also jointly worked with the GDP to file Universal Periodic Review submissions and explored ways to cooperate in strategic litigation.

Alberto Pasquero, Association for Juridical Studies on Immigration (ASGI), Italy

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Since launching in 2016, the GDP's "Global Immigration Detention Observatory"—a custom-made database in which we document where people are detained, the laws governing detention, adherence to legal norms, the institutions responsible for detention, and detention statistics—has grown to become an important tool for advocates and researchers reporting on detention developments in their countries.

Throughout 2020, more than 5,433 data entries were added to the platform—2,951 country level entries, and 2,482 detention centre level entries. Also during the year, we expanded the project with support from the City of Geneva, enabling us to raise funds for six NGO partners so they could collaborate with us on database development and the production of targeted advocacy outputs.

At its heart, the Observatory is more than a database; it is a shared platform that combines investigative techniques with unique documentation tools to facilitate awareness and accountability in the treatment of detainees and support national and regional advocacy organisations in their efforts to hold authorities to account and to challenge immigration detention locally.

During the year we established agreements with partners based in Africa (Egypt and South Africa), Asia (Thailand and India), Europe (Turkey), and the Middle East (Bahrain), many of which are regional partners covering various countries. As part of our collaboration, we provide partners with indepth training in use of the Observatory so that they may utilise the platform for their own advocacy purposes, including porting data directly to their own platforms and publications. Once international travel resumes, we will also be financing and arranging advocacy trips to Geneva so that partners may interact directly with relevant human rights bodies and initiatives. Other activities include working with the GDP team to submit access to



Sub-Saharan migrants are quarantined in temporary accommodation in Gran Canaria, Canary Islands, 25 September 2020 © Alamy





information requests to targeted officials and agencies; developing outreach to national human rights monitoring bodies to develop information exchanges and encourage more coverage of immigration detention in their monitoring work; and producing joint submissions to treaty bodies and other human rights mechanisms.

An important addition to the work of the Observatory in 2020 was the launching of a collaboration with students at Zurich University of Applied Sciences (ZHAW) School of Management and Law. As part of the department's International NGO Law and Policy Project (INLPP), directed by Dr. Alexandra Dufresne, students interact with the GDP team, providing them with an opportunity to learn about the relevance of international human rights laws in assessing immigration detention systems, as well the opportunity to assist the GDP in documenting recommendations from human rights treaty bodies and to update the status of international agreements for all countries across the globe. In 2020, three students worked on updating relevant recommendations from the Committee on Migrant Workers. In 2021, we plan to extend the range of this work by focusing on recommendations from other treaty bodies.

As part of our efforts to ensure that advocates are able to easily access data and analysis to support their own work, we launched a re-design project of the GDP website in 2020, which is slated to continue into 2021. Based on feedback from website users and Observatory partners, the central goal for this work has been to ensure that data was made more prominent and accessible. We have sought to achieve this by re-structuring the site; amending terminology to ensure clearer comprehension for all users, regardless of their professional or academic background; improving site navigability; and updating the visual design of the site. We launched a partial re-design of the website in late 2020, which better reflects the wealth of data and analysis that we and our partners have developed.

"I feel very privileged to have had the opportunity to work with the GDP as part of my degree at ZHAW. The project introduced me to an entirely new area of law, challenging me to think outside of my regular business law 'box' and helping me to enter the human rights legal field. Learning about immigration detention and the numerous injustices that occur worldwide, I was able to appreciate the importance of the GDP Observatory and its role in supporting those calling for legal change. And as a former refugee, I feel especially grateful and honoured to have worked with the GDP because it gave me a chance to help others like me."

Diane Bengui Félix, Zurich University of Applied Sciences

IN FOCUS: Q&A WITH MIGRANT-RIGHTS.ORG

In 2020, the GDP established a new partnership with Migrant-Rights.org, a Gulfbased advocacy organisation that promotes the rights of migrant workers across the GCC region. We asked the Migrant-Rights.org team about their work, and why they decided to partner with the GDP as part of the Observatory project.

GDP: What challenges do immigration detainees face in the Gulf?

Migrant-Rights: Immigration detainees face innumerable challenges in the Gulf, largely owing to the nature of the region's migration system. The vast majority of immigrant detainees are migrant workers who came in to the country through regular channels, but became irregular due to factors outside of their control. For instance, employers/sponsors are responsible for issuing and renewing workers' documents, but if they fail to do so, workers become irregular and subject to indefinite detention. Similarly, the difficulties in changing employers means that many workers who want to leave abusive or unsatisfying working conditions have little choice but to "run away," an action which again automatically renders their residency status illegal. In the same vein, workers who are trafficked into the country through recruitment deception or other means are considered irregular, as the trafficking systems in the Gulf largely exclude forced labour. Once detained, most workers will not receive any kind of individual assessment of their case, nor access to translators or legal representation. This is especially the case for migrant workers who are rounded up in raids that periodically take place across the region.

GDP: Why did you decide to partner with the GDP as part of its Observatory project?

Migrant-Rights: Over the past few years, we have had a fruitful relationship with GDP in submitting joint reports to various UN bodies. The absence of reliable, centralised information on Gulf immigration detention made us want to participate in this project. There are few publicly available statistics available, and we felt that our close-to-the ground observations would provide useful qualitative additions.

GDP: What are some of the key activities you will be doing?

Migrant-Rights: In addition to producing joint submissions with GDP staff members to UN bodies, we provide data and information relevant to the Gulf region, identify information that is not possible to otherwise find, and address gueries to contacts and officials wherever possible across the region.

GDP: How does monitoring and recording detention-related data benefit your own work?

Migrant-Rights: The Observatory project is a time-intensive endeavor, but the benefits are tangible: in conducting the research, we refine our own knowledge of detention systems and practices, which then informs our reporting and advocacy. We have also become better acquainted with international laws relevant to administrative detention, as well as UN systems and processes.





Our website traffic continues to grow. In 2020, we recorded 197,183 users; 243,382 sessions; and 372,137 pageviews. Between 2017-2018 and 2019-2020, overall traffic to the site increased by 33 percent: from 614,143 pageviews to 816,037 pageviews. The number of users increased by 49 percent, from 310,823 to 463,369.

Since unveiling our website's "new look" in December 2020, we have continued to observe steady increases in the number of users accessing and navigating the site: 21,703 users; 25,458 sessions; and 37,969 page views were recorded in January 2021 compared to 18,475 users, 21,986 sessions, and 32,676 sessions in December 2020.

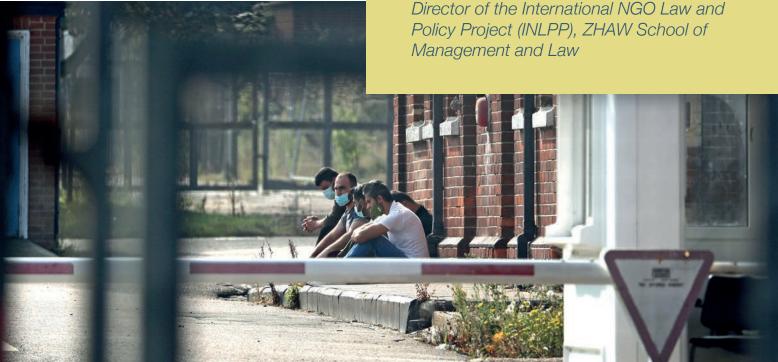
Important users of our website and data are journalists, researchers and academics, lawyers, politicians, and detainees themselves (as well as their friends and relatives). Although we cannot always measure the full impact of our work on this diverse group of users, we have observed a steady increase in journalists and academics citing the GDP's research. In 2020, our work was cited more than 300 times, in publications ranging from Foreign Policy, CNN, Libération, and the New Humanitarian, to the British Medical Journal, Migration Studies, Human Rights Review, and Politics and Policy.

WEBSITE ANALYTICS BY YEAR

	2019-2020	2017-2018
TOTAL NUMBER OF USERS	463,369	310,823
TOTAL NUMBER OF SESSIONS	538,635	381,257
TOTAL NUMBER OF PAGEVIEWS	816,037	614,413

"The data on the GDP website is essential to academic progress, effective journalism, and policy and political advocacy in this field. When writing about detention in the U.S. or Europe, for instance, one of the most important (and difficult) tasks is to benchmark a country's policies and practices against those of its peers. Such benchmarking is key to showing policymakers that certain detention practices are neither necessary nor inevitable. Creating and maintaining such extensive data is painstaking work but is essential to holding governments accountable for their policies and practices."

Dr Alexandra Dufresne.



Migrant arrivals are held in Napier Barracks (UK), military barracks controversially converted into asylum accommodation in 2020 @ Alamy



IN FOCUS: PROMOTING BETTER DETENTION DATA COLLECTION - THE CASE OF EUROSTAT

Since our earliest days, we have relentlessly advocated the collection and public release of detention-related data to drive and empower calls for reforms. This effort has included pushing states to provide better documentation concerning there immigration detention systems, including details about where people are detained, statistics about their use of detention, information about legal procedures, and details of their human rights obligations.

For many years, an important target of our data advocacy has been Eurostat, the European Union's statistical office. While the agency maintains a wealth of statistics on a range of key immigration enforcement measures, it has never systematically collected detention statistics. We have highlighted this gap in numerous reports and frequently sought clarifications from the agency about inconsistencies in data provided by EU member states. For example, our ground-breaking 2015 report with Access Info Europe, titled "The Uncounted: The Detention of Migrants and Asylum Seekers in Europe," reported:

"The importance of this lacuna in EU [detention] data was underscored during our investigation when Bulgaria responded to our [immigration detention] questionnaire stating that they did not need to answer our questions because they had already provided all the requested information to Eurostat. When researchers at the Global Detention Project read this response, they were deeply surprised as they had in the past contacted Eurostat for such statistics and been told that they were not collected. When the GDP wrote to Eurostat concerning Bulgaria's claim, Eurostat again confirmed that they do not keep such statistics."

On the basis of the results of this study, which included the documented refusal of many EU countries to respond to our requests for detention statistics, we joined Access Info in recommending that Eurostat "collect from all EU Member States immigration-detention data and make this public in one database" and "ensure that Member States deliver data on time and that the data is consistent with a harmonised definition and comprehensive."

In 2020, there was finally a partial breakthrough in Eurostat's statistical coverage when the European Parliament and Council of the European Union adopted important reforms to legislation governing states' provision of data. In addition to amendments to the Migration Statistics Regulation (Regulation (EC) No 862/2007), Eurostat was directed to launch a pilot project to "test the feasibility of new data collections or disaggregations," including with respect: the number of detained asylum seekers (disaggregated by duration of stay and grounds for detention); the number of asylum seekers in detention alternatives (disaggregated by type of alternative); the number of persons in return procedures subject to an administrative or judicial decision or act ordering their detention (disaggregated by duration of stay in detention); and the number of persons in return procedures in detention alternatives (disaggregated by the type of alternative and the month such a decision or act was issued)

Responding Proactively to a Dramatically Changing Landscape

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The Global Detention Project has provided crucial insights to the situation of migrants and asylum seekers in detention during the pandemic, pointing out to important rights' violations in the midst of a global crisis. The COVID-19 Global Immigration Detention Platform is a much-needed tool for researchers and civil society organisations to check legal and policy developments and relevant just-in-time data that can inform both advocacy and analysis.

Anna Triandafyllidou, Canada Excellence Research Chair in Migration and Integration, Ryerson University, Toronto

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As we look back at 2020, our view is inescapably framed by the COVID-19 pandemic. The GDP's work was significantly shaped by the crisis: we quickly adapted our objectives and priorities to adapt to the new realities that the world faced.

Early on in the pandemic, we realised the important repercussions the pandemic would have on immigration detainees. With the work of UN human rights monitoring bodies severely impacted and unable to convene (for more, see In Focus: Strengthening UN Human Rights Treaty Bodies During the Pandemic), we knew that there was an urgent need to monitor the treatment of this vulnerable population. In early April, we launched our COVID-19 Global Immigration Detention Platform—a regularly updated blog reporting how countries responded to the pandemic in their migration control policies, with a particular focus on detention and deportation.

To support this reporting, we created an online, multilingual COVID-19 detention survey and sent information requests to government agencies,



Police officers gather outside an apartment in Kuala Lumpur (Malaysia), during a raid on undocumented migrants, 1 May 2020 © Alamy



"Working with the GDP on their COVID-19 platform has been an extremely rewarding experience as it focuses our attention on the extremely important exercise of mapping governments' handling of the global pandemic in relation to migrant detention and deportation. The platform is a unique resource of information and data revealing the arbitrariness and often carelessness of the emergency measures implemented across **Europe** and beyond, which can hopefully spark deeper inquiry and stronger calls for reforms in detention policies." Laura Cleton,

international organisations, National Human Rights Institutions (NHRIs), NGOs, and local academics and researchers, asking targeted questions regarding the measures States had taken to protect non-nationals. During the first nine months of operations, we received 90 information responses (40 survey responses, and 50 email responses) from bodies including: Paraguay's Direccion General de Migracion, the Croatian Ministry of Interior, Belarus' Deputy Minister of the Interior Ministry, the Swedish Parliamentary Ombudsman's Office, the Spanish Ministry of Labour and Immigration, and multiple IOM and UNHCR country offices. Our work on this was also made possible by countless NGO partners and individual researchers who provided regular updates for the platform. Thanks to their assistance—as well as the survey responses we received—by the end of the year we had been able to post 376 updates covering 168 countries.

In monitoring State responses, we observed a number of important trends:

- A gradual though temporary diminishing of detention populations in some countries, particularly those where detention time limits would be impossible to adhere to in light of the grounding of removal flights.
- A double standard in many countries with respect to their efforts to mitigate the impact of the pandemic in prison populations vis-à-vis immigration detention centres, including giving more attention to releasing non-violent convicts than immigration detainees.
- The conversion of shelters and reception facilities into de facto detention centres, as forced confinement in many of these facilities extended beyond that imposed on general populations and in conditions where social distancing was impossible.
- The important role played by humanitarian agencies, in particular UNHCR, in providing sanitary supplies to refugee populations.
- An increase in anti-migrant rhetoric blaming migrants and refugees for spreading COVID-19.
- The use of harsh border measures to purportedly stop the spread of the pandemic, including pushbacks and ad hoc detention in makeshift camps.

COVID-19 INFORMATION RESPONSES

University of Antwerp

	SURVEY RESPONSES	EMAIL RESPONSES	TOTAL RESPONSES
GOVERNMENT AGENCIES (INCLUDING NHRIS)	7	37	44
INTERNATIONAL ORGANISATIONS	19	9	28
NON-GOVERNMENTAL ORGANISATIONS	13	1	14
INDIVIDUAL EXPERTS	1	3	4
TOTAL	40	50	90

Rohingya refugees are held in an Indonesian immigration detention facility, 27 June 2020 © Alamy



As the only site monitoring and reporting on the treatment of migrant detainees during the pandemic, our COVID platform proved to be enormously influential. Numerous research institutions and professional institutions have publicised the platform on their websites as an important go-to resource, including the American Bar Association, the International Council of Voluntary Services, Friedrich Ebert Stiftung, ReliefWeb, the European Centre for Disease Prevention and Control, Refugee Rights Europe, the Scottish Alliance for Children's Rights, and the Raoul Wallenberg Institute. The UN Network on Migration also used the information from the platform to develop its own COVID-19 guidance for States parties.

Our monitoring efforts were also widely reported by media outlets across the globe, including The Independent, Politico, Foreign Policy Magazine, Al Monitor, the New Humanitarian, InfoMigrants, Open Democracy, the Geneva Observer, Open Migration, and the Thai Enquirer.

IN THE PRESS: COVERAGE OF THE COVID-19 GLOBAL IMMIGRATION DETENTION PLATFORM

"Coronavirus: Displaced People are Being Left Without Help," – Politics.co.uk

"Migrants' Detention Will Not Stop With The Pandemic,"
- Open Migration

"Immigration Detention and Covid-19: Why Releasing Those in Detention Keeps Us All Safer" - Border Criminologies

"Thailand's Outbreak Spike Exposes Conditions in Migrant Detention Centre" – Thai Enquirer

"Coronavirus: A Window of Opportunity for Action on Migration?"

– New Humanitarian

"COVID-19: Human Rights-Based Reflections on Displacement and Disease," - Raoul Wallenberg Institute

"Covid-19: Impact on Children's Human Rights Across the World,"
- Together: Scottish Alliance for Children's Rights

"The Invisible Islands: Covid-19 Restrictions and the Future of Detention on Kos and Leros," - Refugee Rights Europe

"Guidance on Infection Prevention and Control of Coronavirus Disease (COVID-19) in Migrant and Refugee Reception and Detention Centres in the EU/EEA and the United Kingdom,"

- European Centre for Disease Prevention and Control

IN FOCUS: DETENTION DURING THE PANDEMIC -MONITORING UPDATES FROM AROUND THE WORLD

Malaysia

Malaysian authorities adopted few measures to protect migrants and asylum seekers during the pandemic. Despite early assurances that authorities would not arrest and detain undocumented migrants in response to the crisis, the country soon scaled up raids and mass arrests, detaining large numbers of undocumented migrants—including children—within already overcrowded immigration "depots." Rates of infection in detention facilities began to skyrocket in the wake of these raids: by 4 June, 608 COVID-19 cases had been detected amongst detainees. Responding to the high infection rates, the UN Special Rapporteur on the human rights of migrants warned that migrant raids and arrests were "undermining the effort to fight the pandemic in the country." According to information submitted to the GDP by the IOM's Malaysia office, the country continued to conduct deportations during the pandemic, reportedly in an effort to free up additional space in detention facilities.



Spain





Spain was an early leader in taking quick and decisive action in its detention centres because of the pandemic. With flights grounded and crossborder movement halted, it quickly became apparent that deportations would no longer be possible, removing the legal basis for most detention orders. By May, immigration detention centres (Centros de Internamiento de Extranjeros) had been completely emptied, with detainees released into the community where many received support from their families or local civil society groups. In contrast, however, was the country's de facto detention of non-nationals in severely overcrowded reception facilities in Ceuta, Melilla, and the Canary Islands.

Netherlands

During the first few months of the pandemic, the GDP received reports of several controversial COVID-related immigration enforcement policies. Government sources confirmed that no moratorium on new detention orders was issued-although some detainees were released based on individual assessments — and local NGO Meldpunt Vreemdelingendetentie reported that detainees had complained about a lack of soap and hot water; the fact that guards did not wear masks; and that cell doors remained closed for 21 hours a day. Of particular concern was an October press release from the Ministry of Justice and Security, which stated that detainees were not to wear masks "for security reasons," despite authorities urging people to wear masks in all public facilities.



Putting Human Rights at the Forefront of the Global Conversation

The Global Detention Project is an active member of civil society and a strong advocacy organisation that promotes the human rights of detained migrants and contributes to global debates on relevant standards and policies that govern migration. In recent years, my mandate has collaborated with the GDP on several occasions, including receiving valuable input during various consultations and seminars. In particular, I wish to acknowledge the insightful submission from the GDP to my research on "Ending immigration detention of children and providing adequate reception and care for them," presented to the UN General Assembly. My report benefited from the profound and evidence-based analysis provided by the GDP.

Felipe González Morales, UN Special Rapporteur on the Human Rights of Migrants





UN Human Rights Council, Geneva © Creative Commons

Since launching as an independent association in 2014, the Global Detention Project has strategically engaged human rights mechanisms in numerous ways, including: providing targeted submissions to monitoring bodies that highlight gaps in state adherence to international agreements; serving in an advisory capacity in the production of thematic reports and during civil society consultations; and working with local partners around the world to help facilitate their participation in the deliberations of human rights monitoring bodies. Among the mechanisms we have regularly interacted with are the UN Committee on Migrant Workers, the UN Committee against Torture, the UN Committee on the Rights of the Child, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the Human Rights of Migrants, and the European Committee for the Prevention of Torture.

The GDP continued to provide detailed information about immigration detention laws, policies, and practices throughout 2020 even as the work of many human rights bodies was interrupted by COVID-19. Submissions, several of which were jointly submitted with partner NGOs, addressed issues ranging from forced relocations in Morocco, de facto detention in Paraguay's border quarantine facilities, and Cyprus' failure to expressly

prohibit immigration detention of children, to the need to redress misconceptions surrounding alternatives to detention, and the necessity to frame the non-detention of children as an "obligation" rather than an "alternative." Our submission to the Special Rapporteur on the Human Rights of Migrants, addressing questions surrounding immigration detention of children, proved particularly influential—as we detail below (See - In Focus: Challenging the "Housing" of Children as "Guests".)

The UN treaty body monitoring system faced particular challenges during 2020. With in-person meetings cancelled, nearly all sessions for 2020 were postponed, cancelled, or scaled back. Although the GDP continued to submit targeted information to rights mechanisms during the year, many of the processes and reviews were delayed until at least 2021.



IN FOCUS: STRENGTHENING UN HUMAN RIGHTS TREATY BODIES DURING THE PANDEMIC

Rohingya refugees prepare to board a boat to Bhasan Char Island, Bangladesh, 4 December 2020 © Alamy

The COVID-19 pandemic has posed enormous challenges to efforts to protect and promote human rights, particularly with respect to the right to liberty, as migrants, asylum seekers, and refugees have been subjected to new and unexpected forms of detention and control across the globe. However, at a time when human rights oversight is needed most, the international monitoring system largely ground to a halt after the onset of the pandemic as UN treaty bodies and other monitoring mechanisms cancelled in-person meetings and delayed or scaled back many of their meetings.

Recognising the grave and potentially long-term impact that the pandemic could have on human rights protection, the GDP actively engaged civil society efforts to highlight the critical role UN treaty bodies play, including participating in a campaign urging treaty bodies to schedule State reviews for no later than 2021 and proposing steps to strengthen the overall human rights monitoring system. In May, the GDP joined more than 30 other NGOs in co-signing a letter to the Chairpersons of UN treaty bodies, OHCHR, and High Commissioner Michelle Bachelet, which stated: "It will be detrimental for rights-holders if the UNTBs, who are the only independent and expert monitors of the legally binding human rights treaties, are not able to execute their mandates during the COVID-19 crisis. We therefore urge the UNTBs and the OHCHR to explore all possible options for ensuring maximum implementation capacity for the UNTBs during the crisis, and we look forward to supporting these efforts."

The GDP intends to continue to support the critical work of the UN human rights monitoring system and to strive to help mitigate the impact of COVID-19 on its work so that governments' responses to the pandemic as well as track records upholding human rights commitments receive necessary scrutiny and oversight.

2020 SUBMISSIONS TO HUMAN RIGHTS MECHANISMS AND GLOBAL CONSULTATIONS

RIGHTS MECHANISM/GLOBAL CONSULTATION	SUBMISSION	PARTNER NGO
	Oman: Immigration Detention and the Exclusion of Foreign Domestic Workers from Labour Laws (37th Session)	Migrant-rights.org
Universal Periodic Review	Lebanon : Immigration Detention (37th Session) Singapore : Issues Related to Immigration Detention and the Rights of Migrant Workers	
	(38th Session) Niger: Issues Related to Immigration Detention (38th Session)	
	Paraguay: Issues Related to Immigration Enforcement (38th Session)	
UN Committee against Torture	Bulgaria: Issues Related to Immigration Detention Bosnia and Herzegovina: Issues Related to	
UN Committee on the Elimination of Discrimination against Women	Immigration Detention Morocco: Issues Related to Immigration Detention	
UN Committee on the Rights of the Child	Tunisia: Issues Related to Immigration Detention	Forum Tunsien pour les Droits Économiques et Sociaux (FTDES)
	Cyprus : Issues Related to Immigration Detention	
	Response to the CMW's Draft General Comment No.5 on Migrants' Right to Liberty and Freedom from Arbitrary Detention	
UN Committee on Migrant Workers	El Salvador: Issues Related to Immigration Detention	
	Morocco : Issues Related to Immigration Detention	L'Association Marocaine des Droits Humains (AMDH)
UN Special Rapporteur on the Human Rights of Migrants	Response to the Special Rapporteur's Questionnaire, addressing "Ending Immigration Detention of Children and Seeking Adequate Reception and Care for Them"	
UN Working Group on Discrimination against Women in Law and Practice	Romania : Submission Ahead of the Working Group's Visit to the Country	
UN Network on Migration: Working Group on Alternatives to Detention	Input to policy brief, and annex to policy brief, on immigration detention during the COVID-19 pandemic	
aroup orrationauroo to Dotoniuon	Input to debate regarding definition of "Alternatives to Detention"	
UN Network on Migration: Working Group on Returns and Readmissions	Input to "Mapping of Gaps and Positive Practices for Safe and Dignified Return and Sustainable Reintegration"	

At the same time, the GDP has become an increasingly active participant in global consultations concerning the treatment of migrants and refugees, including in particular those associated with the UN Network on Migration, the IOM-led body tasked with assisting states in implementing the Global Compact on Migration. Invited to join both the Network's Working Group on Alternatives to Detention and the Working Group on Returns and Readmission, the GDP has regularly attended Working Group meetings and contributed extensive feedback to the groups' output. In 2020, the GDP encouraged the inclusion of a chapter on avoiding immigration detention in return procedures for the Working Group on Returns and Readmissions' "Mapping of Gaps and Positive Practices for Safe and Dignified Return and Sustainable Reintegration." In drafting this chapter, together with former GDP Researcher Izabella Majcher, the GDP highlighted immigration detainees' vulnerability to human rights abuses and urged States to prohibit the immigration detention of children and families, while also avoiding immigration detention more generally, ensuring it is only used as an exceptional measure of last resort, satisfying principles of legality, proportionality, and necessity.

Within the Working Group on Alternatives to Detention, the GDP also encouraged a more careful consideration of how to define and apply "alternatives to detention," particularly with regards to children and within the context of the COVID-19 pandemic when deportation proceedings were nullified. We have noticed a distinct enrichment in the discourse concerning ATDs, including during the drafting of the Netwoek on Migration's policy brief, "COVID-19 & Immigration Detention: What Can Governments and Other Stakeholders Do?," which used evidence developed on our COVID-19 platform to help build recommendations for states.

The GDP also continued to pursue collaborations with international academic and advocacy initiatives. From discussing the particular vulnerabilities experienced by migrants and asylum seekers during the pandemic in a webinar organised by Ryerson University (Toronto), to acting as a resource speaker at Migrant Forum Asia's International Migrants Day Celebration—the GDP had numerous opportunities to engage with wider international debates surrounding the treatment of detained migrants and states' treatment of non-nationals more generally. GDP staff members also published scholarly articles in a host of journals and academic media during the year, including in the International Journal of Law in Context, Open Democracy's "Pandemic Borders" blog, Border Criminologies, and Symbolic Interaction.

Bangladeshi nationals are detained in the Immigration Detention House in Meedan (Indonesia), February 2019 © Alamy



"The Global Detention Project is vital in understanding the growth and proliferation of the detention industry. It emphasises the need for a human rights discourse to question this trend and even that of alternatives, where migration is seen as a problem to be dealt with and not a phenomenon to be understood in solidarity and celebration. We have appreciated enormously our engagement with the GDP team and we look forward to future opportunities to collaborate with them in ensuring that the rights and dignity of all migrants are respected."

William Gois, Migrant Forum in Asia



Rohingya refugees disembark a boat following their arrival at the remote island of Bhasan Char, Bangladesh, 29 December 2020r© Alamy



A child detainee walks through Lampedus: hotspot (Italy) © Francesco Malavolta

IN FOCUS: CHALLENGING THE DETENTION OF CHILDREN AS "GUESTS"

Despite the emerging international consensus that immigration detention is never in the best interests of the child and that it violates international human rights law, migrant, refugee, and asylum-seeking children continue to be detained—either alone or alongside their families—in countries around the world. This was addressed by the Special Rapporteur on the Human Rights of Migrants in 2020, in his important thematic study on immigration detention of children. Highlighting key concerns surrounding the varied harms that detained children encounter in detention, the Special Rapporteur's report also drew attention to some of the positive steps some states have taken to protect migrant and asylum-seeking children.

Ahead of the report's publication, the GDP answered a call for input and provided a targeted submission, addressing three key areas: information on laws or policies that prohibit or restrict the use of detention of children and their families; information on existing non-custodial alternatives to detention of children and their effectiveness; and information on existing good practices or measures taken to protect the human rights of migrant children and their families while their migration status is being resolved.

In particular, the GDP drew the Special Rapporteur's attention to the fact that some countries, whose legislation lacks specific grounds for immigration detention of children, de facto detain minors alongside their parents or guardians, leaving them "invisible" to the law and preventing them from accessing basic legal protections. The GDP wrote, "in Canada children are "housed" as "guests" of their parents in immigration detention. In France, Poland, Spain, and numerous other countries children "accompany" their parents in detention centres." This point was subsequently raised by the Special Rapporteur in his final report.

"24. ... Another worrying phenomenon is that in a number of countries, migrant children are de facto detained with their parents or guardians as "guests" in detention facilities. This practice makes detained migrant children legally invisible." Special Rapporteur on the Human Rights of Migrants.

The GDP also urged caution in promoting concepts like "alternatives" and "alternatives to detention" (ATDs) in the context of children since it could easily be interpreted as legitimising laws and practices that provide for the immigration detention of children. We argued that whereas the development and promotion of the use of ATDs could have a positive impact in countries where children are subject to legally defined detention procedures, the Special Rapporteur could consider avoiding a blanket promotion of ATDs and instead reiterate the non-detention norm promoted by key treaty bodies and other human rights mechanisms. "When there is no lawful ground for detaining a child, it would be inappropriate to place him or her in an 'alternatives to detention' measure," we argued in our submission. "Rather, a child must be given proper care and security."

In his final report the Special Rapporteur avoided promoting "alternatives to detention" for children and families, instead calling for "a paradigm shift ... away from a focus on enforcement and coercion ... and towards providing human rights-based alternative care and reception."

The GDP Team and Governance

STAFF

Michael Flynn, Executive Director

Michael Flynn holds a BA in Philosophy from DePaul University and a PhD in International Studies from the Graduate Institute of International and Development Studies. Flynn previously worked as a project director at the Institute for Policy Studies in Washington, D.C.; as a project coordinator at the Graduate Institute's Programme for the Study of Global Migration; and as an associate editor of the Bulletin of the Atomic Scientists. His research has been supported by the Swiss Network for International Studies, the Geneva International Academic Network, the Pew International Journalism Program, and the Fund for Investigative Journalism.

Katie Welsford, Communications Officer

Katie Welsford has a background in not-for-profit communications and journalism and specialises in conflict and displacement. She previously worked for the AMAR International Charitable Foundation, overseeing all digital communications and campaigns which focused in particular upon the IDP crisis in Northern Iraq. Prior to this, Katie worked as the Co-ordinator for the human rights NGO, Reach All Women in War, and as a freelance journalist in the Middle East and Caucasus for publications including the Guardian, Daily Beast, and Le Monde Diplomatique. She holds an MSc in Political Science from the University of London's Birkbeck College and a BA in Social Geography from Durham University.

Mario Guido, Project Coordinator

Mario Guido serves as the Coordinator of the Global Detention Project's "Global Immigration Detention Observatory" project, helping oversee collaborative work between the GDP and external partner organisations on developing detention data in key geographic regions to raise awareness of human rights concerns. He holds an LLB in European Legal Studies from the University of Reading and an LLM from University College London. He previously worked at the Advice in Individual Rights in Europe (AIRE) Centre and at Children and Families Across Borders (CFAB) in London. Guido's academic research has focused on the involvement of private entities in the provision of employment for prisoners through the lens of the International Labour Organisation's Forced Labour Convention.

Alan Zard, Website Consultant

Alan Zard manages the GDP's website and oversees website and database development projects. He has been building websites and web-based software for many years, working with non-profit organisations of varying sizes across the world. Full-stack-born, he enjoys being involved in the full scope of projects—from server setups to final UX tweaks and bug-hunting.

Mariette Grange, Adviser

Mariette Grange served as Senior Researcher at the Global Detention Project during 2010-2019. Since retiring in mid-2019, she has continued to serve as an external adviser to the GDP team. Ms. Grange's track record includes co-establishing the Amnesty International office to the United Nations in Geneva and providing leadership to Human Rights Watch during the institution-building years of the Human Rights Council. She worked on migrant and refugee operations at the World Council of Churches and the International Catholic Migration Commission and on emerging issues at the International Council on Human Rights Policy. Her research interests include the UN treaty bodies and the impact of language on human rights protection.



EXECUTIVE COMMITTEE AND BOARD MEMBERS (2020)

Roberta Cecchetti, (Independent Consultant), President & Board Member

George Kourous (UN Food and Agriculture Organization), Vice President & Board Member

Yves Klein (Monfrini Bitton Klein), Secretary & Board Member

Pierre Simon (Processus Immobilier), Treasurer & Board Member

Meghna Abraham, (Independent Consultant), Board Member

Megan Day Paterson-Brown (Webster University)

Seta Hadeshian (Middle East Council of Churches)

Alejandro Nadal* (El Colegio de Mexico)

Robert Norris (Federation of American Scientists)

Kirsten Sandberg (University of Oslo)

Michaela Told (HumanImpact5 HI5)

ACADEMIC ADVISORY COUNCIL (2020)

Mary Bosworth, University of Oxford, Oxford, United Kingdom

François Crépeau, Former Special Rapporteur on the Human Rights of Migrants, McGill University, Montreal, Canada

Jeff Crisp, Refugees International, Washington, D.C., United States of America

Niels Frenzen, USC Gould School of Law, University of Southern California, United States of America

Elspeth Guild, Radboud University, Nijmegen, Netherlands

Jussi Hanhimäki, Graduate Institute of International and Development Studies, Geneva, Switzerland

Donald Kerwin, Center for Migration Studies, New York, United States of America

Daniel Wilsher, City University, London, United Kingdom

A detainee in Baku City Detention Centre (Azerbaijan) © Report.az

GOVERNANCE

As a non-profit association under Swiss law, the GDP has two main governance bodies: the **General Assembly** of association members, whose responsibilities include appointing the association's **Executive Committee**, which is responsible for managing the association, approving budgets, and authorising grants, among other activities. Executive Committee members participate on a purely volunteer basis and are only reimbursed for expenses and travel costs directly related to fulfilling their responsibilities on behalf of the association.

In addition, the Executive Committee has appointed a five-person Board that is intended to interact more closely with the Executive Director and provide assistance on short notice for a range of activities, including banking and finances, drafting contracts, addressing legal questions, and generally serving as an easily accessible advisory body to the Executive Director. Board members include the President, Vice President, Secretary, and Treasurer of the Executive Committee. The Board is directly involved in financial oversight of the association and has direct access to all of its financial information. Copies of banking and financial records are sent directly by the association's bank to the Treasurer.

Lastly, the association has appointed a nonbinding Academic Advisory Council, which is made up of prominent academics and scholars working on issues central to the GDP's mandate. The academic council is intended to serve in a consultative capacity to the Executive Director in order to help ensure that the GDP's outputs meet the highest standards. Council members provide advice on research, proof drafts of reports, suggest areas to focus GDP efforts, and collaborate with staff on producing material published by the association.

REMEMBERING GDP EXECUTIVE COMMITTEE MEMBER ALEJANDRO NADAL (1945-2020)

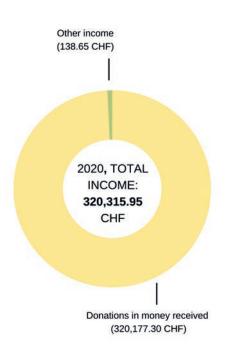


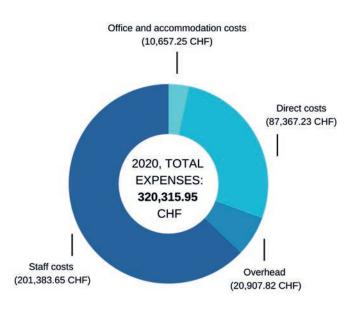
Long-standing GDP Executive Committee member Alejandro Nadal, a highly regarded economist from Mexico, passed away in March 2020. Alejandro's expertise extended across a dazzling array of subjects, including the impact of neoliberal economic policies on corn production, the dangers of legalising the rhino horn trade, the economic drivers of poverty, the impact of wildlife markets on endangered species, the peace process in Chiapas, Mexico, after the 1994 Zapatista rebellion, the details of international arms control agreements, the projected impact of nuclear war, safety features for operating nuclear power plants, among many other areas of concern to Mexico and the world today. When the GDP's Executive Director asked Alejandro if he would consider joining the organisation after we became an independent NGO in 2014, he gladly took up a new cause, applying his remarkable mind to understanding the economic drivers of migration control, an issue he wrote about in his weekly column for Mexico's La Jornada newspaper and spoke about in long conversations with Michael Flynn during his frequent trips to Geneva to attend meetings of the International Union for Conservation of Nature, based in nearby Gland, where he served as a Board member for many years. The GDP community deeply misses Alejandro, and Michael Flynn regrets the loss of a dear friend.

Finances

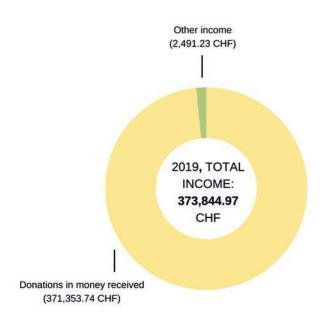
This is an extract of the Global Detention Project's financial statements for the year ending 31 December 2020. To request a copy of the full audit, please email admin@globaldetentionproject.org

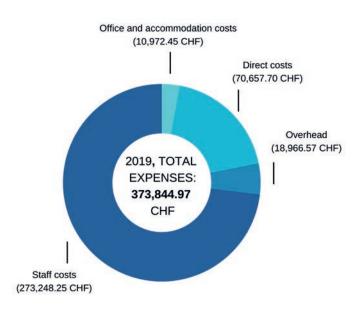
2020 - INCOME & EXPENSES





2019 - INCOME & EXPENSES





Acknowledgements

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We would also like to thank the numerous immigration and human rights experts and organisations around the world who collaborated with us during the year, including the Asia Pacific Refugee Rights Network, the Association for Juridical Studies on Immigration (Italy), Border Criminologies (Oxford University), Centro de Derechos Humanos Fray Matias (Mexico), the Forum Tunsien pour les Droits Économiques et Sociaux, Foundation for Access to Rights (Bulgaria), Fundacion CEPAIM (Spain), the Greek Refugee Council, Human Constanta (Belarus), the Hungarian Helsinki Committee, the International Legal Initiative (Kazakhstan), the International Refugee Rights Association (Turkey), Lawyers for Human Rights (South Africa), Migrant Forum in Asia, Migrant-Rights-org (Bahrain), the Moroccan Association for Human Rights, and Ryerson University's Canada Excellence Research Chair in Migration and Integration, as well as various individuals and organisations in Africa, the Middle East, and Asia who prefer to remain anonymous for security reasons.

We are also grateful to the students, research fellows, and interns who generously gave their time and energy to the GDP throughout the year. We would like to thank, in particular, Dennis Blaser, Diane Bengui Félix, Tatjana Láznicky, Jun Pang, and Stella Warnier.









GLOBAL**DETENTION**PROJECT

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