



Society of **Black Lawyers**
the pursuit of equality in justice



THE CURRENT REFUGEE AND MIGRANT CRISIS

FACT FINDING MISSION REPORT 2015

(Interim)-Final Version due in January 2016)

**The Society of Black Lawyers &
The Association of Muslim Lawyers**

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"No one puts children in a boat unless the water is safer than the land."

Somali poet Warsan Shire

Background

This report has been compiled by members of the Society of Black Lawyers (SBL) and the Association of Muslim Lawyers (AML) with contributions from members of the Pakistani Association of Surgeons and Clinicians. Those contributing to this report are:

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1. Introduction to the Mission

- 1.1 Following the appalling loss of life in the Mediterranean where some 800 men, women and children lost their lives in April of this year, when the boat they were travelling to Italy in capsized, the SBL and the AML assembled a delegation of 12 lawyers, jurists and doctors to visit the refugee and migrant camps in Lampedusa and Sicily from 21st to 24th June 2015 to investigate the crisis. With the co-operation of the Italian Government, the Foreign and Commonwealth Office and the British Honorary Consul in Sicily our mission ('the Mission') began with a view to preparing a report for dissemination to the UNHCR, United Kingdom Government, EU Commissioners and the OECD.
- 1.2 Our initial four-day visit to Italy in June 2015 resulted in a series of meetings with local officials and NGOs, including the Mayor of Catania in Sicily, the Deputy Mayor of Lampedusa, the Imam of the Catania mosque, and asylum reception centres in Mineo and charities working with refugees such as Borderline Sicilia.
- 1.3 The currently unfolding crisis across the Mediterranean from the 1,776 kilometres long coast of Libya to the coast of Turkey bordering Greece has seen an unprecedented catastrophe unfold. SBL and AML have sought through our delegation, mission and conference to bring together a wide range of NGOs together with international agencies with primary responsibility for the crisis to influence the international debate for a more humanitarian approach. Our aim is to achieve an international strategy designed to have at its core, the principle that the fate of refugees/migrants is a concern for the whole of Europe which must recognise the fundamental rights and wishes of people themselves.
- 1.4 Recent reports in the media have highlighted the grave humanitarian catastrophe and the wanton loss of life in the Mediterranean, a direct result of the imploding migrant crises which the EU appears to have turned a blind eye to, and Italy together with a handful of countries have been left to grapple with the issues singlehandedly.
- 1.5 In light of the above, the Mission is extremely concerned about the unpalatable rhetoric emanating from a number of EU states that have declared that migrants should and will be forcibly returned to their ports of origin. The Mission considers this stance to be wholly unlawful and completely contrary to the ECHR decision in *Hirsi Jamaa and Others v Italy* [2012] (Application No 27765/09, 23 February 2012) which declared that forced returns or "push backs" are illegal.
- 1.6 The Mission also notes the UK Government's show of shameful indifference by refusing to provide shelter to 1400 "unaccompanied minors" that were identified by Save the Children, and the announcement that HMS Bulwark would be pulled out of the Mediterranean after only six weeks on station. This was eventually followed by the announcement in September that the UK would take 20,000 Syrian refugees over a 5 year period.
- 1.7 It is clearly unsurprising that the international refugee crisis has grown dramatically, considering the punitive policies adopted by EU member states and the EU decision to

withdraw funding for “Operation Mare Nostrum”, which has led to the deaths of hundreds of refugees and migrants off the Libyan coast. The Mayor of Catania, Senator Enzo Bianco was perfectly clear when he spoke to our delegation saying that, “this should never have been an emergency or been allowed to develop into a crisis given what we knew about the situation in Libya in the previous year”. By June of 2015 over 2,800 migrants were reported to have drowned in 2015 alone, while those that made it to shore were too often the subject of harsh and demeaning treatment. The treatment in Italy has been remarkably well organised and humane by comparison to what has occurred in the Balkans later this summer and autumn.

- 1.8 Many of the migrants that were held by the Austrian authorities at Bolzano and by the French at Ventimiglia in June 2015 were deemed to be in appalling conditions that represented a moral and political failure by Europe to address the crisis. With deteriorating conditions and winter approaching, the flow of refugees especially from Syria is likely to be all the more desperate. These scenes have been replicated with border closures by the Hungarian Government¹, and the various arguments that flowed between the various Governments of Croatia, Slovenia and Austria. Refugees were often beaten, tear gassed, misled by officials and often held in dreadful conditions behind, and sometimes between, the various frontiers as the decision makers argued, lied and blamed each other for the tragic chaos whilst the refugees suffered from the political confusion and impasse.
- 1.9 The SBL and AML are vehemently opposed to the forced return of refugees & migrants to dangerous environments as proposed earlier this year by the Home Secretary, Theresa May and consider the position of the UK Government to be inhumane and contrary to the basic principles of International Refugee Law under the 1951 Geneva Convention.
- 1.10 Recent statistics suggest that over 129,000 refugees and migrants arrived in Italy in the first nine months of 2015,² with possibly another 250,000 trapped in Libya living in abject poverty or held in appalling conditions awaiting the chance to escape to Europe at any cost. Eritreans (27%), formed the largest group using this route, followed by (Nigerians (12%), Somalis (8%), Sudanese (6%), and Syrians (6%)³. Added to this are the 434,000 internally displaced persons recorded by the UNHCR who acknowledge the real figure could be higher.⁴ These individuals are often threatened with violence and intimidation, with trafficking gangs using increasingly brutal methods to extort money from those fleeing the civil war, poverty or persecution in their country of origin. The recent announcement by the two Libyan Governments that they are to agree a Commission of National Unity, leading to elections within two years, has been supported by the United Nations, special representative to Libya.⁵ This recent development, if it holds and leads to peace, may result in a significant reduction in those leaving Libya in 2016.

¹ CNN News, October 17th 2015

² Frontex, EU Website, November 25th 2015

³ UNHCR, Libya Operational Update, August 2015

⁴ UNHCR, News, 30th June 2015

⁵ Al Jazeera, News, December 6th 2015

- 1.11 Whilst the Italian, Greek and Maltese Governments have generally responded with compassion, the United Kingdom and France in particular had, up to early September, been resolute in their refusal to take in any refugees. By early June 2015, Germany had taken in over 40,000 refugees, whilst the UK Government appeared to be hiding behind its aid budget and continued to make pronouncements that suggest a “*laissez faire*” attitude to the entire debacle. We found this to be simply unacceptable.
- 1.12 The international furore surrounding the tragic death of Aylan Kurdi, the three year old boy that drowned off the Turkish coast, has led to the UK Government belatedly agreeing on September 7th 2015, (4 days after the photo of Aylan Kurdi was flashed across the conscience of the world)⁶, to take in 20,000 refugees over a 5 year period but only from the camps in Turkey, Lebanon and Jordan. This rationale was to suggest that this would deter others from making the perilous journey by land or sea to Europe and ignores the dangers faced by many of the refugees to date and who commenced their flights from their countries of origin some time ago en route to safer environments. In addition this has been roundly condemned by a wide range of jurists, lawyers and human rights specialists.⁷
- 1.13 The SBL and AML support the stance of the Italian Government when, in June 2015, the Italian Prime Minister threatening to issue emergency Schengen travel documents to those seeking asylum if Europe refused to do more to help.⁸ The SBL and AML also endorse *intoto* the recommendations published by Amnesty International to deal with the worldwide refugee crisis. We are as concerned about the situation in Syria where only 23% of promised UN aid has arrived and the lack of support for Lebanon, Jordan and Turkey who currently have 4.5 million refugees between them. The response of the EU was to offer Turkey increased aid of some 3.4 Billion Euros, easing of travel visas, and “re energised” talks on EU accession in meetings on 16th October 2015 with the Turkish Prime Minister. This is viewed by many as being too little, too late and as a cynical attempt to stem the flood of refugees to the EU.⁹
- 1.14 The escalation of the current crisis has been driven by several factors some of them unrelated to each other and others overlapping. Our assessment is that these include the following:
- (i) The increasing levels of violence in the countries of origin and the absence of any political will amongst the various powers to intervene militarily and/or negotiate a political solution;
 - (ii) The prospect of facing several years in refugee camps in Jordan, Lebanon, or Turkey where generally work is either prohibited or extremely difficult to obtain coupled with the extinguishing hopes of a return home;
 - (iii) the poor health care, sanitation and education available in even UN administered camps;

⁶ The Guardian, September 7th 2015

⁷ The Times, Advert, October 12th 2015

⁸ Italian Prime Minister, Matteo Renzi, June 16th The Guardian, 2015

⁹ Al Jazeera, October 16th 2015

- (iv) the ability to access the media and awareness that asylum in Europe would, despite the dangers and expense of transit across the Mediterranean, provide a far better prospect than remaining in limbo;
- (v) the failure of the Western backed coalition to provide any safe havens in either Syria or Iraq;
- (vi) the onset of the winter months when the sea passage even to Greek Islands such as Lesbos or to Lampedusa will become impossible;
- (vii) the bombing campaign by Russia that has added destruction and terror to areas of Homs, Aleppo and other cities already devastated by barrel bombs and now threatened again;
- (viii) the collective failure of the EU, African Union, the United Nations or anyone in the international community to confront the causes of flight in Yemen, Somalia, Libya, and especially Southern Sudan, Eritrea, Ethiopia and Mali to name only some of the push factor countries.;
- (ix) the attraction to many of joining existing communities and family members already settled in Europe; and
- (x) the overall failure of leaders in the Middle East to show any resolution to end the political conflict that has been mis-interpreted by many observers as a simplistic Shia versus Sunni conflict in Syria and Iraq.

2. Past, Present and Future of the Migration Routes into Europe

*The number of people living exiled from their homes has more than doubled in the last decade to more than 59 million, 8 million more than last year. The world's state of chronic insecurity is driving some 42,500 people to leave their homes every day in search of safety. Fighting in Syria and Iraq and the rise of "Islamic State" has already seen 15 million people driven to seek safety abroad. If they were a nation, the population of displaced and dispossessed people would be the 24th largest country in the world. It would be a young nation as more than half of all refugees are under the age of 18. It is not just the scale of this crisis that's the problem, but the speed at which it is growing."*¹

- 2.1 People have been migrating for socio political reasons throughout history, mainly to escape war and persecution or improve their living conditions and often for the sole purpose of survival. In light of the current refugee crisis, this section aims to deal with the migration routes via the Mediterranean into Europe through; Italy, Malta, Greece and Spain. The routes include an array of different modes of transport from; land, air and sea.
- 2.2 Migrants and refugees come from a diverse range of countries and regions such as: Syria, Senegal, Gambia, Sierra Leone, Liberia, Mali, Côte d'Ivoire, Ghana, and Nigeria as well as the Democratic Republic of Congo, Cameroon, Sudan, the Horn of Africa, Afghanistan, Iraq, Bangladesh and Pakistan.¹⁰
- 2.3 Increasing levels of sub-Saharan immigration has contributed to the longer list of countries involved in the world refugee crisis thus, increasing tensions in the EU on regularization and humanitarian issues.¹¹ Climate change, especially in Africa¹², and corruption have all played their part as drivers of this crisis.¹³ The trans-Saharan journey is generally made in stages as is illustrated by the accounts of migrants and refugees that the Mission interviewed. Such journeys can take anywhere between a few weeks to many years. During this time, migrants and refugees would work and attempt to save enough money to leave behind poor living conditions of war torn areas, poverty, unemployment, persecution and sometimes even torture. Torture has been mentioned by those who have been inhumanely treated in Libyan prisons and arrested purely for being of African origin (black).¹⁴
- 2.4 Migrants and refugees use numerous land and sea routes to travel to Europe to seek refuge. There are three main routes as one can see from Figure 1; the first includes the African land route where the majority of the land routes in Africa would be completed by vehicle travelling to the coastal cities such as Tripoli along the Libyan coast, which would then become the destination for the final leg of their quest to enter Europe via Lampedusa or Malta by sea. Furthermore, Figure 1 illustrates the greatest portion of migrants/refugees have travelled through the East Mediterranean and West Balkan routes especially in 2015.

¹⁰ http://www.migrationpolicy.org/sites/default/files/source_images_oldsite/sahara_map_nov06.pdf

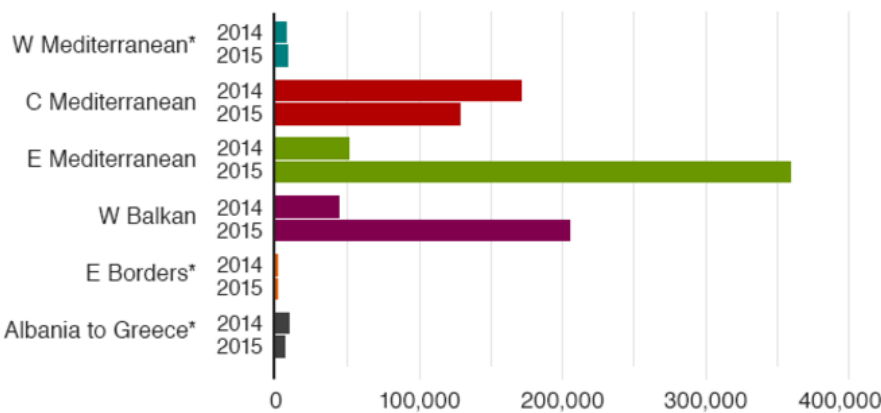
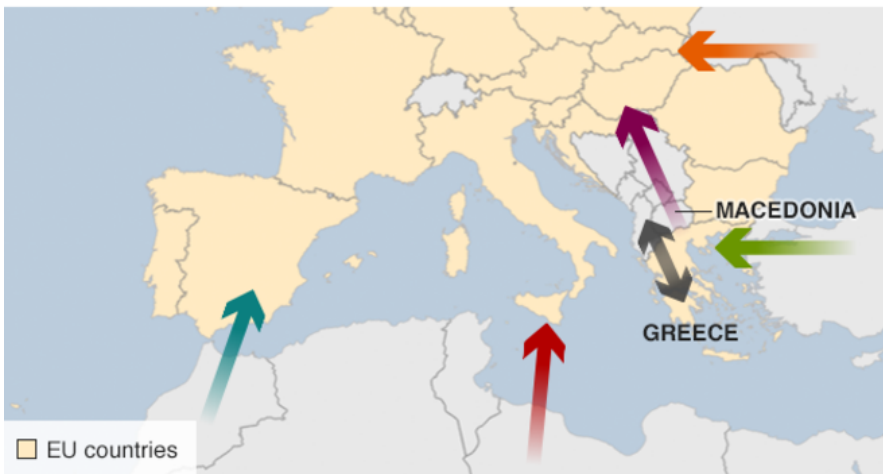
¹¹ <http://www.migrationpolicy.org/article/trans-saharan-migration-north-africa-and-eu-historical-roots-and-current-trends/>

¹² K Warner, 2009, "In search of Shelter"

¹³ OECD, "Corruption and the Smuggling of Refugees," September 2015

¹⁴ http://www.migrationpolicy.org/sites/default/files/source_images_oldsite/sahara_map_nov06.pdf

Migrants detected entering the EU illegally, Jan-Sept 2015



*Figs for Jan to Aug 2015

Source: Frontex



Figure 1: Map of all routes and figures of Migrants and Refugees to date¹⁵

2.5 The second route is the route by sea travelling from Morocco and Algeria to the Spanish Islands, to Italy and France, known as the Western Mediterranean route. West Africans attempting to use the Western Mediterranean coast (Morocco and Algeria) overland have a choice of the coastal route through West Africa and the route across the Sahara in the east. The coastal route is the shorter option for those leaving Senegal and Mauritania, but is also used by those leaving from most West African countries like Nigeria, Côte d'Ivoire or Benin, who prefer to avoid the shorter but more perilous journey through the Sahara.

2.6 The third route known as the eastern Mediterranean route (see Figure 2) has become the second largest migration route since 2008, where migrants/refugees have been travelling along the path through Turkey to the European Union via



¹⁵<http://data.unhcr.org/mediterranean/regional.p>

Greece, Bulgaria or Cyprus. The location of Turkey's border with the Balkans has allowed this route to become a hot spot for migrants and refugees seeking a better life.¹⁶ The Turkish Government has tightened border controls to the north preventing

many refugees from using the land route,

Figure 2: Map of Balkan Route

which explains why the traffickers have

chosen to move people by the far more hazardous route across the Aegean Sea to Greece. The EU operation through Poseidon in the Aegean and Triton in the seas off Sicily, have both struggled to cope with the scale of the problem, helped by the Turkish coastguard and even joined by NGO Charity ships from Sea-Watch¹⁷ and MOAS¹⁸.

- 2.7 The majority of the refugees and migrants who have arrived in these countries had travelled through these different avenues to get to transit ports in Libya, Egypt, Tunisia, Morocco and Algeria where they take yet another gamble with their lives in order to get to Europe. The Mission found that people smugglers as well as other organisations take charge to put migrants and refugees who have somehow managed to raise the money for the 'ticket' to Europe on old, unseaworthy fishing boats and small rubber dinghies, that are overloaded and likely to capsize. These vessels generally come ill-equipped without proper navigation systems, poor quality engines and insufficient fuel to reach Europe. It has been stated that the boats are not intended to reach Europe by themselves but rather the intention is to be rescued once in European waters.¹⁹ The Libyan coastline is 1,770km long and the boats can set sail from any part of that vast coastline.²⁰
- 2.8 Despite these three main routes in place, Italy in particular Lampedusa, has been a target for the huge influx of migrants and refugees due to the prime geographical location of the island of Lampedusa for access by sea. Similarly, this also applies to the neighbouring countries near Italy that are part of the EU such as Malta, the Greek Islands and the Spanish Islands. The distance between Libyan territorial waters and Mediterranean territorial waters is so short that, the boats filled with migrants floating at sea, quickly become the responsibility of the EU member states particularly Italy, Greece, Malta and Spain. The distance between Tripoli and Lampedusa is equal to 184.34 miles, (160.08 nautical miles) and during our meeting with a representative of Frontex, we were informed that the distance from the territorial waters of Libya to the territorial waters of the EU was 'just one nautical mile'.
- 2.9 Therefore, as a result the number of refugees that arrived in Italy, Greece, Malta and Spain has been collectively over 800,000 in 2015 alone according to UNHCR statistics. This can be seen in diagram 1.3 below. The International Organisation for Migration (IOM) also estimated that more than 800,000 migrants and refugees had been detected at EU borders in 2015.²¹
- 2.10 Despite the scale of those who have drowned crossing the Mediterranean, this has not proved to be a deterrent. The reason for the dangerous journey into Europe not acting as deterrent

¹⁶ <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route/>

¹⁷ www.sea-watch.org, 2,000 rescued

¹⁸ MOAS, Migrant Offshore Aid Station, www.moas.eu, (11,865 lives saved)

¹⁹ <http://frontex.europa.eu/trends-and-routes/central-mediterranean-route/>

²⁰ <http://www.nationsencyclopedia.com/Africa/Libya-LOCATION-SIZE-AND-EXTENT.html>

²¹ <http://www.bbc.co.uk/news/world-europe-34131911>

to the migrants or refugees, as the Mission was told by a number of the people interviewed, was the belief that nothing can be worse than the conditions they were currently enduring and the risk outweighed the traumatic and troubling experiences they were enduring in their home countries.

2.11 Further, there is also the fact that migrants who have safely made it to Europe, do not provide accurate details of the difficulties of life in Europe, therefore those left behind have a distorted idea of what life in Europe is really like. A lot of cultural pressures to succeed upon escaping the severe hardships at home also leave a deficit in information required by migrants and refugees, to make a fully informed decision. This is a point that was made by many male refugees that were interviewed during the Mission.

2.12 The worsening weather in the Mediterranean has simply increased the risks with traffickers determined to make the most of the desperation of refugees to escape from the bleak outlook in refugee camps in Turkey, Lebanon and Jordan. On 30th October 2015, another 22 refugees drowned, off the Greek island of Lesbos, including 9 children, prompting the Greek Prime Minister, Alexis Tsipras to voice his sorrow at the new deaths, lambasting Europe's 'inability to defend its (humanitarian) values' by providing a safe alternative to the dangerous sea journeys in frail boats provided by smuggling gangs.

'I want to express... my endless grief at the dozens of deaths and the human tragedy playing out in our seas,' he told Parliament. 'The waves of the Aegean are not just washing up dead refugees, dead children, but (also) the very civilization of Europe.'²²

2.13 It is important to recognise that the current crisis has to be judged by the standards of international law to which all the EU countries are signatories. It is therefore contrary to international law for refugees to be simply rejected without proper consideration of their application for refugee status. The actions of the Balkan States in particular have been unlawful in many instances. The inhuman conditions that refugees have had to endure without access to health care, sanitation, shelter and food (exhibited in many countries, including France at the Calais camp) illustrate how far below the international standards many European countries have fallen, not only due to the sheer weight of numbers but as a result of deliberate xenophobic attitudes of some political leaders.

2.14 One example in particular has been the Hungarian Prime Minister Viktor Orban, who has been linking immigration to most varieties of evil, up to and including terrorism, for months. He has built a fence along the border with Serbia; deployed the army; and blocked those refugees who get across from boarding trains out of Hungary, only to then let them on the trains. In September he closed the railway stations leaving refugees stranded. He is a populist who has little love for EU regulations despite claiming he wished to enforce the Schengen Treaty and the Dublin Convention.

²² Daily Mail on line: 30th October 2015: <http://www.dailymail.co.uk/news/article-3296558/Migrants-survive-Mediterranean-crossing-skin-teeth-small-boat-begins-capsize-just-yards-shore.html#ixzz3sYuL7xBn>

- 2.15 As a frontier member of both the EU and the Schengen borderless travel zone, Hungary is not supposed to just wave the migrants through. Under EU rules asylum seekers must be registered in their first country of entry. If Hungarian-registered refugees were to then go elsewhere and have their asylum applications rejected, they could be sent back to their first country of entry: Hungary.
- 2.16 Orban appears to show little respect for Brussels and all it stands for. Hungarians, he has said, do not want immigrants -- they "want to preserve a Hungarian Hungary." This is a line that goes down well and guards against his government being outflanked by the ultra-right, Jobbik party. The direct consequence of this xenophobic policy has been to push the refugees to use the services of the traffickers, which resulted in the deaths by suffocation of some 71 refugees in a lorry on the main road from Hungary into Austria in August 2015. This occurred as EU leaders met in Vienna just down the road from the tragedy where the dead included eight women and four children, one of whom was a toddler.²³ Despite this fascist rhetoric, many ordinary Hungarians, Croations and others have shown great kindness to the refugees streaming across their border on their way to Germany and Austria.²⁴
- 2.17 Nor does Hungary have an immigration problem, beyond the chaos Orban's policies have exacerbated. Few, if any, of the refugees entering the country wish to remain in Hungary, and Hungary has relatively few refugees. Other Balkan and Eastern European countries are just as unwelcoming. For instance Slovakia said it would only accept Christians when it agreed to take in Syrian refugees under a EU relocation scheme, the Interior Ministry spokesman, Ivan Netik, said Muslims would not be accepted because they would not feel at home . The country is due to receive 200 people from camps in Turkey, Italy and Greece under the EU plan to resettle 40,000 new arrivals. The UN's refugee agency (UNHCR) called on countries to take an "inclusive approach" to relocation. However, Mr Netik denied the move was discriminatory and said it was intended to ensure community cohesion.²⁵
- 2.18 The general failure of the EU to agree a common policy on the refugee and migrant crisis was most graphically illustrated by the actions of Angela Merkel stating that Germany alone would take some 800,000 Syrian refugees this year. Germany stands out as a beacon of hope for refugees to demonstrate what a wealthy country can offer in an international crisis if the political will exists.

3. Definitions of Refugee & Migrants in the International Legal Context

- 3.1 The aftermath of the Second World War and the huge refugee crisis of displaced people in Europe led directly to the 1951 Geneva Convention designed to formulate an international and uniform response to such crisis in the future. International law has developed substantially since 1951, however the current crisis has tested Europe's ability and

²³ Al Jazeera, 29th August 2015.

²⁴ Bloomberg View, 2nd September 2015

²⁵ BBC News, 19th August, 2015

commitment to these principles, primarily due to the sheer weight of numbers and complexity of the current crisis.

- 3.2 A refugee is defined generally as “a person who has been forced to leave their country in order to escape war, persecution, or natural disaster”; or “a person who has escaped from their own country for political, religious, or economic reasons or because of a war.”²⁶ Such a person under international legal instruments is entitled to protection by receiving States, which are signatories to the various international human rights instruments that govern such situations. The 1951 Geneva Convention²⁷ on the Status of Refugees otherwise known as the ‘Refugee Convention’ is one of the most important of the international legal instruments governing refugee status. Article 1 (2)(d) defines a refugee as:

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

(d) 'refugee' means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply...

- 3.3 Another important international instrument relevant to the provision of support to refugees is Article 14 of the Universal Declaration of Human Rights²⁸, which provides for the right to seek and enjoy asylum from persecution in other countries. This right is however subject to certain restrictions.²⁹

²⁶ Cambridge English Dictionary definition and Google English language definition.

²⁷ Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. Entry into force: 22 April 1954, in accordance with article 43

²⁸ <http://www.un.org/en/documents/udhr/>

²⁹ Article 14 (2) of the Universal declaration of Human Rights:
<http://www.un.org/en/documents/udhr/>

An asylum seeker is defined by the International Organisation for Migration (IOM) as:

“A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds.”³⁰

- 3.4 Such a person is entitled to protection under the relevant legal instruments. Under English law, humanitarian protection is provided for refugees or for persons “in need of international protection”. This provision, by making the distinction between “refugee” and “person in need of international protection”, recognises the fact that though some applicants may not come under the strict definition of refugee, they may have a right to be considered as in need of international protection.³¹ It is right therefore that although many migrants in the current crisis may not qualify for full refugee status under the 1951 Convention they are nevertheless entitled to a grant of “humanitarian protection”.

4.Economic Migrants (definitions)

- 4.1 There has been a significant problem in the current crisis with many mislabeling migrants as being “economic migrants” thereby undermining their position to be in need of refugee status or humanitarian protection. The fundamental distinctions are often blurred as that is an assessment which must be made by those entitled to make such decisions such as the UNHCR or Governments. A migrant must be entitled to makes a claim for asylum or humanitarian protection. An asylum claim which fails to meet the criteria under the 1951 Geneva Convention does not mean a person is automatically to be treated as an economic migrant. They may nevertheless be entitled to humanitarian protection. Many unaccompanied minors for instance are dealt with in this way across Europe.
- 4.2 The current definitions have attempted to clarify the position however it is clear that poverty, and deprivation is often an aspect of any asylum claim as persecution invariably goes hand in hand with destitution as an immediate consequence. Economic migrants can be defined as follows:-
- Migrants, especially economic migrants, choose to move in order to improve the future prospects of themselves and their families. Refugees have to move if they are to save their lives or preserve their freedom. It is this difference in motivation that led to their different status in law.³²

³⁰ <https://www.iom.int/key-migration-terms>

³¹ <http://www.legislation.gov.uk/ukxi/2006/2525/regulation/2/made> - UK LAW: HUMANITARIAN PROTECTION - The Refugee or Person in Need of International Protection (Qualification) Regulations 2006

³² http://news.bbc.co.uk/1/hi/in_depth/3516112.stm

- A person who travels from one country or area to another in order to improve their standard of living.³³
- Economic migrant - A person leaving his or her habitual place of residence to settle outside his or her country of origin in order to improve his or her quality of life. This term is often loosely used to distinguish from refugees fleeing persecution, and is also similarly used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It may equally be applied to persons leaving their country of origin for the purpose of employment.³⁴

5.The Major Conflict and Persecution Zones : Migration Drivers

5.1 The necessity of understanding that refugees leave their countries of origin for a whole range of different reasons which vary from country to country and is always down to an individual or family decision, influenced a by a host of reasons for doing so, is of paramount important. Migration drivers of the following three countries, Syria, Iraq and Eritrea are considered below.

Syria

5.2 Since March 2011, Syria has been going through a state of widespread conflict and violence resulting in the loss of approximately 250,000 lives and an exodus of Syrians to neighbouring countries. Over 12 million people inside Syria are in need of humanitarian assistance, about 50% of whom are children and over four million have fled the country, according to the UN. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) a further 7.6 million have been internally displaced³⁵ It is now considered to be the largest humanitarian crisis in the last century³⁶. UN reports speak of immeasurable suffering of civilians and massive violations of human rights by all parties resulting in the displacement of almost half of the county's population. According to Stephen O'Brien, the Under-Secretary General for Humanitarian Affairs, the conflict has reduced the middle-income country to rubble.

5.3 Attacks on civilian infrastructure continue unabated, including 'relentless attacks' against healthcare facilities and personnel across the country³⁷ symbolising the widespread disregard for international humanitarian law and the obligation of all parties to protect civilians. The regime of Bashar al-Assad bears significant responsibility for the destruction of the country and the rise of Daesh. For one, the atrocities committed by the Assad regime have been a major reason why Daesh is successful in attracting recruits³⁸. The regime continues to indiscriminately use barrel bombs, chlorine gas and collective punishment through the denial

³³ <http://www.oxforddictionaries.com/definition/english/economic-migrant>

³⁴ <https://www.iom.int/key-migration-terms>

³⁵ UNOCHA, 'Syrian Arab Republic' accessed 10 September 2015

³⁶ NATO Parliamentary Assembly, *Instability in the Levant – Challenges to NATO's Security Report*

³⁷ Status quo simply cannot continue in Syria – UN Humanitarian Chief

³⁸ Ibid at 5

of food and medical assistance to civilians caught in rebel-held areas. Forced demolitions and displacement are widespread.

- 5.4 For those who survive there is the risk of becoming one of the victims of enforced disappearances by the Syrian government. A report produced by Amnesty International entitled 'Between prison and the grave: Enforced disappearances in Syrian' highlights 65,000 disappearances since 2011, 58,000 of whom were civilians. Those taken are usually held in overcrowded detention cells in appalling conditions and cut off from the outside world. Many die as a result of rampant disease, torture and extra judicial execution. According to the Syrian Network for Human Rights ('SNHR'), a UK registered international human rights organisation which monitors deaths in Syria, the vast majority of violent civilian deaths since March 2011 have been attributed to Assad's forces. The following figures from SNHR's report, 'The Main Conflict Parties Who Are Killing Civilians in Syria: Civilian Death Toll up to the end of October 2015', are for the period from March 2011 to the end of October 2015.
- 5.5 UNHCR Spokesperson Adrian Edwards at a press briefing in September 2015 identified seven factors behind the movement of Syrian refugees to Europe including loss of hope given the length of the conflict with little hope of a solution. This uncertainly is compounded by the miserable conditions in country and increasing costs of living as a refugee in neighbouring countries couple with the lack of opportunity to earn a livelihood or for children to get an education. Lack of safety and aid shortfalls were also indentified as push factors, for refugees attempting to get to Europe.
- 5.6 The case of *L.M and Others v Russia (application nis. 40081/14, 40088/14 and 40127/14)* concerned the impending expulsion of three men to Syria from Russia and their detention. In October 2015 the European Court of Human Rights held unanimously that the applicants' forced return to Syria would give rise to a violation of Article 2 (right to life) and/or Article 3 (prohibition of torture and of inhuman or degrading treatment) of the European Convention on human rights). This was the first time that the Court addressed in a judgment, the issue of returns to Syria in the current situation. The Court found that, in view of international reports about the crisis in Syria and additional information about the applicant's individual situation, the applicants had put forward a well founded allegation that their return to Syria would expose them to a real risk to their lives and personal security
- 5.7 In early January 2015 the United Nations announced that Syrians were the world's largest refugee population after the Palestinians. Most Syrian refugees are hosted by neighbouring countries.
- 5.8 However deteriorating conditions inside Syria and neighbouring countries are driving thousands of Syrians to risk everything on perilous journeys to Europe. Consequently, the largest numbers of asylum applications to the EU in 2014 were made by Syrians with estimates varying between 20-50% of all applications received. The UK government states that around 5,000 Syrians have been granted asylum in the UK since the beginning of the crisis³⁹ with a pledge to accommodate a further 15,000.

³⁹ HC *Hansard* 7 September 2015 cols 23-27

In its Monthly Report for November 2015, SNHR documented 1481 civilian deaths⁴⁰:

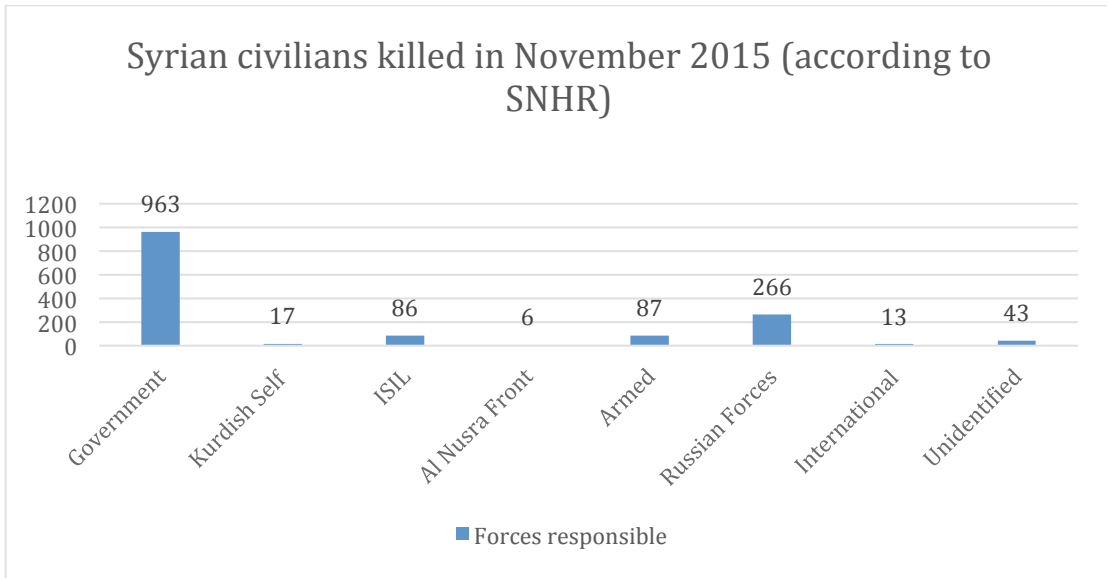
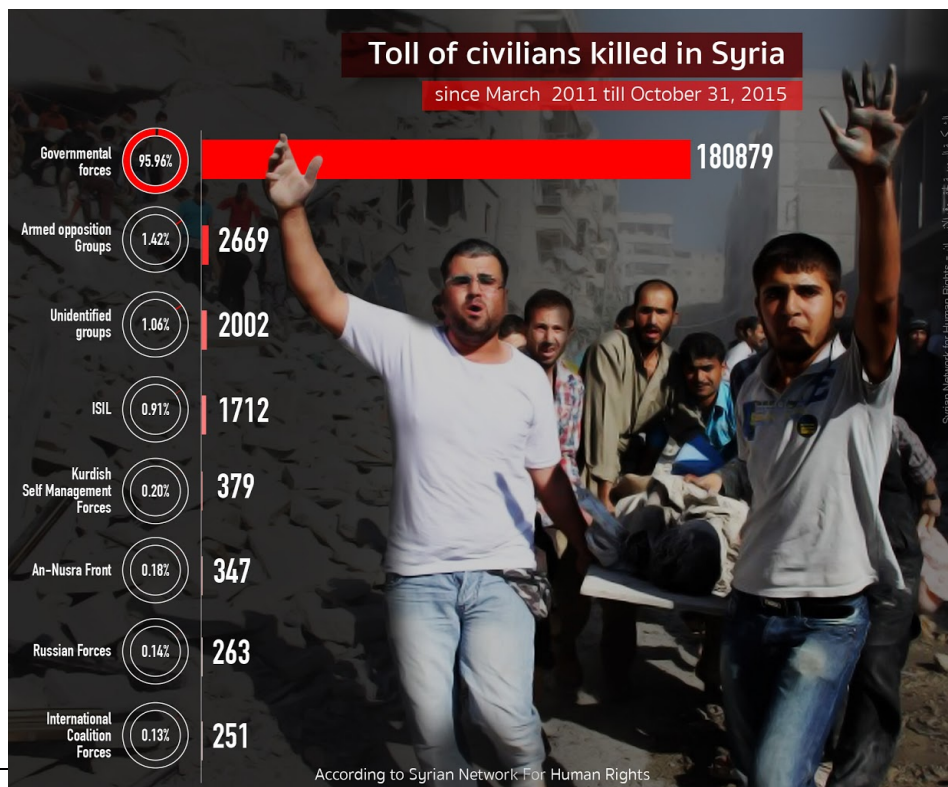


Figure 3



⁴⁰ <http://sn4hr.org> info@sn4hr.org <https://www.facebook.com/snhr> <https://twitter.com/snhr> <https://plus.google.com/+Sn4hrOrg> <https://www.youtube.com/user/SN4HR> [snhr.org](https://www.snhr.org) pdf 1 December 2015, accessed 2 December 2015

Figure 4

Iraq

- 5.10 A country once known for its economic strength, has had many of its civilians displaced, seeking refuge in neighbouring countries and further afield. This has come about as a result of the international community's attempts to rid the country of dictatorship under Saddam Hussein and to introduce democracy to the state. The Iraq war has been described as "[t]he root of Europe's refugee crisis."⁴¹
- 5.11 Once Saddam Hussein and his sons were ousted, toppling the government following US-led invasion, the continuous military/political intervention initiated the violence that ensued as different groups, including Al Qaeda and Shia/Sunni groups, began competing for power of Iraq.⁴² This left civilians with no choice but to flee. As summed up by the Independent newspaper, the "Refugee crisis was caused by a careless west that allowed anarchy and fear to take root in the Middle East"⁴³.
- 5.12 The organisation known as 'Islamic State', which has grown, according to some, as a result of the Iraq war,⁴⁴ has contributed to the rise in refugees fleeing their own country. The organisation, 'Islamic State or Daesh' has conquered vast swathes of Iraq, including Mosul (2014), worsening a nightmare the origins of which commenced with the invasion by the coalition of the country in 2003. One refugee fleeing Mosul is quoted in the Guardian in September 2015 as stating, "...ISIS... force people to pray by force, they use us as their human shields. They've also murdered many people, and contained many others before killing them."⁴⁵ Another interview of a "recently retired Iraqi Army four-star General" from the recently invaded city of Mosul, shed light on the issue of corruption being another major

⁴¹ Khan, I. 'The Iraq War: The root of Europe's Refugee Crisis.' *Aljazeera News*
<<http://www.aljazeera.com/blogs/middleeast/2015/09/iraq-war-root-europe-refugee-crisis-150908151855527.html>>
Accessed on 25/11/15

⁴² March 2003 of the BBC News Iraq Profile -Timeline
<<http://www.bbc.co.uk/news/world-middle-east-14546763>> Accessed on 24/11/15

⁴³ Cockburn, P. 'Refugee crisis was caused by a careless West that allowed anarchy and fear to take root in the Middle East.'
The Independent (19th September 2015)

<<http://www.independent.co.uk/news/world/middle-east/refugee-crisis-was-caused-by-a-careless-west-that-allowed-anarchy-and-fear-to-take-root-in-the-10509173.html>> Accessed on 30/11/15

⁴⁴ Chulov, M. 'Tony Blair is right: without the Iraq War there would be no Islamic State'. *The Guardian* (25th October 2015)

<<http://www.theguardian.com/world/2015/oct/25/tony-blair-is-right-without-the-iraq-war-there-would-be-no-isis>>
Accessed on 02/12/15

⁴⁵ Kingsley, P. 'Refugee crisis: apart from Syrians, who is travelling to Europe?' *The Guardian*. (10th September 2015)
<<http://www.theguardian.com/world/2015/sep/10/refugee-crisis-apart-from-syrians-who-else-is-travelling-to-europe>> Accessed on 23/11/15

contribution to the country's downfall and disintegration when "attacked by a much inferior force".⁴⁶ The General emphasizes his reasoning of corruption being the result of "the way in which the Americans had created the post-Saddam Hussein Iraqi Army."⁴⁷

5.13 These events are undeniably the factors of the continuous unjust displacement of these helpless individuals fleeing with nothing but the clothes on their backs: "Without the Iraq war, there would be no Islamic State" and no influx of refugees.⁴⁸

Eritrea

5.14 Eritrea, a state in the Horn of Africa, has faced many problems and emerged from a war of independence fought over the annexation of the former Italian Colony by Ethiopia. In 1993, at the end of a thirty-year military campaign carried out by the Eritrean Liberation Front and the Eritrean People's Liberation Front (EPLF), citizens voted in favour of independence in a UN-monitored referendum and Isaias Afewerki, leader of the EPLF, was appointed President. Though elections were promised, in 1997 these were postponed indefinitely and never took place. Moreover, a constitution based on the principles of equality, social justice, democratic principles and human rights, was drawn up but never implemented.⁴⁹

5.15 Following the war of Independence, Eritrea was at war with Ethiopia due to border disputes between May 1998 and June 2000. During the two and half year war, many citizens of both states faced atrocities being expelled and displaced, while detainees were subjected to rape, torture, and degrading violent treatment.⁵⁰

5.16 The Guardian has confirmed that Eritrea is "not at war"⁵¹. Notwithstanding this, UNHCR has indicated that 15% of more than 800,000 migrants who arrived in Europe in 2015,⁵² are Eritreans and an estimated 5,000 are still leaving each month.⁵³ The UN has identified the

⁴⁶ Cockburn, P. 'Refugee crisis was caused by a careless West that allowed anarchy and fear to take root in the Middle East.' *The Independent* (19th September 2015)

<<http://www.independent.co.uk/news/world/middle-east/refugee-crisis-was-caused-by-a-careless-west-that-allowed-anarchy-and-fear-to-take-root-in-the-10509173.html>> Accessed on 30/11/15.

⁴⁷ Ibid

⁴⁸ Chulov, M. 'Tony Blair is right: without the Iraq War there would be no Islamic State'. *The Guardian* (25th October 2015)

< <http://www.theguardian.com/world/2015/oct/25/tony-blair-is-right-without-the-iraq-war-there-would-be-no-isis>> Accessed on 03/12/15

⁴⁹ 'Africa's North Korea': Why do people flee Eritrea? *Channel 4 News* (28th August 2015)

<<http://www.channel4.com/news/africas-north-korea-why-do-people-flee-eritrea>> Accessed on 10/11/15

⁵⁰ Elizabeth W. Collier, Charles R. Strain, *Religious and Ethical Perspectives on Global Migration*, Lexington Books, 5 Jun 2014.

Pg 59

⁵¹ Kingsley, P. 'It's not at war, but up to 3% of its people have fled. What is going on in Eritrea?' *The Guardian* (22nd July 2015)

<<http://www.theguardian.com/world/2015/jul/22/eritrea-migrants-child-soldier-fled-what-is-going>> Accessed on 19/11/15

⁵² 'EU: Steps to Address Refugee Crisis, States Should End Border Chaos; Ensure Protection, Humane Treatment' *Human Rights Watch News* (16th November 2015)

<<https://www.hrw.org/news/2015/11/16/eu-steps-address-refugee-crisis>> Accessed on 20/11/2015

⁵³ 'Thousands of civilians fleeing 'rule of fear' in Eritrea, say UN experts, warning of gross rights abuses.'

cause to be “the systematic, widespread and gross human rights violations which have been and are being committed in Eritrea under the authority of the Government”⁵⁴. A further cause is indefinite conscription, in essence forced labour, which plays a significant part in people leaving the country. The UN has stated, “some of these violations may constitute crimes against humanity.”⁵⁵ In addition, extra-judicial killings, torture, enforced disappearances and arbitrary arrest all take place, as specified in the UN report.⁵⁶ “Those in control often rule arbitrarily and act with impunity...The Eritrean people have no say in governance and little control over many aspects of their own lives.”⁵⁷ All this creates a climate of repression driving many to flee.

- 5.17 Although military service is considered as a legal formality of the country for all 18 year old citizens, underage children are still forcibly recruited and are forced to undertake manual work such as agricultural work or constructing roads, buildings and mine infrastructure. Furthermore, throughout military service, the conditions are inadequate, children are abused and punished violently. Those who try to avoid or escape are dealt with harshly. An example highlighted by the Guardian was a migrant who escaped military training due to abuse and forced labour.⁵⁸ He was arrested, imprisoned for three months without trial and then sent back for military service. When he escaped a second time he was arrested and had the same conditions imposed upon him and he was imprisoned without trial.⁵⁹ As a result to such similar unjust actions, many Eritreans have been forced to migrate and seek asylum in various countries in order to live in a safe and peaceful area.
- 5.18 In order to leave Eritrea legally, official permission is required. This entails obtaining an exit visa, which is stamped in a passport. Failure to obtain permission is regarded as illegal exit. Lawful exit appears to be possible for those who are below the age of seven or above national service age. In addition, those who are medically incapable or exempt for being family members of trusted government officials will be more likely to be able to secure lawful exit. This was acknowledged by the Upper Tribunal in the Country Guidance case of (*MO (illegal exit – risk on return) Eritrea CG [2011] UKUT 00190 (IAC)*).
- 5.19 In light of the regime and the difficulties in achieving a lawful exit due to the draconian measures in place, it is likely that those of conscription age who make it to Europe will have strong claims for asylum.

United Nations News Centre.

<http://www.un.org/apps/news/story.asp?NewsID=51239#.VmN_-2ZOcdk> Accessed on 20/11/15

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ 'Africa's North Korea': Why do people flee Eritrea? *Channel 4 News* (28th August 2015)

<<http://www.channel4.com/news/africas-north-korea-why-do-people-flee-eritrea>> Accessed on 12/11/15

⁵⁷ 'Thousands of civilians fleeing 'rule of fear' in Eritrea, say UN experts, warning of gross rights abuses.'

United Nations News Centre.

http://www.un.org/apps/news/story.asp?NewsID=51239#.VmN_-2ZOcdk Accessed on 20/11/15

⁵⁸ Kingsley, P. 'It's not at war, but up to 3% of its people have fled. What is going on in Eritrea?' *The Guardian* (22nd July 2015)

<<http://www.theguardian.com/world/2015/jul/22/eritrea-migrants-child-soldier-fled-what-is-going>> Accessed on 10/11/15

⁵⁹ Ibid

Summary

6.1 The failure of the international community to address conflicts, violence and human rights violations in countries of origin has been a key factor in the surge in irregular migration to Europe⁶⁰. There is no international political framework for ending the Syria conflict and no clear international strategy for addressing the related conflict in Iraq⁶¹. Afghanistan is still far from any real stability despite years of international intervention, and the international community seems to be out of ideas on how to end the decades-long conflict in Somalia.⁶² Efforts to address the chronic poverty, inequality, weak governance and climate and environmental changes that constitute 'push' factors in many developing countries have also been inadequate. There is a need for world leaders to show leadership with strategies for long-term goals to bring peace and stability in these regions, which will benefit the wider global community. The decision by the UK Parliament on December 3rd, to bomb Daesh in Syria may make common sense from a military prospective but is unlikely to make a peaceful solution in Syria any more likely and will certainly add to the already devastated landscape.

The Refugees' Story

Lampedusa & Catania, Sicily

7.1 The number of questionnaires completed in Lampedusa, and Catania was 53 in total. The findings are set out below. The interviews were conducted by members of the Mission at Catania railway station, Mineo, and at the Mosque in Catania and Lampedusa.

Findings

The makeup of the migrants

7.2 The majority of the interviewees were single and male, with an age range of 18 to 40. There was one woman travelling on her own who had become separated from her husband, and one couple travelling together, and occasionally a male travelling with a friend. There were four children travelling with parents.

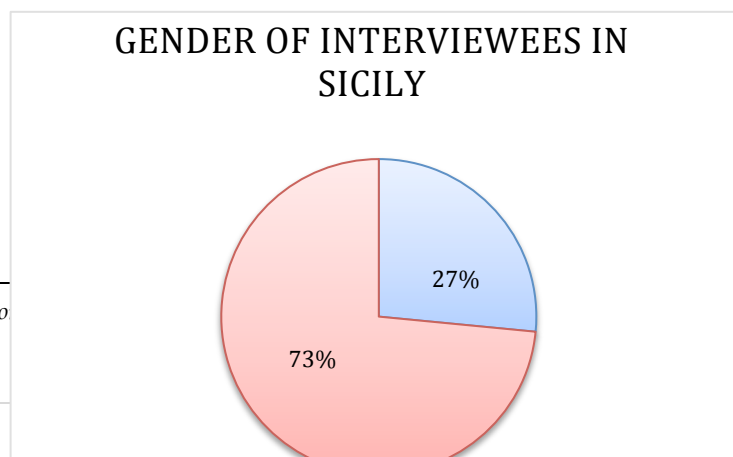


Figure 5

⁶⁰ ODI, *The migration*

⁶¹ Ibid

⁶² Ibid

ODI briefing

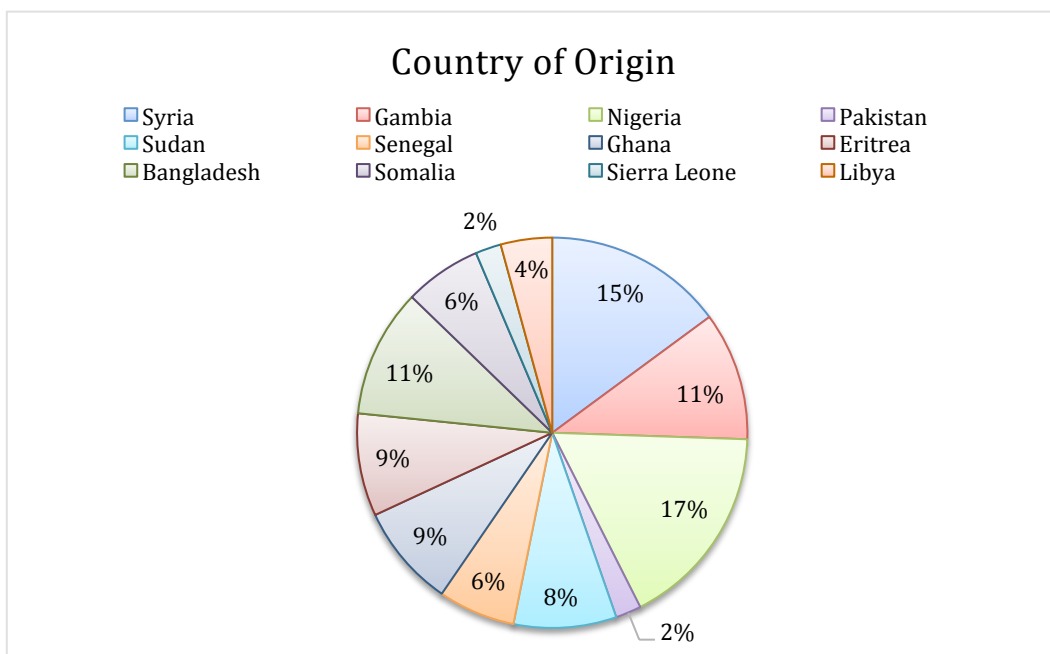
Religions identified

7.3 In Sicily, interviewees identified their religion as Christian, Muslim, and Hindu. The vast majority of people identified themselves as Christian or Muslim.

Country of Origin

7.4 The interviewees came from a number of countries including Eritrea, Somalia, Sudan, Bangladesh, Pakistan, Ghana, Nigeria, Gambia, Sierra Leone, Senegal and Syria.

Figure 6



Reasons for leaving country of origin

7.5 The reasons given for leaving their country of origin included fleeing persecution, war in the country of origin e.g. Sudan, mistreatment of religious minorities, civil war, poverty,

lack of work, being obliged to do unlimited military service (Eritrea), as well as general instability and the operation of violent gangs.

7.6 The interviewees in Italy had left their original countries of origin between the periods of December 2013 to 18 June 2015. Several interviewees had left their country of origin to go and work in Libya and then had had to leave Libya due to instability and what was perceived as persecution of African races in Libya.

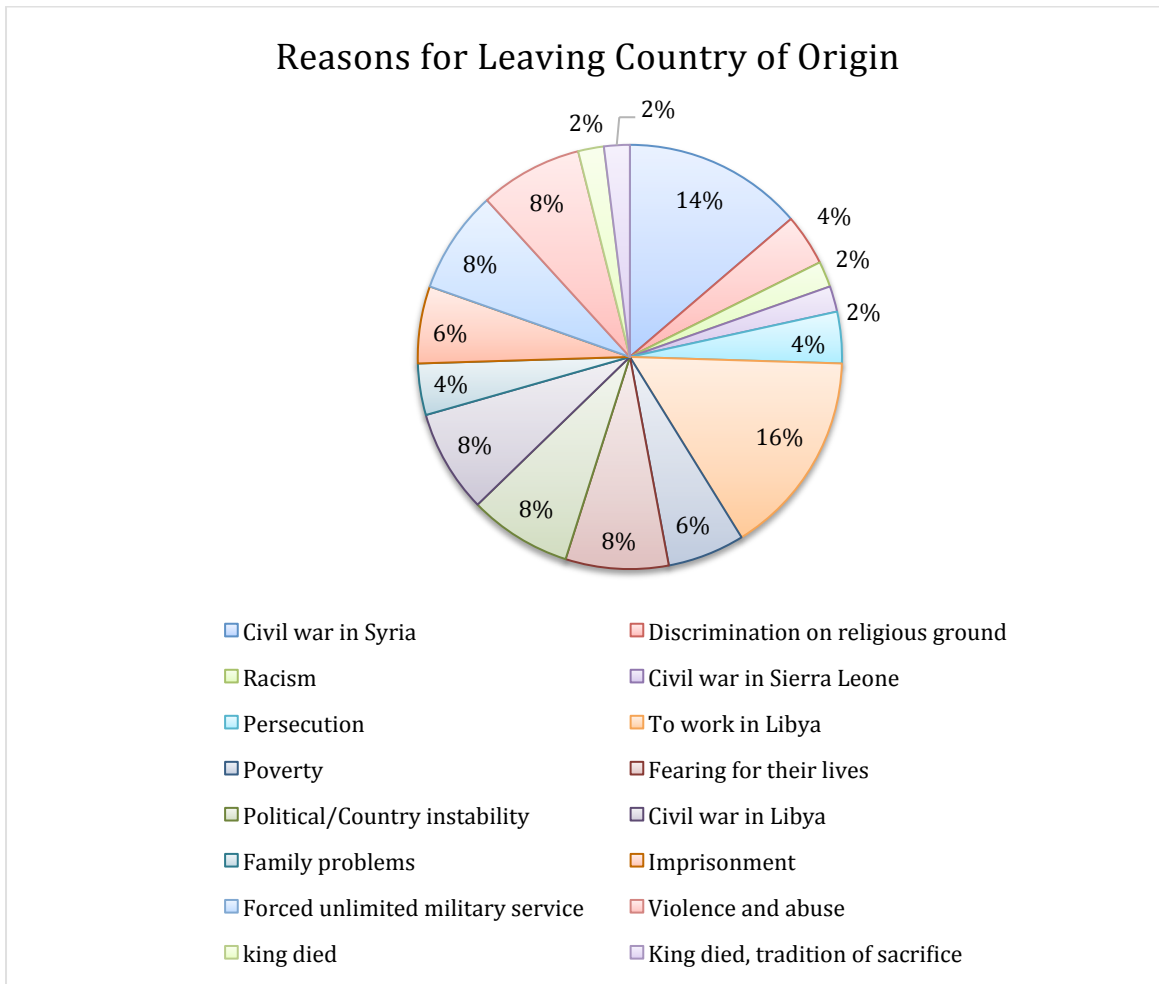


Figure 7

Experiences on the journey

7.7 In terms of violence or loss of life on the journey, interviewees referred to experiencing difficult, dangerous and harsh conditions, in crossing the Sahara Desert for example, and then violence and fighting in Libya, followed by a difficult and hazardous journey by boat arriving in Lampedusa or other Italian port. Some interviewees complained about the traffickers in Libya who would beat and assault them if they did not do what they were told, and one interviewee described having the traffickers binding his eyes and wrists and being beaten with pipes and firewood. One interviewee described the journey from his country of origin to Libya as difficult and dangerous with vigilantes or the police attempting to detain people, attack them and even witnessing killings.

7.8 In order to get from their country of origin to the country of arrival, people had used a variety of forms of transport, from walking to taking buses, hiring cars jointly to the final boat journey.

Maintaining contact with family members

7.9 In terms of contact with family members in the country of origin, the majority of interviewees were able to re-establish contact with family and were able to speak to them usually by mobile phone every 2 months or so.

Awareness of the dangers before setting off on the journey

7.10 Most people either knew of the danger of the journey that they were undertaking, had heard about it from others, or had a general understanding of the difficulties and dangers they would encounter. A very few seemed not to be aware of these dangers at all. Many people voiced the view that they had no choice because they did not have a reasonable life, so they felt they didn't have much to lose. Others mentioned fleeing false imprisonment and arrest and detention either for months or even years and so felt compelled to travel.

The cost of the journey

7.11 Interviewees stated that the only way that they could afford the journey, was by using family savings, or with help from friends pooling resources, or because they were able to work on the way and save money for the journey -mostly those who had worked in Libya.

7.12 The amounts that people paid for the boat journey varied and the following figures were mentioned by those who had paid: \$100, \$700 for both husband and wife, \$2,000, 1300 dinars, \$3,000. A few people had no involvement with traffickers and did not have to pay.

The boat journey to Lampedusa or Sicily

7.13 Interviewees described being crammed in unsafe boats variously with 100-400 people in the boat. Some referred to not being given any food and others referred to bread or water being provided on the boat. There were references to the boats being insecure, flimsy and unsafe with journeys taking anything between 1-8 days from Libya to Sicily. Mention was made of a fishing vessel with one open level and everyone exposed to the elements without shelter for the entire time before being rescued. Several interviewees talked of boats being without a captain or navigator and passengers taking it in turns to steer the boat without any prior knowledge or experience. There was mention of a boat with 300 people including 15-20 children, no food or water and 2 or 3 people dying on the crossing which took 7 days. One

interviewee described how the captain of the ship made everyone dispose of their mobile phones, passports and identity documents into the sea during the journey.

Experiences following arrival in Lampedusa or Sicily

- 7.14 On arrival in Italy, interviewees described that the Italians were trying hard, and things being generally very good. Minor complaints included the fact that the Mineo camp is mainly men and there are no families and no children for one interviewee's son to play with. The absence of halal food was mentioned by one interviewee. On the whole, the response was overwhelmingly positive for what the Italians had done.
- 7.15 The only significant complaint was the length of time that decisions were taking for those in camps about their status, resulting in uncertainty and thus being prevented from travelling and working.
- 7.16 On the whole, people were satisfied with food, clothing and the facilities in general. However, there were two or three interviewees who were not in a camp and who were therefore homeless, who have had a very different experience as a consequence. Without access to food, clothing or shelter, they described their conditions as precarious and harsh.

Hopes and aspirations of the Interviewees in Italy

- 7.17 Interviewees were asked what they were hoping for when they left their country of origin and where they hoped to end up. In relation to this question most people said they wanted to be safe and have a better life. They wanted to be somewhere where they could get a job and work or study and earn a living.
- 7.18 In some cases people had left their country of origin to go to Libya where they had worked for a period of time before the Gaddafi regime was overthrown leading to loss of life, violence and people being terrorised. In general people wanted to leave behind conflict, war, persecution, poverty and religious persecution to have a better life.
- 7.19 The interviewees mentioned wanting to better their own lives, but also to provide support for family members back home if they could gain a new life and employment.

Family ties or not in EEC

- 7.20 A few people had family members in a European country already but many did not.

Where do Interviewees want to settle?

- 7.21 Interviewees mentioned Italy, Sweden, Germany, Holland and England as places that they would like to travel to and find work and a new life in.

Under what circumstances would interviews return to their country of origin?

7.22 When asked if interviewees would return to their country of origin some interviewees stated categorically that they did not wish to return to their country of origin e.g. Nigeria or Somalia under any circumstances. Others said that if there was stability in their own country and their safety was guaranteed they would return to e.g. Pakistan or Eritrea (if indefinite military service were ended).

The Calais Refugees and Migrants

The makeup of the migrants

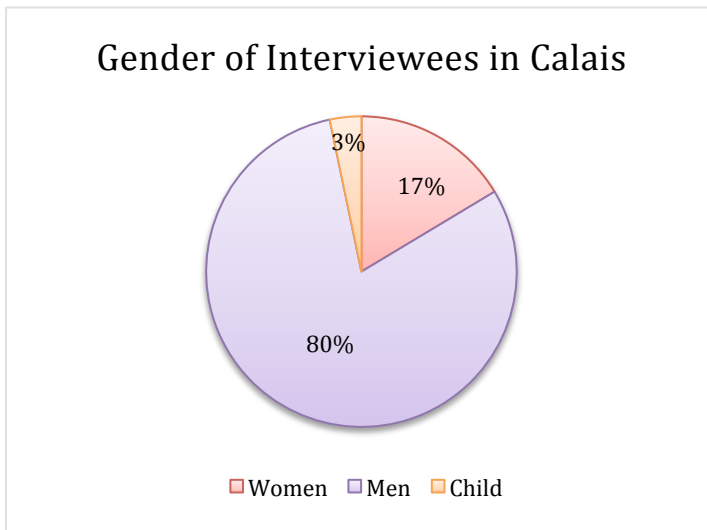


Figure 8

8.1 The majority of the interviewees as in Sicily, were single, and male, with an age range of between 15 and 48 years old. There were several women from Eritrea that we interviewed, some travelling with their immediate family and others individually. There was one woman who was 5 months pregnant whose husband had already managed to travel to the UK a month previously. Other young males were travelling together or with others they had met along the way. Generally those we saw were living in areas of their own ethnic or national group.

Religions identified

8.2 The interviewees in Calais identified their religion as Christian, Muslim, and Hindu. As in Sicily, the overwhelming majority of people in Calais identified themselves as Christian or Muslim.

Country of Origin

8.3 The interviewees in Calais also came from a number of countries including Eritrea, Somalia, Sudan, Bangladesh, Afghanistan, Iraq, Pakistan, Ghana, Nigeria, and Syria. In Calais the various ethnic groups divided roughly into their national origins so there was a Sudanese and

a Syrian part of the camp for instance. There appeared to be fewer migrants from West Africa generally.

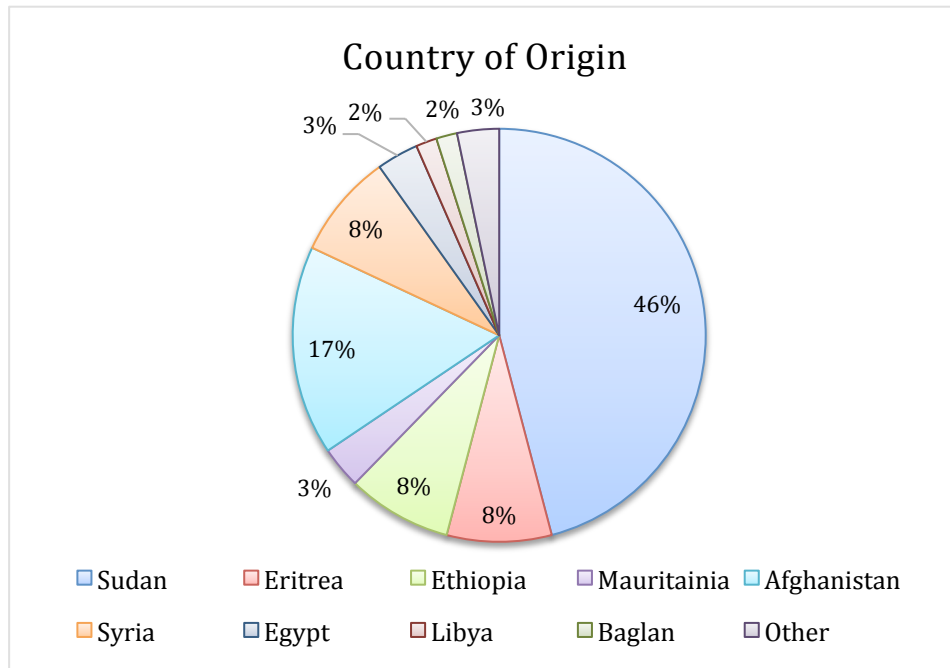
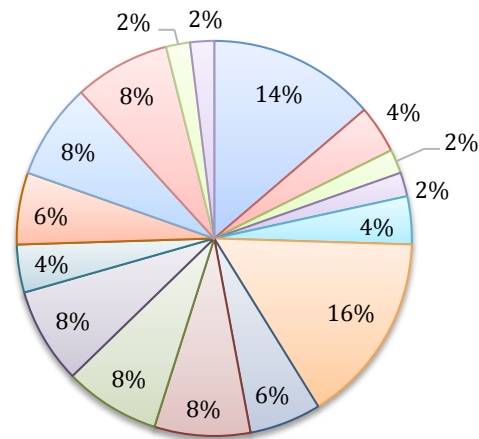


Figure 9

Reasons for leaving country of origin

- 8.4 The reasons given by refugees for leaving their countries of origin mirrored those of refugees and migrants in Sicily including fleeing persecution, war e.g. Somalia, mistreatment of ethnic and religious minorities, poverty, lack of work, forced unlimited conscription (Eritrea), as well as general instability and the prevalence of violent gangs. The proportion of refugees and migrants from West Africa were not amongst the sample we interviewed in Calais.
- 8.5 The interviewees had left their original countries of origin at different times, ranging from 2012 to April 2015. We encountered one refugee who we had previously encountered in Catania, in the intervening period, he had made his way through Italy, via Milan and through France as the UK was his target destination. He was visibly pleased to see us but was clearly in a worse state physically and mentally after his journey.

Reasons for Leaving Country of Origin



- Civil war in Syria
- Racism
- Persecution
- Poverty
- Political/Country instability
- Family problems
- Forced unlimited military service
- king died
- Discrimination on religious ground
- Civil war in Sierra Leone
- To work in Libya
- Fearing for their lives
- Civil war in Libya
- Imprisonment
- Violence and abuse
- King died, tradition of sacrifice

Figure 10

Experiences on the journey

- 8.6 In terms of violence or loss of life on the journey, interviewees referred to experiencing difficult, dangerous and harsh conditions, in crossing land borders. For example, we heard reports of problems crossing from Afghanistan via Iran, Turkey and then the Balkans. We also heard accounts of others crossing the Sahara Desert. Some had experienced violence and militia aggression in Libya, followed by a difficult and hazardous journey by boat arriving on Lampedusa island or being rescued and landed at some other Italian port.
- 8.7 In order to get from their country of origin to the country of arrival, people had used a variety of forms of transport, from walking to taking buses, hiring cars jointly to the final boat journey, or journey by rail or in rare cases by plane.

Maintaining contact with family members

- 8.8 In terms of contact with family members who had been left behind in the country of origin, the majority of interviewees were able to re-establish contact with family and were able to speak to them usually by mobile phone. Most had some mobile phones but very limited access to the internet. Some, however, had not had any contact. The pregnant woman from

Eritrea, for instance, knew her husband was in the United Kingdom as he had successfully stowed on board a lorry about a month before our arrival. She was in contact with him but clearly distressed at his absence. She was supported by other women from Eritrea.

Awareness of the dangers before setting off on the journey

8.9 Most people we interviewed either knew about the danger of the journey that they were undertaking, had heard about it from others, or had a general understanding of the difficulties and dangers they would encounter. They occasionally had access to the internet so had heard of the death of Aylan Kurdi, the three year old Syrian toddler who had drowned only a few days before our visit. Only a few seemed not to be aware of these dangers at all.

The cost of the journey

8.10 Interviewees stated that the only way that they could afford the journey, was by using family savings, selling property or with help from friends pooling resources.

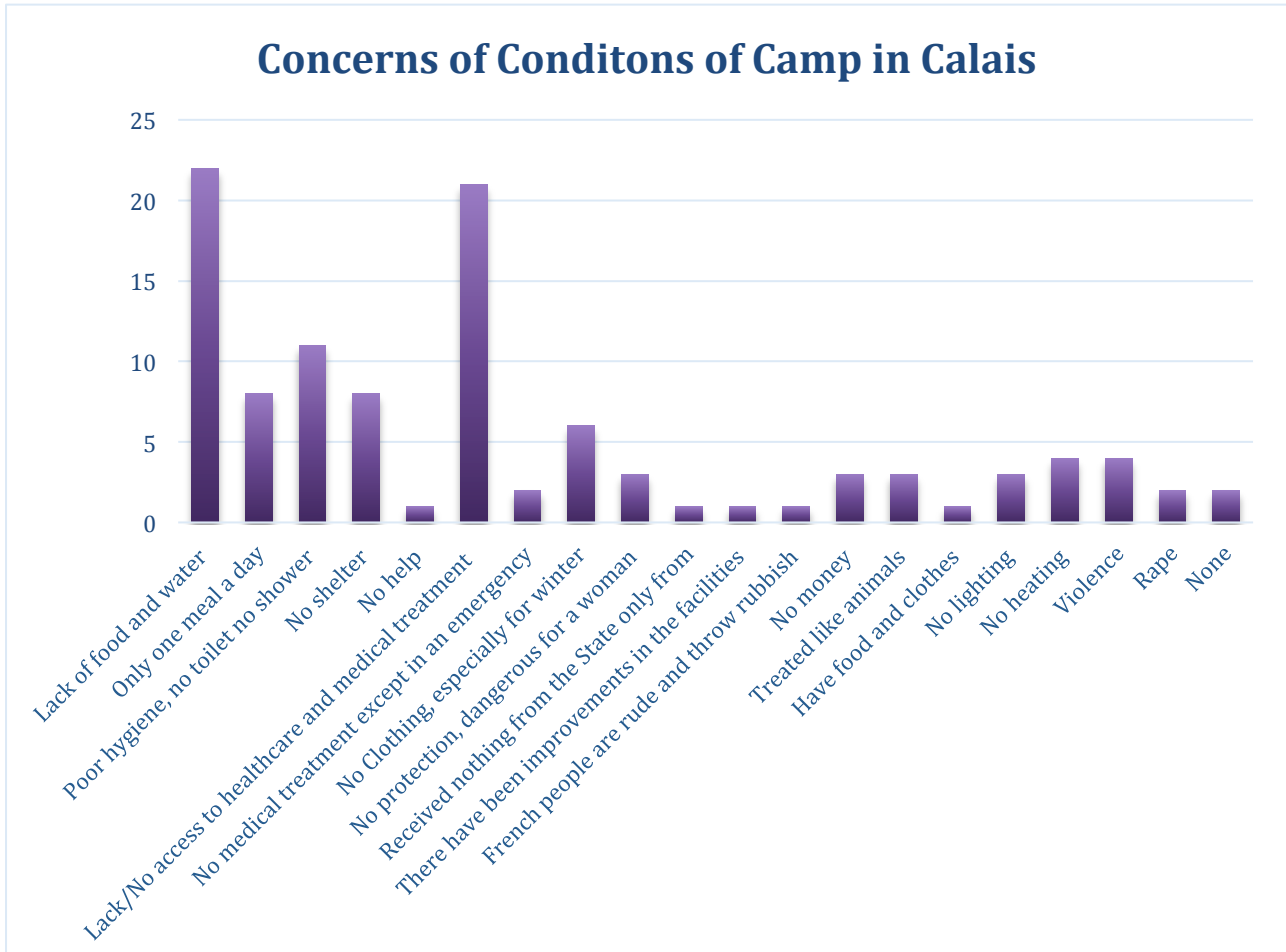
8.11 The amounts that people paid for the journey, either over land or by boat, varied and the following figures were mentioned by those who had paid various amounts usually in dollars or in euros ranging from : \$1000, upto \$9,000 for both husband and wife, other amounts paid at various stages were in Euros ranging from 500 to 4,000. A few people had no involvement with traffickers and did not have to pay anything at all (or would not admit that they had).

Experiences following arrival in Calais

8.12 We observed an inhumane collection of shanty town like structures where there is virtually no assistance provided by the French Government, Prefecture or international aid agencies.

8.13 The refugees who are living in the 'jungle' lack basic facilities. Refugees complained of the absence of decent toilet and shower facilities, no sanitation, only one meal being provided per day, no heating, security, inadequate lighting, no rubbish collections. The "jungle" falls well below the standards of refugee camps in Turkey, Lebanon or Jordan. Conditions are worse owing the inhospitable climate in Europe. As one can see the lack of simple necessities, namely lack of food, water and medical treatment, has been a great concern over many other factors. Without access to food, clothing or shelter, they described their conditions as precarious and harsh.

8.14 Many were waiting to join family members in the United Kingdom and had made several attempts to board lorries, vans or enter through the Channel tunnel in rare cases. They also spoke of being assaulted by the French CRS police using tear gas, batons and riot shields. There was some resentment that all the attention seemed to be on the Syrian refugees and the majority of Africans felt they were being side-lined. We witnessed the start of a demonstration to the Calais Prefecture office, mainly by those of African origin against conditions in Calais and that all the media attention appeared to favour Syrian refugees,



forgetting others.

Figure 11

Hopes and aspirations of the Interviewees

8.15 Interviewees were asked what they were hoping for when they left their country of origin and where they hoped to end up. In relation to this question, most people said they wanted to be safe and have a better life. They wanted to be somewhere where they could get a job and work or study and earn a living. They did not all necessarily wish to go to the United Kingdom but any European country that was safe and secure with good job prospects so that they could support their families, especially in countries where no war or torture took place. The assumption that every person in Calais was waiting to come to the UK is mistaken.

8.16 In general, people wanted to leave behind conflict, war, persecution, poverty and religious persecution to have a better life. Well over 70% of the people we spoke to in Calais appeared to have strong asylum claims. This mirrors the UNHCR findings. One migrant from Pakistan clearly was motivated primarily by economic reasons, as he had been to the United Kingdom once before, been deported after some years and was seeking to return.

Family ties or not in EEC

8.17 A few people had family members in the United Kingdom or in a European country already but many did not. Those that did, had a far better idea of what to expect and were offered help generally by their families.

Where do interviewees want to settle?

8.18 A significant number of interviewees in Calais mentioned the United Kingdom as their destination of choice but also mentioned Italy, Sweden, Germany and Holland as places that they would like to travel to and find work and a new life in. None thought of settling in the Balkans and thought their reception there was generally overtly racist.

Under what circumstances would interviewees return to their country of origin?

8.19 As in Sicily, some interviewees stated clearly that they did not wish to return to their country of origin under any circumstances e.g. Eritrea or Sudan. Others said that if there was stability in their own country and their safety was guaranteed they would return to e.g. Syria or Eritrea (if repression and indefinite military service were ended).

8.20 Simultaneously, Association of Pakistani Physicians and Surgeons of the UK conducted a medical assessment of the migrants/refugees on the Mission and conclude their findings as set out below.

9. The Medical Assessment of Refugees

Introduction

- 9.1 Three trips were made by two doctors to refugee centres in (1) Sicily - Catania, Mineo, Lampedusa and Syracuse in June; followed by (2) Calais, France in September and finally to (3) Savona in Italy in October 2015.

Purpose

- 9.2 The purpose of the visit was to gather and record the health testimonials of refugees and migrants. According to the World Health Organisation's Handbook 'Mental Health of Refugees':

*'While many refugees suffer physically from injury or hunger, far more suffer psychological harm. It is estimated that there are 50 million+ refugees in the world today. Recording the Demographic data of this diverse group was a priority. We also aimed at documenting the physical and mental health aspects of the refugees. From previous studies we know that Humanitarian efforts that improve the socio-political context of the refugee experience, is associated with better mental health. The legal questionnaire also documented some of the socio-political aspects.'*⁶³

Methodology

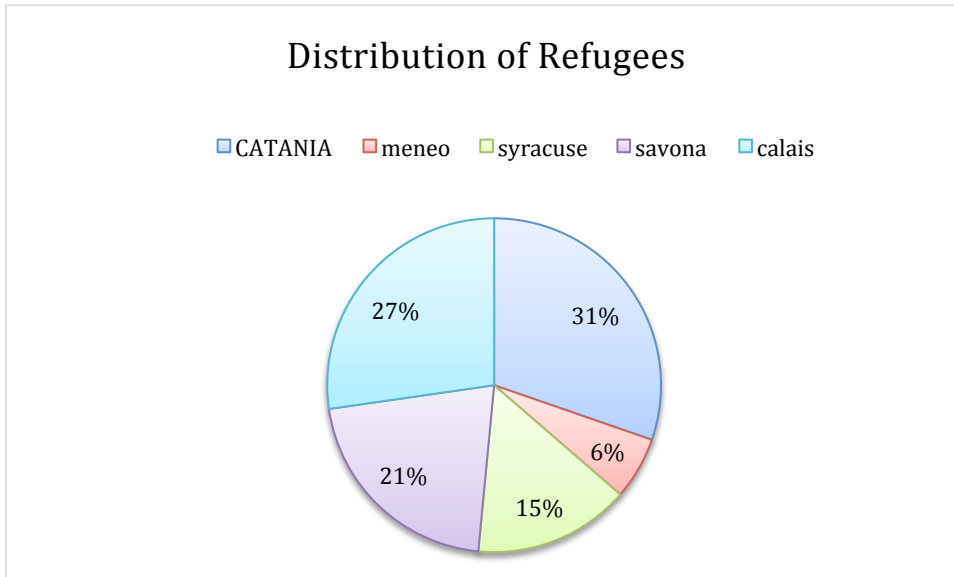
- 9.3 From the medical perspective we wanted to obtain data about the refugees' physical and mental health, including access to Health Care Workers (HCW) during their journey, any previous medical history, their medication requirements and availability, any resources available for continuing medical care, any ante-natal care available, incidence of HIV, TB, Malaria in this vulnerable population, and any high-risk behaviours. We also wanted to record any signs and symptoms of alleged torture.
- 9.4 We used the RHS-15 tool to do a mental health assessment, a validated mental health assessment tool developed in Seattle for refugees/asylum seekers/migrants in the field. We sought permission to use this tool from one of its developers, Ms Beth Farmer.
- 9.5 Due to the current unresolved crisis in Europe, we decided to present our findings as 3 disparate groups - Sicily Group, Calais Group, and the Savona group - as we felt that ongoing distress, lack of food, security, and lack of asylum process in Calais etc was worsening the mental health perspectives of these people.

Findings and analysis

⁶³Mental Health of Refugees: UNHCR /who 1996; <http://www.unhcr.org/publ/PUBL/3bc6eac74.pdf>

9.6 The total number of interviews recorded by the medical team were 33.

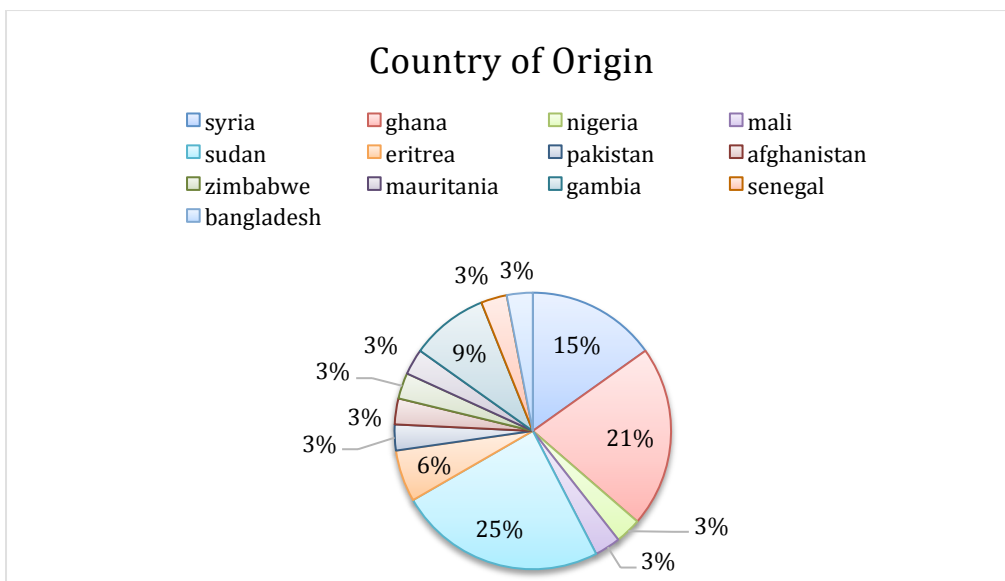
The following chart shows distribution of refugees in various areas in Italy and Calais, France.



Demographics:

9.7 The **country of origin** was recorded and these are displayed in pie chart below.

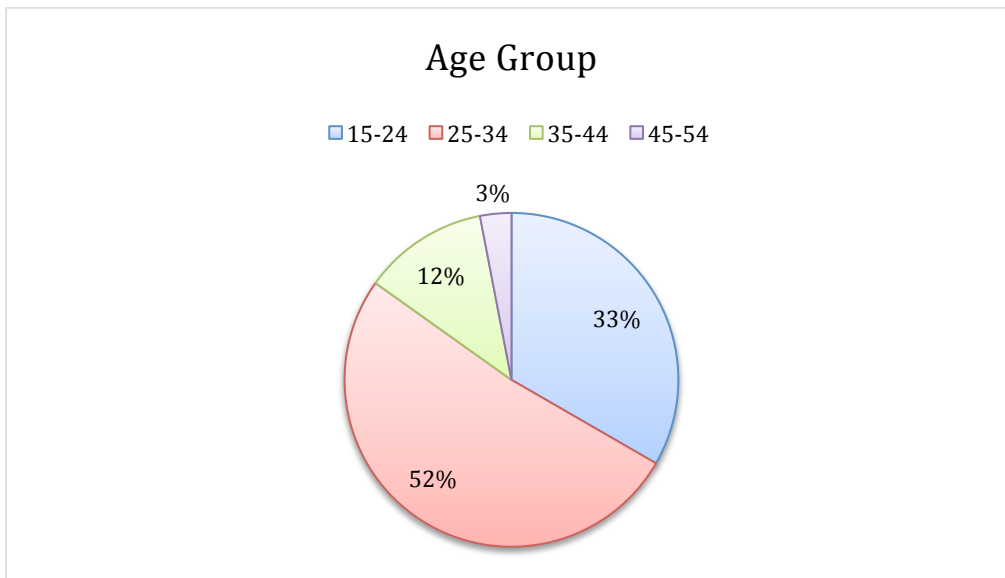
Most refugees were from Sudan (Darfur), Ghana and Syria.



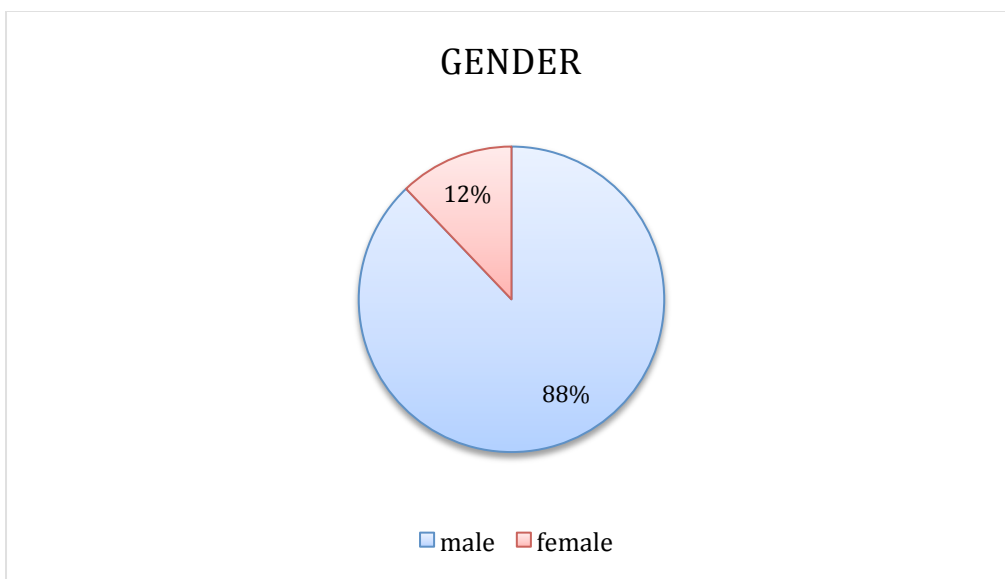
9.8 The **age range** of the refugees varied mainly from teenagers to those in the 20-30s. 85% of those we interviewed were between the ages of 15-34 years. The youngest was a 15 year old

boy from Afghanistan who was interviewed in Calais. We were concerned that he was a 'vulnerable adolescent' with no carers.

See chart below for further details.



Most refugees interviewed were young men, with the gender division: Males 88% and Females 12%.



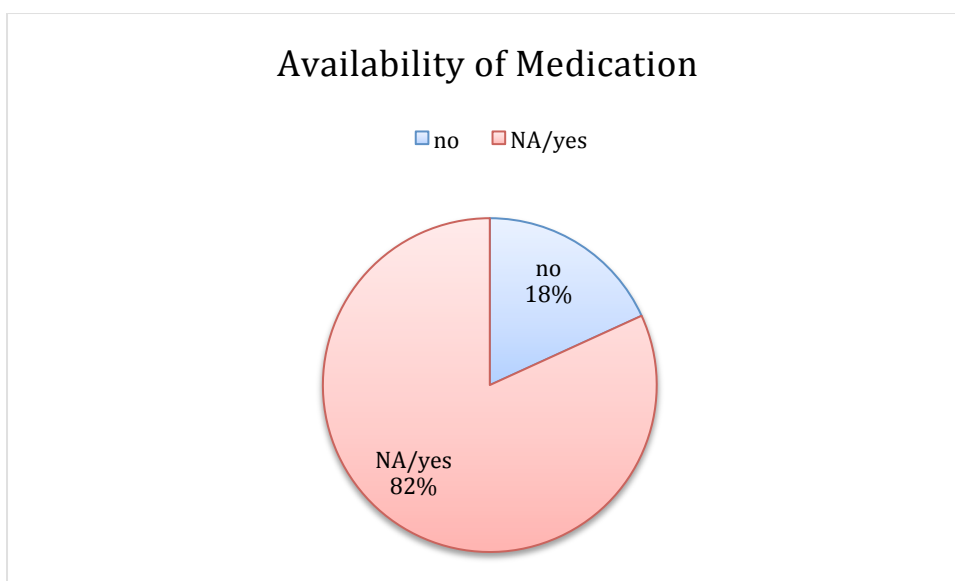
Medical History:

Access to Health Care Provision:

- 9.9 At the initial point of entry at the ports, all refugees are given a quick medical check-up by the Red Cross Team which involved a very basic questionnaire format and maybe a physical check of those deemed vulnerable. In Mineo/Syracuse and to some extent Savona, refugees have access to medical care in the form of a medical centre. In Mineo camp, there is a primary health care team on-site with possible access to hospital care provision. What was apparent was that no psychological or psychiatric therapies were accessible to this highly vulnerable group.
- 9.10 Despite the majority of refugees being young, 39% of the refugees had on-going health problems ranging from Diabetes and Asthma to significant injuries sustained due to torture. We were concerned that nearly 20% did not have access to HCW and required medication. Some of the interviewees were on the road – Catania Train Station – but even in places like Calais, the medical facilities were deemed by refugees not to be fit for purpose.

Maternity Care:

- 9.11 One young expectant mother from Syria, who was 35 weeks pregnant, had had no antenatal check ups. We met her trying to catch a coach to Rome at Catania Train station. She had no idea where she would eventually deliver her baby. She had obviously not been registered by the Sicilian Maternity services or been guided by the Red Cross workers at point of entry.



Vaccination history:

- 9.12 The majority of refugees – 55% – were not up-to-date with vaccinations that are routinely completed in early youth. 100% of the refugees from Syria were fully vaccinated, while only

50% from Sudan. This may reflect the robust health systems that were in place in Syria before the conflict.

9.13 Unfortunately despite having a brief screening by Red Cross HCW upon entry into Europe, some basic health needs have not been addressed by health authorities.

TB/Malaria/HIV:

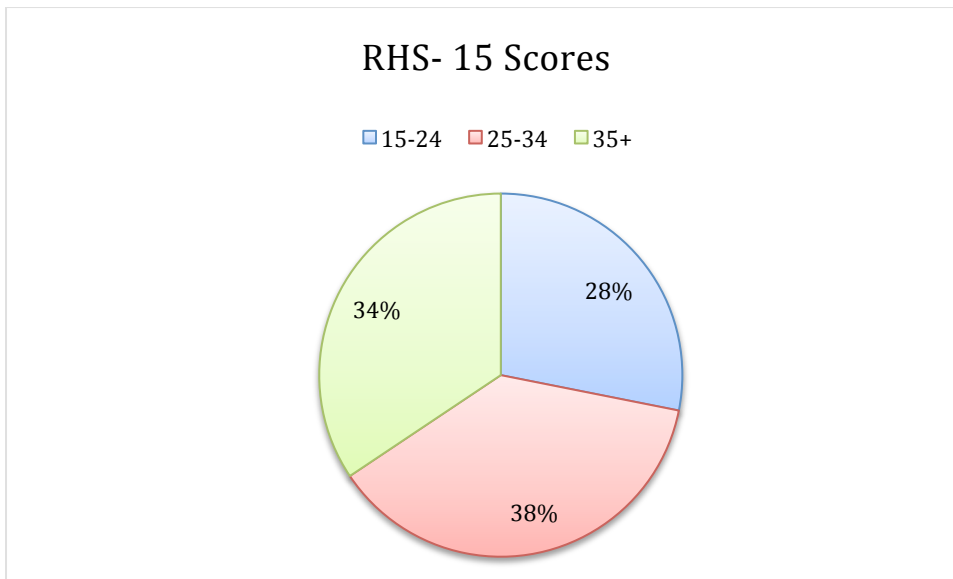
9.14 None of the refugees we interviewed had been diagnosed with these conditions. Some had had HIV screening done before arrival in Europe (no documentation), while the Italian NGO, 'Emergency', had carried out the same in Syracuse Detention Centre in Sicily.

Mental Health Screening:

9.15 For assessment of Mental Health status, we used the RHS-15 tool, a validated toolkit in the Refugee context. It screens for anxiety, PTSD, depression etc. Most of the refugees – 32/33 – screened positive according to this tool. We decided to look further at the severity of traumatic stress being experienced by this cohort of refugees.

9.16 A score above 14 is considered positive. Only one refugee who we interviewed in Catania scored low, achieving a score of 6. We note that this may have been due to the early euphoria of having reached Europe safely. By coincidence, we interviewed two refugees twice, first in June 2015 and then again later in Sept-October 2015 and noted a significant deterioration in their RHS-15 scores. This may reflect feelings of helplessness, and uncertainty regarding their future. We grouped the scores into 3 groups, mild, moderate and severe. One third of the refugees were found to be severely distressed achieving a score of over 35.⁶⁴

1. ⁶⁴ Predisplacement and Postdisplacement Factors Associated With Mental Health of Refugees and Internally Displaced Persons, A Meta-analysis
<http://jama.jamanetwork.com/article.aspx?articleid=201335>



Torture:

9.17 Almost every refugee we questioned, admitted to being tortured either physically or mentally (persecution) or witnessed torture at close quarters. This usually included relatives.

Conclusions

9.18 The refugees we interviewed were mainly young, male and mainly from Africa and Syria. All of the families we interviewed were from Syria.

9.19 Nearly all of the refugees were experiencing moderate to severe mental distress. Unfortunately they have no access to medical intervention. A significant number have experienced torture directly. Medical services provided by European authorities are inadequate at Port of Entry and further on in their journeys. Calais we felt was totally inadequate.

10. Conditions in Reception Centres: Sicily, Libya & Calais

10.1 Our four day mission to Sicily had been arranged with the assistance of the British Embassy in Rome, the Italian Embassy in London, and the Italian Interior Ministry, facilitated by the Honorary Consul in Sicily and his son. Our mission was primarily to interview refugees but also to view the conditions and treatment of refugees and migrants in Italy. The migrants and refugees themselves use the word “camp”, locals and the press use words like Centri d’Accoglienza which means reception centre. We were able to visit two refugee camps in Italy.

Centro Accoglienza Richiedenti Asilo (CARA) di Mineo

- 10.2 For security reasons we had to give our names and identification to the authorities at the camp. This mirrors what occurs in such camps in the United Kingdom and elsewhere in the European Union. The Reception Centre for Refugees (Centro Accoglienza Richiedenti Asilo (CARA) di Mineo) refugee camp at Mineo which houses around 3,000 refugees, was a military base built to house US soldiers of the Sigonella Military base in Italy, until 2011, when the military project was abandoned by the Americans and the then Italian Minister for Internal Affairs decided to turn it into a centre to house the growing numbers of refugees arriving from Libya. There are 402 semi-detached houses in the complex, each numbered. The complex is surrounded by a barbed wire fence, and is roughly 80 kilometres outside of Catania on the road to Gela, effectively in the countryside a few hundred metres from the main road. The entrance has an iron gate with a gatehouse where everyone entering or leaving the complex has to report to be identified and is given a permit to enter.
- 10.3 There were eleven small disturbances in 2014, sparked by a number of grievances, largely attributable to the frustration in having to wait so long for a decision by the Asylum Commission, normally between 12 and 18 months.⁶⁵ This is however similar to the wait in the United Kingdom; usually 3 to 6 months for the initial asylum decision, and then another 9 to 12 months for an appeal hearing before an Immigration Judge sitting in the First-tier Tribunal (Immigration and Asylum Chamber).
- 10.4 We received a warm welcome from the Director of the Centre and his staff, which also included cultural mediators from different countries. They explained the story of the camp to us and also put us through the daily routines of the inhabitants. We were closely watched at the beginning of our visit, but were later allowed a general level of freedom to interact and speak with the refugees. Many residents initially hope to be there for no more than six months but many end up being there for up to a year or more. Frustration, boredom and isolation appear to be the main problems.⁶⁶ There is an ongoing debate in Italy about whether it is better to house applicants awaiting an initial asylum decision in such large camps or for a dispersal system similar to that in the United Kingdom.⁶⁷
- 10.5 In interviews with the refugees, a lot of concerns were raised. Many spoke about their journey. They were fully aware of the very high risk in making such a trip, but the desperation they faced was much worse. As one migrant said,

“I can choose to either die slowly or die quickly. I chose to die quickly and happily, it did not happen”. But many others were not so lucky and did not make it to the “promised land”.

⁶⁵ The International Business Times , 29 April 2015

⁶⁶ The Daily Telegraph, 29 November 2015

⁶⁷ Al Jazeera, 15 April 2014

- 10.6 Many issues were also evident during our interviews with those in the camp, even though these were not expressly stated. There was some indication of [the](#) sexual exploitation of some of the women within the camp and also that drugs were a problem. We had no direct testimony of this, except the vague reports given by some of the women, who were apparently too uncomfortable to come out openly to describe what they had experienced.⁶⁸
- 10.7 In Italy, we saw one of the very few examples of a positive approach to the reception of asylum seekers. There appeared to be adequate accommodation, heating, light, sports facilities and medical facilities. However the significant bureaucratic delay was the largest cause of dissatisfaction. We had reports of asylum seekers in other parts of Italy being housed in entire buildings within towns and given decent treatment, in comparison to what we saw in Calais. Patience in Italy is however wearing thin, fuelled by the far right but many genuinely complain about Italy having to shoulder far too great a burden compared to the rest of Europe.

The Refugee experience in Lampedusa and in Libya

- 10.8 We visited Lampedusa, an island which has served as a historical refugee gateway to Europe. We met with Frontex, the Deputy Mayor of Lampedusa and his officials and visited the naval dock where those rescued from the search and rescue missions first arrive. We also visited the area outside of the reception centre, where they are held for between one and three days before being transported by bus, the short distance to the public dock. At the dock they board large ferries, ready to be transported to Catania, Syracuse or other ports in Sicily.
- 10.9 The look on the refugee's faces, the Italian Red Cross and other rescuers with their surgical masks, the numbers of bare footed women in their headscarves, the terrified look on the single child's face and the relief on the faces of many others, told of their terrifying and life threatening ordeal. For many, it was their first trip on a boat let alone a sea crossing in a small dangerous boat. It was clear they felt lucky to be alive after being stranded at sea. It was an emotive scene. Some three thousand people were landed on the island in the 24 hours that we were there. This stood in stark contrast to the pretty tourist harbour that led to the main tourist street full of restaurants and souvenir shops. The contrast could not have been clearer with two very different experiences taking place in an almost parallel universe. The boats used, we were told, often had 200 or 300 people packed in, some held forcibly under the hold without food, water or any life jackets for a crossing that often took several days to complete, for those lucky enough to survive.
- 10.10 Upon arrival at the military dock a bedraggled stream of men, women and some children were taken on board buses to the local reception centre where they were given a brief medical check and any injured people taken to the local medical facility. The sheer joy and relief on the faces of those we saw, spoke volumes about the life-threatening journey they had just

⁶⁸ Yahoo News, 15 September 2015, "EU's biggest Migrant Centre: EU Model or Refugee Ghetto?"

made. The atmosphere was overwhelming, anyone witnessing such scenes cannot help but be moved. By contrast, those who drown, often within sight of land are still washed ashore or recovered by the boats and have to be identified where possible and buried.

- 10.11 At the harbour we met a representative of the German trawler “Sea Watch”, an NGO, which has since April 2015 been part of the Frontex Operation. Harold from Sea Watch stated “if ordinary people can do this, then governments can do this”. We were not allowed to access the reception centre, but it is obvious that at times the authorities have been overwhelmed by the sheer numbers arriving. Most refugees were evacuated within 24 hours to the Sicilian mainland, some 12 hours away, where they boarded the local ferries, packed meals given out by members of the Italian Red Cross or the International Office of Migration (IOM) on the quayside.
- 10.12 Part of the dock is for military personnel only, however, permission to view a boat arriving was granted to our delegation. The Frontex representative, a highly motivated Spanish police officer on secondment to Italy by Frontex, gave a detailed and graphic account of the search and rescue operation. The operation is controlled from a NATO command centre in Rome with a 24 hour team working locally at the old Second World War naval base in Lampedusa. The Italian Government agencies and NGOs generally perform an efficient and sensitive search and rescue service that the refugees praised throughout our visit.
- 10.13 It is difficult to grasp the amount of work, the logistics and the impact on the islanders. The Mayor’s office explained that for a local population of 6,000 in 2011, the sudden emergence of thousands of Tunisian refugees was too much to bear. As the island is so small, only nine miles long and no wider than 2 miles with very limited public toilet facilities, there was nowhere for roaming refugees to use the toilet facilities. This led to human excrement being piled up on the shores and clear waters surrounding the island. Refugees are not criminals and therefore not locked up in detention centres without means to escape. They are vulnerable people who are allowed to leave the holding centres at times and wander around the immediate area. Most are not at the reception centre for more than two to three days. This is just one practical aspect of the many logistical issues the refugee crisis has had on Lampedusa over the course of the past few years.
- 10.14 The majority of the rescued boats set sail from the Libyan coast. Our delegation stayed within European borders and therefore did not visit Libya and witness first-hand what the conditions experienced by those preparing to flee or forced to flee are. A Sky News team, newly arrived from Libya, filming a documentary on the refugee crisis, happened to be staying at the same hotel as our delegation, thus, enabling us to obtain a holistic and eye-witness account of the situation on the ground in Libya. Their accounts were completely consistent with those of the refugees and migrants and further explained the push factors that are driving people out of Sub-Saharan Africa and Libya.

The Libyan Situation

- 10.15 The air and arms embargo imposed on Libya by the UN Security Council between 1992 and 2000 played a significant role in the increase of trans-Saharan migration and the merging of various migration routes and networks.⁶⁹ Colonel Gaddafi welcomed sub-Saharan migration as part of his pan African solidarity policy and the destabilising surrounding African countries also played a huge role in the masses that moved to Libya for a better life. This led to Libya becoming a melting pot of migrants from all over Africa; in particular, West Africa and the horn of Africa. Many South Asians also relocated to Libya where they worked in various different fields as is illustrated by the accounts of the many refugees interviewed for this report. Most labour migrants thought of Libya as a destination point for an opportunity to flee poverty and not as a means of entering the European Union. The civil war led directly to the targeting of migrants by locals as a source of cheap labour and exploitation.
- 10.16 The advent of fall of Colonel Gaddafi, the military intervention by the West and the effective division between various factions in Libya left the refugees and migrants in a 'no man's land' often unable to work and therefore unable to leave the country. Many migrants were killed by the various militias that were equipped with the huge store of weapons left after the fall of the Gaddafi regime. There has also been evidence of "human zoos" being established with caged Sub Saharan black Africans being tortured after the fall of the Gaddafi regime.⁷⁰ Amnesty International also confirmed the torture of black Africans in Libya and they stated that Sub-Saharan African migrants and refugees became "targets of stigma, discrimination and violence".
- 10.17 There is no denying that torture and abuse is taking place in Libya towards anyone who is not 'Arab' or 'Libyan'. The two Libyan groups controlling the East and West of the country, "Libyan Dawn" based in Tripoli and the Western backed, "House of Representatives" based in Benghazi, claimed that they were doing all they could to control the people trafficking and exploitation, this claim appears to be a fallacy. Outside of those two areas huge swathes of Libya are effectively controlled by various militias to which Al-Qaeda and Daesh surrogates have added an even more dangerous dimension.
- 10.18 This has been confirmed both by the Sky News team as well as the refugees we interviewed where a Pakistani refugee stated; there were "bomb blasts regularly". Others stated they thought they were going to die and that risking the sea was the same as risk of staying there. Being picked up and thrown into detention centres and prisons became the norm in a bid to reflect the resentment against the refugees and migrants by the Libyan authorities. Those detained were subject to exploitation by the militias. We heard reports that their mobile phones were used to communicate with their families 'back home', who were told to collect dollars to secure their release.
- 10.19 A refugee originally from Senegal who was in Libya stated, "I was punched in the head and beaten...the water they provided was so dirty, we used paper to filter it three times before drinking. The water in European toilets is cleaner than what they gave us". Libya's vast

⁶⁹ <http://www.migrationpolicy.org/article/trans-saharan-migration-north-africa-and-eu-historical-roots-and-current-trends/>

⁷⁰ <https://www.rt.com/news/libya-rebels-torture-africans-679/>

coastline, its history of becoming Africa's melting pot of migrant workers and the destabilization of the country post Gaddafi, has made it one of the 'roads most travelled' as a route out of Africa. This has made it a primary concern for the refugee crisis of Europe.

- 10.20 Poverty, persecution and extortion are the primary push factors for people leaving Libya. Labelling refugees "economic migrants," by EU and North African states, frequently disregard the fact that a substantial proportion of sub-Saharan migrants have genuinely escaped persecution or life-threatening circumstances. Whether it be in their home countries or in Libya. The distinction between "refugees" and "economic migrants" is often distorted and used interchangeably almost, in a bid to de-humanize the refugee struggle. Some may have initially been economic migrants but during their journey actually become refugees due to police brutality, mistreatment, abuse and imprisonment in Libya with an inability to return across the desert to their countries of origin.
- 10.21 The Sky News team stated that the refugees they interviewed "all spoke of beatings" and they visited centres ran by government officials which seemed organised by the authorities. They vividly described the state of the prisons there which, confirmed in a more graphic manner the inhumane conditions, the refugees are kept in. They described the big blocks of buildings that serve as prisons in isolated areas away from the cities and how the mainly black African and Asian refugees were "apprehended and picked up off the streets" by militias to have money extorted from their families to secure their release. Often people were released from their custody to effectively perform "slave labour" for a Libyan businessman washing cars or as a personal house servant for no pay.
- 10.22 The refugees had confirmed that they were given one meal a day sometimes two and the male section of the prison had 60-70 men in a reasonably sized room but with no ventilation in 40 degree heat. The "stench, heat and the human smell" just describes how poor the conditions must be. The Sky news team travelled from Tripoli, Kufra, Zawir and Zuwara and it appears to be the same story all over regarding the treatment of refugees. It has been made very clear that it is impossible to police the inexplicably vast coastline of Libya. This has led to the huge difficulties in tracing 'traffickers', the go-between's and the groups who are behind the sinking of the boats and the various legs of their journeys throughout Africa through to Europe.
- 10.23 The refugees interviewed in Mineo echoed the same message, that their families were being threatened and blackmailed to provide money to these criminal groups either by selling the idea of a better life and an income or blackmailing the families with threats of their deaths. The contact with their loved ones also put these refugees in a more vulnerable position where they feared for their own lives, as well as the lives of their families. The refugees can spend hundreds of dollars on bribes, traffickers and transport. Some have paid up to \$3,000 to be released from prisons or kidnappers only to be handed back to the previous group of traffickers. The traffickers generally cooperate with local corrupt police, border officials, and intermediaries who connect them to Europe. However, Frontex as well as the Sky News team have indicated that though there may be other nationals involved in this criminal operation, it is impossible to stop. The Sky News team also confirmed that the traffickers

attack prisons to help prisoners escape, as that is how they get their business, which is clearly very lucrative. One boat of 100 migrants may net traffickers \$100,000 so the stakes are huge.

- 10.24 It is extremely apparent that, simple law enforcement is not going to stem the tide and as stated by the Sky News producer Toby Sculthorpe, “they are never going to catch these people, it’s like the war on drugs’. That statement highlights the sheer breadth of the problems associated with the refugee crisis and it is only one element. Libya is an unstable country with many internal conflicts and the treatment of refugees whether they are women and children is simply not on their agenda to fix. It was incredible to hear that the prisoners were willing to give away their child to a member of the Sky News team. If those accounts do not clarify the misunderstanding between the word ‘refugee’ and ‘migrant’ nothing really can.
- 10.25 Frontex have stated that controlling migrants or refugees at sea is extremely limited as boats cannot be stopped in international waters but, that coast guards have a duty to save migrants from drowning. Sea patrolling has increased the chances of surviving the dangerous trip across the Mediterranean however, since the end of the “Mare Nostrum” operation in October 2014⁷¹ there have been several thousand deaths. This is not to say that they definitely would have been saved if the operation was on-going but, it would have increased the chances of saving the thousands who died at sea over the past year alone.⁷²
- 10.26 The story of the refugees we encountered is perhaps best encapsulated in these words, “you know, those of us who leave our homes in the morning and expect to find them there when we go back – its hard for us to understand what the experience of a refugee might be like” by Naomi Shihab Nye.

11. Calais: The Shanty Town or “Jungle”

- 11.1 We also visited the camp in Calais, France on 5 September 2015. Some refugees referred to it as a “camp” and others were happy to call it a “jungle”. The closest resemblance was however to some of the worst shanty towns that house the poorest communities in Africa or South America. It is situated around 3 kilometres from the car ferry terminal. The dual carriageway stands above the shantytown with the newly erected barbed wire fence patrolled by the French CRS riot police. The shanty town has been made down a rural lane in the bushes and scrubland that eventually leads to the coast itself. It is also around two or three kilometres from the eastern suburbs of Calais and the local University and industrial estate. The refugees managed to find some minimum level of cover made from plastic sheets, wood and donated tents that now inhabit a significant area and have housed anything from 3,000 to 5,000 people. Residents can be seen carrying loads of wood for heating and cooking in scenes reminiscent of rural Africa or Asia.

⁷¹ <http://ecre.org/component/content/article/70-weekly-bulletin-articles/855-operation-mare-nostrum-to-end-frontex-triton-operation-will-not-ensure-rescue-at-sea-of-migrants-in-international-waters.html>

⁷² <http://www.theguardian.com/world/2014/oct/31/italy-sea-mission-thousands-risk>

- 11.2 The 'jungle' consists of plastic sheets used to create temporary covers in the bush, where the refugees sleep and live. They are offered food once a day by the French NGO agency, "Salaam" which was staffed by volunteers. While the Italian reception centres were made up of real houses and decent places for the refugees to stay, the centre in Calais was a disgraceful testimony of the refusal of the French State or regional authorities to live up to responsibilities under International Human Rights Law. Refugees had been helped by volunteers from all over the European Union, especially from France itself and Belgium. Volunteers have established a small school to teach French. There is a bar, even a club with music, at least one Church and mosque. Whilst this sounds like some sort of "normality", the cold, rain, mud, lack of proper sanitation, heating and even regular refuse collections reflects an appalling state of affairs in modern day Europe.
- 11.3 The conditions in the shanty town were subhuman and below all possible expected standards for the receipt of people fleeing persecution and conflict and well below what could be expected of a developed global power such as France. Recently, the French Government sent in bulldozers to raze part of the camp without providing alternative shelters for the refugees.⁷³ Violence was also a part of this camp and again, very little information could be collected about this during our visit. There were reports of the use of excessive force by the French CRS who sometime physically beat those attempting to enter lorries for the trip to the United Kingdom.
- 11.4 On 31 August 2015, the French Government belatedly announced that it was going to build a 5 million Euro refugee camp to house up to 1,500 refugees, with heated areas for women, although not until 2016.⁷⁴ During the tragic events in Paris, there were multiple reports of fires burning at the camp destroying many tents and belongings in the mainly Sudanese section of the camp.⁷⁵
- 11.5 The Mayor of Calais blamed the attraction of the benefits system in the United Kingdom and the lack of ID cards in the United Kingdom as pull factors attracting people to Calais. Some fifteen refugees have died this year alone trying to cross into the UK.⁷⁶ With the onset of winter and provocative action by far right groups in Calais, the situation is likely to deteriorate further.
- 11.6 On 1 November 2015, the French Administrative Court in Lille ordered the Pas de Calais Prefecture to install latrines, garbage collection and water points in Calais. The Doctors of the World and Catholic Relief Services and other NGOs had complained of human rights abuses

⁷³ The International Business Times, Calais Migrant Crisis, September 22nd 2015;

⁷⁴ The Financial Times, 15 August 2015

⁷⁵ <http://www.dailymail.co.uk/news/article-3318120/Fire-rips-Calais-s-notorious-Jungle-migrant-camp-Paris-massacre-workers-deny-claims-revenge-attack.html> (accessed 1 December 2015)

⁷⁶ The Mirror, 14 November 2015;

due to the appalling living conditions in the jungle.⁷⁷ Several United Kingdom law students and other volunteers were found by our delegation to be living in tents with the refugees to show solidarity and to offer assistance. The SBL and AML volunteers after conducting our interviews managed to distribute some 180 parcels of toiletries and headscarves as well as some baby products.

- 11.7 The lack of necessary engagement to settle the refugees in many European Union countries contravenes the international legal standard of due diligence and state responsibility to receive, assist and protect the refugees under international human rights law and under international customary law. This is even more so when one considers the causes of most of the conflicts that gave rise to the mass exodus of refugees from their war torn countries.

12. An Overview of the EU Migrant Crisis & International Response

- 12.1 The current refugee crisis is by far the worst seen since the end of the Second World War and the sharp increase of migrant deaths can be attributed to factors, such as the power vacuums left in Middle Eastern governments by the forced removal of leadership and uprisings. The goal since the presidency of George W. Bush and the reign of the neo-conservatives at the Pentagon has been to remove Bashar al-Assad in Syria, Saddam Hussein in Iraq, Colonel Muammar Gaddafi in Libya, Hosni Mubarak in Egypt and other secular leaders in the Middle East and North Africa. The intention was also to replace such leaders with ones which can be controlled or influenced. The removal of Saddam Hussein invited outside influence from all of Iraq's neighbours, including Iran. Syria and Lebanon felt the spill over effects as well. A significant impact on this present situation finds its roots in the void left by the ousting of Libya's former leader, Colonel Gaddafi.
- 12.2 In 2004, Colonel Gaddafi began formalizing deals to help control the flow of migrants into Europe, keeping a significant number of African migrants and refugees from ever reaching the European continent. Libya imprisoned migrants in camps, where rape and torture were widespread.
- 12.3 The world witnessed a chain of events in 2011 that would disrupt the Middle East and have rippling effects across the globe. The 'Arab Spring' saw Libyans rise up against Colonel Gaddafi. Europe and the United States eventually intervened and subsequently ousted Gaddafi. Libya collapsed into chaos. That lawlessness made the nation a major thoroughfare for migrants seeking asylum in Europe, and many militias along the coast look the other way in exchange for money⁷⁸. Though the journey through Libya remained dangerous, it was suddenly easier for refugees to use the country's shores as a starting point for the cross-

⁷⁷ Guardian, 2 November 2015;

⁷⁸ <http://www.vox.com/2015/9/5/9265501/refugee-crisis-europe-syria>

Mediterranean journey to Europe⁷⁹.

- 12.4 The Arab Spring also helped lead to Syria's war, to conflict in Yemen, which eventually led to the rise of the organisation known as 'Islamic State' in Syria and Iraq. In Syria, anti-government demonstrations began in March of 2011, as part of the Arab Spring. The peaceful protests quickly escalated after the government's violent clampdown, which led to 'rebels' and those opposed to the regime fighting back against the regime. By July 2011, army defectors had loosely organized the Free Syrian Army and many Syrian civilians took up arms to join the opposition. Divisions between secular and Islamist fighters, and between ethnic groups, continue to complicate the politics of the conflict.
- 12.5 Bashar al-Assad's regime targeted civilians ruthlessly, including making use of chemical weapons and barrel bombs; 'Islamic State' subjected Syrians to murder, torture, sexual slavery, and other appalling atrocities; other groups such as Jabhat al-Nusra also tortured and killed Syrians.
- 12.6 In August 2013, a large number of Syrians fled into northern Iraq at a newly opened border crossing. Many were trapped by Iraq's own insurgent conflict. Iraq struggled to meet the needs of Syrian refugees compounded with more than one million internally displaced Iraqis⁸⁰. Consequently, a huge number of Syrian refugees migrated across the border into Turkey. This influx overwhelmed host communities resulting in new cultural tensions.
- 12.7 Iraq then set up camps to house the influx of refugees who arrived in 2013. The Lebanese government has no official camps for refugees, Syrian families have established makeshift camps or found shelter in derelict, abandoned buildings. The majority of refugees live outside camps.
- 12.8 Although UNHCR runs aid programs to help refugees, the scale of the problem is so large, and has been going on for so long, donors are struggling to find the money to pay for these schemes. When the numbers of Syrian refugees arriving in Europe drastically rose⁸¹, UNHCR began to receive new donor pledges to increase aid in neighbouring countries. In 2015, an international appeal for Syrian refugees is just over half funded. Recently, World Food Programme vouchers were cut for thousands of refugees, forcing many into "negative coping strategies", including begging and child labour⁸².

⁷⁹ Rosa Otero UNHCR spokeswoman said, "There have been no similar figures since the Second World War,"⁷⁹, in reference to the increase in migrant traffic through Libya.

⁸⁰ <https://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>

⁸¹ "Of the 366,402 refugees who arrived by crossing the Mediterranean Sea so far in this year, 51 percent – 186,865 – have been Syrian, up 5 percent from last month," the *International Business Times* reported on September 6.

⁸² <http://www.theguardian.com/global-development-professionals-network/2015/oct/25/six-reasons-why-syrians-are-fleeing-to-europe-in-increasing-numbers>

- 12.9 In Jordan, many refugees have also lost free access to healthcare. Almost 60% of adults with chronic conditions are now forced to survive without medicine – up from 23% in 2014.⁸³
- 12.10 Neighbouring countries to Syria have not been compensated for accepting huge influx of refugees, which this has put an enormous strain on their infrastructures. In Lebanon, host to over one million Syrian refugees, the government has resorted to imposing new regulations making it harder for Syrian refugees to gain asylum. Most people fleeing Syria can only enter Lebanon if they show border guards an air or ferry ticket to Turkey. Refugees already in Lebanon must pay the equivalent of £130 per year to stay, as well as pledging not to work. In Jordan, the government requires all Syrians living outside of camps to get new identity documents, at a cost of £27, simply to access services.⁸⁴

International response to the crisis

- 12.11 The plight of migrants crossing the Mediterranean has been largely ignored by European countries. There has been a muted humanitarian response from many states, Amnesty International criticized the EU's decision to cancel the Italian search and rescue operation known as Mare Nostrum in October 2014.⁸⁵ This operation had saved over 140,000 lives since the loss of some 500 refugees and migrants off the island of Lampedusa in October 2013 and was replaced by the far less extensive EU Operation of Triton managed by Frontex the EU Border Agency.
- 12.12 The new operation was limited to within 30 nautical miles of the Italian coast with several agencies, including Amnesty International, warning of the fatal consequences that were likely to ensue. The British Home Secretary argued that an effective search and rescue operation just encouraged migrants to make the perilous journey. Tony Bunyan, director of Statewatch, which documents European justice and home affairs policies, added: "The government's justification for not participating in Triton is cynical and an abdication of responsibility by saying that not helping to rescue people fleeing from war, persecution and poverty who are likely to perish is an acceptable way to discourage immigration."⁸⁶
- 12.13 Countries like France and Denmark cite security concerns as justification for their reluctance to accept migrants from the Middle East and North Africa, particularly in the wake of the Charlie Hebdo and Copenhagen terrorist attacks in early 2015. The tragic death and image of the toddler Aylan Kurdi washed ashore on a Turkish beach, together with the loss of his 5 year old brother Ghalip and his mother Rehan triggered an international reaction not seen hitherto.⁸⁷ The images encapsulated the human scale of the tragedy. Tragically, many more children have died since that image was taken.

⁸³ <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=562dc5945>

⁸⁴ Ibid

⁸⁵ The Guardian, October 27th 2014, UK axes support for Mediterranean Rescue mission

⁸⁶ <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=562dc5945>

⁸⁷ The New York Times, September 3rd, 2015, Images of drowned Syrian, Aylan Kurdi, 3, Brings Migrant Crisis into Focus

12.14 Leaders of eastern European countries, such as Hungary, Poland, Slovakia, and the Czech Republic have all recently expressed a strong preference for non-Muslim migrants. In August 2015, Slovakia announced that it would only accept Christian refugees from Syria. Poland has similarly focused on granting Syrian Christians asylum, and the head of the country's immigration office admitted to the Financial Times that, "[applicants'] religious background will have [an] impact on their refugee status applications." In Hungary, Prime Minister Viktor Orban has explained his anti-migrant policies in explicitly anti-Muslim language. While selecting migrants based on religion is in clear violation of the EU's non-discrimination laws, these leaders have defended their policies by pointing to their own constituencies' discomfort with growing Muslim communities.

12.15 By contrast, Germany and Sweden have unveiled some of the most generous asylum policies in the EU. In September 2015, Berlin pledged 6 billion euros (\$6.6 billion) to support the 800,000 migrants – about quadruple the number from 2014 – it was expecting to receive by the end of 2015. "If Europe fails on the question of refugees," warned German Chancellor Angela Merkel, "then it won't be the Europe we wished for." German officials also signalled that the country was prepared to take "500,000 asylum seekers a year" for several years.⁸⁸ Measured on a per capita basis, Sweden granted refuge to the largest share of EU applicants (317.8 per 100,000) in 2014. Stockholm had previously announced that it would offer permanent residency to all Syrian applicants in 2013.

12.16 In September 2015, EU ministers agreed to resettle 120,000 migrants – a small fraction of those seeking asylum in Europe – from Greece and Italy across twenty-three member states. (Greece and Italy will not be required to resettle more migrants, and Denmark, Ireland, and the UK are exempt from EU asylum policies under provisions laid out in the 2009 Lisbon Treaty.) This plan was approved despite the vocal objections of the Czech Republic, Hungary, Romania, and Slovakia. This agreement builds upon a previous voluntary quota system that called on member states to resettle forty thousand migrants from Greece and Italy over a two-year period.

13. The Economics behind a War

13.1 When a state engages in a war it bears untold effects on its people and their families. This section of the report does not forget the tragedies of warfare. It is this section's part of the report to highlight that the wars in Iraq, Afghanistan and Syria may also have resulted in economic benefits for certain states that have been involved in those conflicts.

13.2 In 2003 the United States led the invasion into Iraq on the basis that the Iraqi regime possessed weapons of mass destruction. As a Guardian article sets out, although there may have been an immediate need to address issues within Iraq, a Project for a New American Century document that was endorsed by senior US officials, stated that the need for an American presence in the Gulf transcends the issue of the regime of Saddam Hussein.⁸⁹ It is argued that there were concerns in the US that Saddam's regime was volatile in its decisions

⁸⁸ <http://www.cfr.org/migration/europes-migration-crisis/p32874>

⁸⁹ The Guardian, " (Iraq invasion was about oil,) <<http://www.theguardian.com/environment/earth-insight/2014/mar/20/iraq-war-oil-resources-energy-peak-scarcity-economy>> accessed 9 November 2015

with respect to oil production, which would have a destabilising effect on oil prices and leave the US economy in a vulnerable position. The argument run is that the aim of Iraq war was to therefore stabilise the production of Iraqi oil and its availability on the market. Whitehall documents are adduced in this argument to show that the US and British looked to privatise the Iraqi oil companies as foreign company involvement would be the only way to make Iraq a reliable oil exporter.

- 13.3 Another purported benefit of controlling the Iraqi oil production has been to allow the US to pursue other strategies with other states within the Gulf region. For example, a Harvard professor and former deputy national security adviser has stated how it has allowed the US to pursue a sanctions based strategy against Iran's nuclear program.⁹⁰
- 13.4 Much has also been written about the financial benefit for companies and contractors who have been engaged by states in relation to this conflict. A Financial Times analysis has seen how just 10 companies have gained contracts worth \$72bn just between them. A subsidiary of Haliburton, Kellogg Brown and Root, the company run by the former US Vice President was itself awarded contracts of \$39.5bn in federal contracts.⁹¹ This benefit multiplies as the increase in the revenues in turn lead to increases in economic activity in the US and other allied countries not only with such increased military spend by government - the American Friends Service Committee report stating that this figure was \$720mn a day in 2007⁹² - but also due to the consequential effects such spending will have in an economy in which that increase in spend is realised.
- 13.5 The Institute of Economics and Peace, although it queries the macroeconomic effect of the Iraq and Afghanistan wars, acknowledges this and states that heightened military spending during a conflict "does create employment, additional economic activity and contributes to the development of new technologies which can then filter through into other industries".⁹³
- 13.6 The conflict in Afghanistan commenced in 2001 following the horrendous September 11th attacks. The Congressional Research Service estimated that the total cost of the Afghanistan war for the US was \$557bn until 2012. With such a vast amount of resource spent on the conflict, others have been led to query whether there were other benefits that may have resulted from the conflict. Whereas the conflict's aim could have well been to capture Osama bin Laden or spread the democratic process, other reasons may well have been the poppy production and the minerals in Afghanistan.
- 13.7 The Centre for Research on Globalization first published a paper in 2010 that argues that the war in Afghanistan is a profit driven resource war.⁹⁴ It explains that Afghanistan is stated to

⁹⁰ L Meghan, " (BloombergViewcom,) <<http://www.bloombergview.com/articles/2013-03-19/was-the-iraq-war-worth-its-cost-to-the-u-s->> accessed 9 November 2015

⁹¹ Wwwftcom, " (Wwwftcom,) <<http://www.ft.com/cms/s/0/7f435f04-8c05-11e2-b001-00144feabdc0.html>> accessed 9 November 2015

⁹² Washingtonpostcom, " (Washingtonpostcom,) <<http://www.washingtonpost.com/wp-dyn/content/article/2007/09/21/AR2007092102074.html>> accessed 9 November 2015

⁹³ Thereformedbrokercom, " (Thereformedbrokercom,) <<http://www.thereformedbroker.com/wp-content/uploads/2012/02/Economic-Consequences-of-War.pdf>> accessed 9 November 2015

⁹⁴ Globalresearchca, " (Global Research,) <<http://www.globalresearch.ca/the-war-is-worth-waging-afghanistan-s-vast-reserves-of-minerals-and-natural-gas/19769>> accessed 9 November 2015

be a strategically important hub in Central Asia with its proximity to China, Russia and Iran and also a country that according to a joint report between the Pentagon, the US Geological Survey and USAID, possesses “previously unknown and untapped mineral reserves” estimated to be worth \$1 trillion.⁹⁵ The discovery of these minerals, including the increasingly in demand lithium, as well as copper, iron ore, oil and gas, could very well change the view of the economy of Afghanistan from opium, which in itself accounts for 90% of the world’s supply, to also becoming one of the most significant mining centres in the world.

- 13.8 In looking at Syria, the UNCHR estimate at least 4 million people have fled since the start of the conflict with many millions more being internally displaced. In March 2015, the UN estimated that the total economic loss since the start of the war to Syria was \$202bn.⁹⁶ Syria has become a country that is suffering not only from the effects of its own civil conflicts but has also now become the arena for regional and global powers who in turn have other interests in the conflict. The Syrian President, Bashar al Assad has the support of Russia. Russia has a key naval base in the port of Tartous in Syria, which is Russia’s sole Mediterranean base for its Black Sea fleet and also has an air force base at Latakia. Russia has been increasing its presence at the air base during the conflict, which is an area that is still controlled by Assad’s forces. Iran is also a supporter of the al Assad’s Alawite government and is its closest ally in the region. Iran is believed to fund the Assad regime with billions of dollars a year and also use the country to send shipments to support the Shia Hezbollah movement in Lebanon.
- 13.9 The US, the United Kingdom, Saudi Arabia and Turkey are however, opposed to the Assad regime and support the opposition movements within the country such as the National Coalition. The US and UK has provided varying degrees of military support to the opposition and Saudi Arabia has gone so far as to state that President Assad cannot be part of the solution to the conflict in Syria. Turkey has also been as vociferous in its criticism of the Assad regime and itself has been the destination for millions of refugees.
- 13.10 Although a brief summary of three conflicts that have contributed to the current refugee plight, we have seen that conflicts may not only be driven by local factors or that a single cause may not be the entire rationale for intervention within a particular conflict. Geopolitics and economics are, amongst others, factors that are just as important to take into consideration if a complete picture is to be obtained with respect to understanding a conflict.

14. Recommendations

- 14.1 SBL and AML note the following facts as the context for our recommendations:

⁹⁵Nytimescom, " (Nytimescom,) <http://www.nytimes.com/2010/06/14/world/asia/14minerals.html?_r=0> access ed 9 November 2015

⁹⁶Unrwaorg, " (Unrwaorg,) <http://www.unrwa.org/sites/default/files/alienation_and_violence_impact_of_the_syria_crisis_in_2014_eng.pdf> accessed 9 November 2015

- a) Western democracies currently provide \$ 2 billion in aid to the developing world whilst nationals from those countries send \$ 51 billion per year in remittances;
- b) Development aid is often linked to high value projects that provide profit and employment for the donor country whilst failing to deliver trickle down benefits for the majority in the donee country;
- c) Despite the current crisis in 2015, countries in the European Union take less than 2% of the world's total number of refugees;
- d) Western intervention in Iraq, Afghanistan, Libya and its inaction in Syria are a significant reason for the current high levels of migration. Without a political solution and ceasefire in Syria and a co-ordinated strategy to eradicate so called 'Islamic State', this is likely to get far worse in 2016;
- e) The flow of refugees and migrants is also directly linked to the high levels of poverty, and the early effects of climate change which are the result of western governments' high trade barriers and protectionist measures designed to protect farmers, textiles and many other sectors in the EU and the US;
- f) Given modern means of communication and the internet, citizens in the developing world are well aware of the degree of wealth and opportunity that they are excluded from by the developed world; and
- g) The conduct of some European countries towards refugees/migrants is inhumane and contrary to international law.

14.2 The SBL and AML set out a Fifteen Point Plan to urgently address the short, medium and long term factors driving the highest levels of migration since the Second World War: -

1. To provide proper funding for existing refugee camps in Turkey, Lebanon and Jordan which are shouldering the burden of the 3.9 million refugees in residence there. This funding should go towards the provision of adequate secure accommodation, sanitation, schools, and health care to an international standard. This must be accompanied by a right to work.
2. For NATO and the USAF to create "no fly zones" to create areas of safety in northern Syria covering major populations centres such as Homs and Aleppo, with or without the agreement of the Russian Federation and/or President Putin. Further, to protect the civilian populations in Syria and Iraq, so the Kurdish and other moderate land forces opposed to Assad can patrol more safely.
3. The United Kingdom to commence by taking a proportional share of the current EU quota, and from 2016 to take at least 100,000 refugees each year for the next three years or until the situation in Syria stabilises, which ever is sooner, both from the existing camps in Turkey, Jordan and Lebanon and from those who have already crossed Europe, with economic penalties for those EU States such as Hungary who fail to comply.
4. To re-draft the Schengen Treaty and Dublin III Treaty to provide for emergency assistance from the European Central Bank triggered by the migration levels to border EU states where the numbers exceed 100,000 per year. This would trigger economic assistance for the front line states of Greece, Italy and Malta from the European Central Bank.

5. To continue urgent diplomatic negotiations between Saudi Arabia, the Gulf States, Iran, Russia, Egypt, Lebanon, Jordan and Turkey and other regional powers to bring an end to the Sunni versus Shia proxy war that is being fought in Syria and Iraq.
6. The International Criminal Court to investigate and issue international warrants for the trial of all parties and individuals responsible for crimes against humanity and war crimes internationally in Syria, Iraq, Afghanistan and Eritrea.. The failure of the global community to hold those responsible to account is considered to be a major factor for the increased instability in many of the regions from which the refugees have originated. Investigations into these crimes should be undertaken by an international body of independent experts and these should be appointed as part of a global strategy of dealing with the refugee crisis.
7. To encourage, by all legitimate means, the voluntary and if necessary compulsory return of those not eligible for either asylum or humanitarian protection and to organise their repatriation to their countries of origin within six months of their arrival with dignity and humanity.
8. To provide for the full integration of those granted asylum or humanitarian protection with a scheme for full acceptance into the host community with specific emphasis to engage with all faiths, languages and cultures.
9. In the host communities of the EU to work with schools, community associations, and through all the various social networks from sports to religious bodies to build mutual respect and to introduce communities to each other and to specifically counter extremism, discrimination and hate crime with sensitivity but firmness.
10. For those returning to their countries of origin to recognise that poverty and unemployment are strong push factors that exacerbate any persecution or injustice that may be suffered and to build economic systems that provide for the alleviation of poverty and unemployment.
11. To introduce ethical foreign and economic policies that truly reward good governance, democracy and the rule of law in the developing world.
12. To effectively monitor and restrict the international arms trade that fuels conflicts and the actions of repressive Governments around the world.
13. To have a fully funded and co-ordinated strategy to target the people traffickers on the Libyan and Turkish coast.
14. To have a comprehensive search and rescue mission off the Libyan, and Turkish coasts to save those refugees and migrants who make the perilous journey to Europe.
15. To avoid any knee jerk reaction to recent events in Europe leading to policies that apply blanket sanctions against refugees without justification and which will only go to worsen the situation.
16. To set out long term plans for any military action in Syria including a comprehensive strategy for dealing with further refugees as a result of further conflict in the country.

14.3 SBL and AML urge the EU and the international community:-

- a) To adopt EU wide, a humane, fair and coherent migration policy for all genuine refugees and migrants;
- b) To refrain from participation in policies that seek to create a “Fortress Europe” by closing borders or seeking to apply blanket policies against refugees and migrants contrary to international law;
- c) To refrain from using political language that leads to racism, xenophobia and islamophobia against refugees and migrants and on the contrary to positively engage in educational programmes, and campaigns to explain to host communities the international legal obligations on nation states under the Geneva Convention 1951;
- d) To organise a world summit on the refugees crisis immediately and bring in major stakeholders, international aid agencies and NGO’s to find humane and world wide solutions and policy to the conflicts that are creating the refugee crisis;
- e) To impose on countries engaged in action inside countries from which the refugees are fleeing to take larger responsibility for the refugees crisis;
- f) To refrain under any circumstances from introducing an Australian style refugee policy that is in clear breach of the fundamental principles of permitting those recognised as refugees to be permitted to settle in the country of arrival;
- g) To place additional resources into establishing direct investment into the underdeveloped world, run by the UNHCR and UNICEF, linked to the resettlement of refugees as opposed to the blank cheques promised to African leaders in development aid at the Valetta Summit in, Malta summit on November 11th and 12th;
- h) To immediately engage in a cease fire, in Syria observed by international peacekeepers, that disengages all the rebel forces and the Assad regime so that a full political solution can be negotiated as part of the wider regional solution;
- i) That the refugees and migrants should be properly registered on arrival and legal advice be “front loaded” to ensure that asylum seekers receive a fair hearing and that all protection claims have been properly assessed.
- j) That EU adopts a policy to ensure that when claims for sanctuary are made, a compact should be signed by the refugee seeker and the responsible border agency in the relevant country which sets out the expectations and responsibilities of both parties through the refugee/asylum process and up to the point of integration or departure.

- k) That swift and independent pre-return assessment should be available to refused asylum seekers to make sure that all protection claims have been properly assessed prior to return with mechanism for reassessing protection needs where necessary.
- l) That a protocol should be established in consultation with the relevant authorities in the EU, the voluntary sector and contractors to establish greater trust in the return process system and to ensure the independent monitoring of returns, particularly of returns to countries with poor human rights records.
- m) That where there is a significant barrier to return to the country of origin that is beyond an individual's control, and they are complying with the system, they should be given temporary humanitarian status in the country they are seeking sanctuary in, and if after a further period the situation remains unresolved, they should be given leave to remain; and
- n) The EU to sanction those EU countries that fail to accept refugees under the 1951 Geneva Convention.

Conclusion

In our Mission and report the SBL and AML seek to represent the voices of our people of all nationalities, faiths and ethnic origin, gender and race who are currently without a voice before the international community. We humbly seek to advocate on their behalf to change the views of those in power and authority and ensure their tomorrow is better than today.