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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), Arab Organization for Human  
Rights, Organisation Mondiale des associations pour  
l'éducation prénatale, Union of Arab Jurists, non-  
governmental organizations in special consultative status,  
International Educational Development, Inc., World Peace  
Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## **Migration: Challenges, Abuses and Ineffective Responses**

### **Introduction**

The humanitarian crises deriving from the latest wave of irregular migration to the shores of the European continent has posed serious challenges for policy makers, who have proved once more unable to agree on a multilateral strategy based on humanitarian values in order to deal with the serious human rights issues originating from such mass movement.

Since the beginning of 2016, the UNHCR has reported<sup>1</sup> that about 190,799 migrants have arrived to the European shores by sea. A further 1,375 has been reported dead or missing due to the extremely unsafe journey migrants undertake. 41% of the total arrivals come from the Syrian Arab Republic, whereas the second highest position is held by Afghanistan, with a 21%, followed by Iraq with 13% of the total migrants.

The above data shows that, in 2016, the same issues faced in 2015 still persist. Migrants still die at sea and those who survive and make it to shores still have to deal with huge challenges.

Migration is only due to increase further as thousands of people face death, displacement and poverty in their countries of origin and abroad.

### **Who are these migrants?**

Within the migrants entering the European continent, we can distinguish between refugees, asylum seekers and economic migrants. The distinction today, however, has never been blurrier. With so many ongoing conflicts in Asia and Africa, the ever present terrorist threat and the harsh Western responses, it is hard to label the nature of migration and link it to either specifically economic or safety reasons. Furthermore, due to bureaucratic processes, some economic migrants are classified as refugees, contributing in making this distinction even less clear. In this big blurry picture, the European continent has witnessed the largest number of arrivals, especially of migrants classified as refugees, due to its strategic geographical position and its relative wealth, stability, and opportunities.

In the last few years, with the intensifying of the internal conflicts in the Middle East and North Africa, in particular in Syria, Iraq and Libya, the continent has faced a Diaspora towards its shores, which reached a peak in October 2015, counting as much as 221,374 arrivals for that month only. It is important to recognize that these conflicts were in no insignificant part the result of foreign interventions supported by European States and often the humanitarian crises were the result of inadequate development policies to which European States contributed. The EU countries which receive the highest numbers of refugees are Greece, Italy and Spain, whereas the largest non-EU refugee host country is currently Turkey, hosting 2.7 million of the estimated 4.84 million refugees who have fled the conflict in Syria.

### **Challenges faced by the migrants**

Refugees who flee their countries face many challenges from the very beginning of their journey. Firstly, they need to provide large payments to the smugglers for the lift. Those who are able to pay and make the journey across the Mediterranean face violence and abuse by their smugglers as well as other unsafe conditions. The vessels the migrants are loaded onto are often overcrowded, under fuelled and not fit for travel. Many migrants find themselves stuck at stops along the way for weeks or possibly years as they work to make the money required for the next leg of their journey. In this context, human trafficking has become an increasingly concerning issue that the international community struggles to deal with.

As a result of the unsafe journey conditions, many refugees do not manage to reach the European shores and die on the way. The United Nations High Commissioner for Refugees (UNHCR) said more than 700 migrants had drowned in the

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<sup>1</sup> <http://data.unhcr.org/mediterranean/regional.php>

week ending on 29<sup>th</sup> May 2016 while making the crossing from Libya to Italy. The International Organization for Migration (IOM) reports<sup>2</sup> that an estimated number of 488 migrants taking the Mediterranean route died from 1<sup>st</sup> January to the 20<sup>th</sup> March 2016 only. According to the UNHCR, 2014 counted as much as 3000 victims died at sea. Excluding the fairly successful year-long Mare Nostrum rescue operation initiated by Italy in 2013 in order to save the lives of those at sea regardless of their nationality, following efforts<sup>3</sup> to save migrants from dying at sea have proved flawed and too inadequate.

Further challenges faced by migrants occur upon their arrival in the hosting country. Without residence permit, most of them seek the refugee status since they are escaping from conflict or persecution. However, allocations, funds and assistance to refugees is usually very poor and, in general terms, insufficient. They are pretty much left to their own devices. In some cases, they resort to underpaid and unwanted jobs which fall short of working standards.

Additionally, refugees are often faced with discrimination from certain groups in the hosting countries which see migration as a threat to their economic and personal security, despite the fact that the economies of many of these countries have been built by migrant labour. As a consequence, radical parties have taken advantage of the general chaos and mismanagement to promote xenophobic campaigns as well as islamophobia (alimeted by the fear of the so called Islamic State of Iraq and Syria (ISIS) jihadists mixing up with refugees), and call for stricter border security, including repatriation<sup>4</sup>, if needed.

The widespread political strategy of closing the borders

Refugees are often not allowed to move to other countries in order to look for more stable solutions. On the contrary, recent events suggested that refugees are increasingly forbidden to cross international borders<sup>5</sup>.

Border closure or restriction has been a widespread strategy to deal with irregular migration, used by many countries in Europe such as Macedonia, Croatia and Slovenia as well as Austria or the United Kingdom which have only allowed a very small amount of refugees in. This has undoubtedly put a huge amount of pressure on those Mediterranean states that receive the greatest amount of refugees due to their geographical position. These states are economically unable to deal with such high numbers of arrivals and to guarantee migrants with the appropriate support. They are therefore demanding more cooperation and assistance from the EU as a commonly-shared issue. In response, a resettlement scheme to relocate 120,000 refugees has been proposed by the European Commission in September 2015<sup>6</sup>. The plan assigns each member state a number of people based on different quotas<sup>7</sup>. However, the acceptance has not been unanimous.<sup>8</sup>

<sup>2</sup> <https://www.iom.int/news/mediterranean-migrant-arrivals-2016-160547-deaths-488>

<sup>3</sup> Mare Nostrum was substituted with the EU ongoing operation "Triton". However its main purpose is border security, rather than search and rescue.

<sup>4</sup> The principle of non-refoulement, contained in Article 33 of the 1951 Convention Relating to the Status of Refugees, in the 1967 Protocol Relating to the Status of Refugees, and finally in Article 3 of the 1984 Convention Against Torture, legally prohibiting to repatriate refugees when their lives or freedoms could be threatened.

<sup>5</sup> This has been the case, for example, with refugees in Greece who have tried to cross the border with Macedonia in early April 2016. The Macedonian police reacted violently, firing tear gas on a group of refugees in Idomeni, Greece. Over 300 people were treated by Doctors without Borders (MSF), as reported by the organization on the 10<sup>th</sup> April 2016. Another example of border restriction occurred in September 2015, when Hungarian forces built a fence on the border with Serbia in response to the hundreds of thousands of refugees and migrants who crossed through Hungary in hopes of reaching Western Europe.

<sup>6</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160316/first\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160316/first_report_on_relocation_and_resettlement_en.pdf)

<sup>7</sup> The quotas on which the allocation of refugees to each country should be calculated according to the plan are economic strength, population, unemployment and the number of asylum applications it has approved over the last five years.

<sup>8</sup> Among others, Czech Republic, Hungary, Romania and Slovakia all refused to use the quota system, Britain refused to join the scheme, whereas Ireland and Denmark also have opt-outs, but are offering to participate.

### **A shared responsibility**

Such facts highlight how there is no general consensus and enough international political will to deal with the issue of irregular migration. Not just Europe has proved divided on what plan of action is best to implement in order to effectively help mitigating the consequences of mass migration, but there seems to be no will to address the very root causes of such phenomenon.

As previously mentioned, the highest percentage of the migrants arriving into the European continent as refugees escapes from conflicts, such as in the case of Syria, where a 5 years-long civil war has been taking place. The Syrian population has been plagued by years of conflicts between different factions, including thousands of airstrikes carried out by the U.S.-led coalitions as well as by the Syrian government backed by Russia. The involvement of such external actors, independently from the political purpose of their attacks, has been ruinous<sup>9</sup> to civilians, who have been forced to flee Syria to survive.

The Syrian example is just one among others, but it is enough to show that as events are so closely connected to each other, solutions must be so too. It is naïve to think that it is possible to contain migration while, on the other hand, ignore the root causes that fostered the phenomenon in the first place. The responsibility of addressing the causes of migrations must be shared as the consequences of the various contributing factors of conflicts, wars, poverty, famine, and other mitigating circumstances.

### **Conclusions and recommendations**

We, NGOs Signatories to this statement recommend to the United Nations and its relevant bodies to:

- Put pressure on Member States to agree on a mission of search and rescue in order to stop migrants from dying at sea.
- Take all necessary measures to end the human rights abuses faced by migrants, such as human trafficking and smuggling, discrimination and exploitation.
- Agree to a multilateral strategy, based on cooperation, that enshrines the principles and values set forth by the UN Universal Human Rights Declaration, the UN Convention and Protocol Relating to the Status of Refugees as well as the Convention Against Torture, in order to assist refugees at their arrival and ensure that appropriate measures are undertaken in order to relocate them to more stable resettlements in Europe, thus diminishing the pressure on the main hosting states.
- To analyse and address the root causes of migration, especially when human rights abuses are directly related.
- To start a campaign to promote awareness and solidarity in order to fight against xenophobia and islamophobia, including highlighting the positive effects of migration on hosting countries.

The Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, The BRussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>9</sup>The airstrikes have not just caused casualties, but they have destroyed people's homes, public buildings, infrastructures, as well as, worryingly targeted hospitals and schools. This has heavily undermined the possibility of Syrians to enjoy their basic human rights.