



Lifejackets at a landfill site on Lesbos Island in Greece. Credit: Pablo Tosco/Oxfam

# BEYOND ‘FORTRESS EUROPE’

## Principles for a humane EU migration policy

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In 2015, the EU announced its Agenda for Migration: a blueprint for managing migration. Two years on, it is clear these policies have sacrificed people’s safety and wellbeing in order to stop irregular migration at all costs. This report outlines Oxfam’s proposal for a new and balanced approach to managing migration – one that protects people and promotes the benefits associated with migration for European host countries, people on the move and their countries of origin.

# EXECUTIVE SUMMARY

In 2015, in response to the dramatic increase in the number of people crossing the Mediterranean in search of safety and a better life, the European Commission published the European Agenda on Migration. The policy, also known as the Migration Agenda, was adopted by European heads of state and government in the European Council meeting of 25–26 June 2015 and has since formed the basis of European actions on migration.

More than two years after the Migration Agenda was adopted, it is clear that EU institutions and member states have not taken a balanced approach to managing migration. Instead they have focused their efforts on reducing irregular migration and increasing border management, with very little attempt to increase options for safe and regular migration, and insufficient concern for the human rights and living conditions of asylum seekers.

Oxfam has seen first-hand the devastating impact of some of the Migration Agenda measures and other recent European policies on people moving across borders, and is calling on European decision makers to adopt a migration policy which is fair, protects human rights and is conducive to development. A better approach is both urgently needed, and possible. In the meantime, the current European approach is pushing people to take longer and more dangerous routes, increasing the hardship and risks they face, with women and children at particular risk of violence and trafficking.

## SHORT-TERM POLICIES SACRIFICING DEVELOPMENT GAINS

Preventing people from arriving irregularly into Europe by boat or on foot is a central objective of the EU's approach to migration. To this end, the EU and member states have recently adopted several policies and agreements, such as the Valletta Action Plan<sup>1</sup> and the Migration Partnership Framework.<sup>2</sup>

However, such initiatives risk compromising aid effectiveness and good donorship principles, and provide no safeguards to ensure that human rights are respected or that rule of law standards and protection mechanisms are in place. Political pressure to act tough on migration has resulted in changes to how the effectiveness of development aid is measured, by linking 'success' with reductions in migration. Instead, development projects in sub-Saharan Africa and elsewhere should only be evaluated in terms of improvements in people's lives, and not against the numbers of people crossing the Mediterranean to Europe.

In addition, the EU approach of reinforcing support for border controls in order to prevent irregular cross-border movement ignores the critical contribution of regional migration to economic development in Africa, despite the fact that regional migration is far greater than migration to Europe. Regional migration also has an important role in people's ability to cope with serious threats such as conflict, famine and other sudden or slow-onset hazards. While most displaced people remain within their own states, many have no choice but to cross borders. Measures to 'tackle forced displacement', one of the main objectives of Europe's migration interventions in Africa, can undermine disaster preparedness and resilience-building efforts by making cross-border movement more difficult and dangerous. Rather than forcing people to remain in their

country, such interventions should enable people to flee from harm and make it easier for local authorities and humanitarian organizations to provide assistance.

## **Deals that negatively affect people's lives**

In 2016 and 2017, the EU and its member states made a number of agreements with third countries to reduce the numbers of people arriving irregularly at European borders, and to ensure that more people are returned to non-European countries. The effectiveness of the model for these agreements, the EU-Turkey deal of 18 March 2016, has been questioned by academics.<sup>3</sup> Yet, by replicating this model through agreements with additional countries, the EU pushes its obligation to host refugees onto poorer countries at an immense cost to people's dignity, well-being and their ability to seek asylum safely.

## **The consequences of stopping people from moving through Europe**

Another objective of the EU migration approach is to stop people who arrive at Europe's borders from moving any further, and the EU has set up various legal and physical barriers to this end. Attempts to replace asylum seekers' ability to move in Europe by agreeing on sharing the responsibility for addressing their needs have stalled due to political disagreements. As member states point the finger at each other, thousands of people have been left living in unacceptable conditions.

Many refugees are unable to reunite with family members who are already in Europe. As a result, many people are giving up on their asylum process and are undertaking dangerous journeys between member states, travelling alone or with smugglers, with women and girls particularly exposed to violence and abuse.<sup>4</sup> Security forces in countries along the route, such as in Hungary and Croatia, use brutal tactics to force people back to the countries they had passed through.<sup>5</sup>

The European approach is often leaving people in limbo, without a clear understanding of their rights or the asylum process, and little support. The mechanism to relocate asylum seekers from Italy and Greece to other European states has also failed to meet expectations; only 28 percent of member states' commitments for relocation have actually been fulfilled,<sup>6</sup> and the European Commission expects that the total percentage will reach 38 percent.<sup>7</sup> Thousands of people have been rejected by member states, have not registered for resettlement or have simply found other ways to move out of the country they arrived in.

## **A NEW APPROACH IS NEEDED**

In response to the need for proactive migration policies, European leaders have made the wrong choices. By presenting migration as a threat rather than recognizing its benefits, they are playing into the hands of populist fearmongers who falsely claim that Europe is unable to cope with the arrival of more people on its shores.

Two years into the implementation of the Migration Agenda, it is clear that European member states and institutions must adopt a new and balanced approach to managing migration – one that protects people and promotes the

benefits associated with migration for European host countries as well as for migrants and their countries of origin.

Policies which address migration-related issues in countries of origin or transit must adhere to the following principles: (a) make development work for people; (b) do not ignore the risks – address them; (c) rescue people in danger; and (d) improve and increase safe and regular mobility options.

Europe's policies for managing migration at and within its borders must follow these principles: (a) ensure people can live their lives in dignity; (b) ensure asylum procedures are accessible, fair and effective; (c) do not detain people simply on the basis of their migration status; and (d) help families to reunite.

## **Recommendations**

Governments have a duty to respect and protect the human rights of refugees and migrants, and a responsibility to promote the positive aspects of migration. The EU and its member states should:

1. Ensure that European law and national legislation meet, at a minimum, international and European human rights standards and protect the rights of migrants and refugees. European and national policies should also be designed with the aim of increasing the benefit that migration can carry for those who are moving across international borders as well as for the communities and countries of origin, transit and destination.
2. Ensure that all projects adopted under the EU Trust Fund (EUTF) for Africa promote the objectives and effectiveness of development aid, and that input from all relevant stakeholders, primarily the populations affected by each project, is considered before projects are approved.
3. Ensure that agreements with partner countries do not include provisions that reduce the EU and member states' responsibility for hosting and protecting asylum seekers and refugees. Europe must continue to assess asylum claims on an individual basis, providing access to a full, fair and effective process.
4. Implement fair and effective asylum procedures and give people access to at least minimum standards of living and procedural rights. To ensure this, the EU and its member states should:
  - a. Ensure people have access to information on their rights and the asylum process in a language they understand, and expand legal assistance.
  - b. Improve conditions in hotspots and reception centres in front-line states, so that people can access appropriate accommodation, healthcare, good quality food, water and sanitation.
  - c. Use detention as a measure of last resort that is taken only after all non-custodial alternatives to detention have been considered. Children should never be detained because of their own or their parents' migration status.
  - d. Provide access for independent organizations and bodies that can provide aid, including psychosocial support and legal assistance, and monitor respect for human rights.
5. Commit to protecting and advancing the rights of migrants in the negotiations towards the UN Global Compact for Safe, Orderly and Regular Migration; commit to sharing responsibility for receiving, hosting and supporting refugees at home and abroad in the negotiations towards the UN Global Compact on Refugees; and encourage other countries to do the same.

6. Commit, both at an EU and member state level, to examining and adopting mechanisms to increase and improve safe and regular pathways for refugees and migrants. This should include effective mechanisms for relocation that respect the legitimate needs and choices of asylum seekers, prioritize the most vulnerable without discrimination, and ensure that responsibility is shared between member states.
7. Expand the definition of family for both refugee family reunion and Dublin Regulation applications, to include young adults who were dependent on family unity prior to displacement, parents, siblings and in-laws, and ensure that the concept of dependency is adequately addressed.

# 1 INTRODUCTION

In the spring and summer of 2015, the number of people crossing the Mediterranean Sea from Turkey to claim asylum in Europe was approaching one million.<sup>8</sup> In countless makeshift boats, people reached the shores of the most eastern Greek islands after risking their lives at sea. They were fleeing from war, persecution and acute poverty, looking for safety and a chance to rebuild their lives. Thousands died in the attempt.

While efforts to develop a common framework for asylum procedures and a common response to migration have been ongoing for decades, the situation prompted the 28 member states of the EU to ask the European Commission to revise the common approach. This new policy was presented in the European Agenda on Migration (or the 'Migration Agenda'): a document published in May 2015, which laid down the European approach to addressing migration both within Europe's borders and abroad.<sup>9</sup> While the Migration Agenda was based on previous policies, its suggested actions were on a larger scale than ever before.

The Migration Agenda included a list of actions to be taken immediately by member states and the EU, including expanding joint European naval operations to save lives at sea and fight smuggling; setting up 'hotspots' – a pilot model of a registration and identification mechanism at the points of arrival – in Greece and in Italy; increasing relocation of asylum seekers within Europe; and resettling refugees to Europe from third countries. The Agenda also proposed structural responses for the medium and long term, around four pillars of work:

- a. Reducing the incentives for irregular migration.
- b. Building up border management, both at the EU's external borders and by supporting third countries to develop their own border management.
- c. Reviewing and reforming the Common European Asylum System (CEAS), including the Dublin Regulation, to determine member states' responsibility for assessing asylum applications.
- d. Developing a new policy on legal migration.

The Migration Agenda was adopted by the European heads of state and government in the European Council meeting of 25–26 June 2015, and has since formed the basis for European actions on migration.

The political need to offer immediate solutions to the management of a complex issue resulted in the design of new approaches to migration governance. Some, such as the hotspots approach and the relocation mechanism, required complicated coordination mechanisms between EU institutions, agencies and member state authorities.

However, more than two years after the Migration Agenda was adopted, it is clear that European efforts have not been invested equally across the proposed pillars. European institutions and member states have focused their attention on reducing incentives for irregular migration and increasing border management, sacrificing investment in safe and regular migration, and people's rights and living conditions. The European Commission's review of the Migration Agenda and its recommendation to enhance relocation to Europe by at least 50,000 vulnerable people over the next two years<sup>10</sup> is a recognition of this imbalance and a modest first step in rectifying it.

Oxfam is seeing first-hand the devastating impact that some of the recent European policies are having on people moving across borders. Without providing appropriate solutions to their needs and vulnerabilities, the European approach is forcing people to take longer and more dangerous routes, and increasing the hardship and risks they face along the way.

Testimonies of those arriving in Europe have been collected in several reports, which document appalling conditions and human rights violations in Greece, Italy and the western Balkans countries.<sup>11</sup> Women are at a particular disadvantage; displacement and travel expose them to the risk of sexual and gender-based violence, exploitation and abuse, while many are forced to adopt dangerous coping mechanisms, including 'survival sex'.<sup>12</sup>

The European response to migration imposes a false narrative – that tough measures are required to prevent migrants, including refugees, from risking their lives on the journey, and to protect the interests of host countries. This narrative has been accompanied by tough political rhetoric; a case in point is that of the Dutch Prime Minister, Mark Rutte, who stated before the 2017 elections that migrants who do not agree with so-called Dutch values should leave: 'You have the choice, go away,' he said. 'You do not need to be here.'<sup>13</sup> In Hungary, Prime Minister Victor Orbán has proposed and implemented policies to encamp and effectively detain all asylum seekers arriving at the border, including unaccompanied children over 14, stating that the country is 'under attack'.<sup>14</sup>

In reality, migration is and has been a normal feature of human existence for millennia. In recent times, the global rate of migration has held steady since the 1960s, with international migrants accounting for approximately three percent of the world population.<sup>15</sup>

Migration is not a threat to be stopped; it is a complex phenomenon to be managed for the benefit and safety of all involved. Even when migration is caused by acute crises which result in large and sudden movements as people flee from danger, those displaced should be considered first as people in need of protection and whose rights need to be respected.

If managed correctly, migration can serve as an effective tool for promoting self-sufficiency and resilience; save the lives of people who are threatened by persecution, war or human rights abuses; and promote economic development and growth in countries of origin and destination.

First and foremost, governments have a duty to respect and protect the human rights of refugees and migrants in all their policies and actions. It is also in their best interest to make migration more beneficial for people who are moving across international borders as well as for the communities and countries of origin, transit and destination.

This briefing paper first reviews some of the recent European policies and their impact on refugees and other migrants. It explores the way in which the European attempt to 'reduce incentives for irregular migration' reduces safety and resilience, and the impact that the hotspots approach has had on the rights of asylum seekers once they arrive in Europe. The paper then offers principles by which Europe should conduct its migration agenda – principles which would ensure that EU policy on migration really delivers on its promise to offer a better future for people on the move as well as their hosts.

Oxfam is calling on European leaders to adopt a migration policy which is fair, protects human rights and is conducive to development. A better approach is both urgently needed, and possible.

## 2 SHORT-TERM POLICIES ARE SACRIFICING RIGHTS AND DEVELOPMENT GAINS

EU institutions and member states have resorted to a crisis management approach to migration, rather than adopting an organized and evidence-based policy. Leaders use development aid and political influence to reduce irregular migration. They claim success when the number of arrivals drops, and announce harsher measures when it increases. But the success of development policies implemented far beyond Europe's borders, in sub-Saharan Africa and in Asia, should be measured only in terms of improvements in people's lives – and not against the numbers of people crossing the Mediterranean to Greece or Italy, thousands of kilometres away.

Oxfam acknowledges that not everyone who arrives irregularly into the EU will be able to stay. However, the drive to cut numbers and to look tough on irregular migration is causing European policy makers to sacrifice the human rights and dignity of the people affected by these policies. It also risks undermining long-term development gains.

## THE COST OF INVESTING IN KEEPING PEOPLE FROM REACHING EUROPE

Preventing people from arriving irregularly in Europe by boat or on foot is a central objective of the EU's approach to migration. Worryingly, it is also being put at the heart of its development and foreign policy work, with a stated focus on 'working in partnership with third countries to tackle migration upstream'; 'addressing the root causes of irregular and forced displacement in third countries'; and 'support[ing] third countries [in] developing their own solutions to better manage their borders'.<sup>16</sup>

To this end, the EU and member states have adopted several policies and agreements with the aim of increasing incentives for migrants, including refugees, to avoid the journey to Europe. For example, the Valletta Action Plan was adopted in November 2015, and committed the EU and member states to centralize migration in their development work. This was to be achieved by improving the 'development benefits of migration' and 'promoting regular channels and mobility' while 'addressing root causes of irregular migration and forced displacement' and focusing on 'prevent[ion] of and fight[ing] against irregular migration, migrant smuggling and trafficking in human beings'.<sup>17</sup> The Action Plan also established a new financial instrument – the EU Emergency Trust Fund 'for stability and addressing root causes of irregular migration and displaced persons in Africa' (the 'EUTF Africa').

The plans to prioritize incentives to reduce irregular migration to Europe were enhanced in June 2016, when the EU introduced the Migration Partnership Framework to mobilize the diplomatic power of the EU and its member states to engage with partner countries in 'fighting traffickers, reducing the number of arrivals of irregular migrants to the EU and ensuring returns and readmission'.<sup>18</sup>

The Framework attempts to make European funding to partner countries dependent upon their willingness to cooperate with the European Migration Agenda.<sup>19</sup>

In the most extreme cases, the European drive to finance border control and stop irregular migration in third countries has been criticized for potentially facilitating human rights violations. A UK parliamentary report that reviewed the European migration partnership with the Government of Sudan found that it is 'an ill-defined framework that is open to abuse' and concluded that '[w]ithout clear human rights benchmarks, the EU will remain open to the accusation that they are providing financial and technical assistance without robust safeguards in place. In particular, witnesses raised the need for human rights standards in the areas of transparency, end-user accountability, access to monitor implementation, safe passage and refoulement'.<sup>20</sup> Other reports claim that European support could be reaching the hands of armed militia, channelled through governments that work with them to secure borders, disregarding their abuse of migrants and refugees.<sup>21</sup>

## **Sacrificing development aid goals**

More than 120 NGOs have criticized the initiatives that create conditionality between access to development aid and political agreements on migration. They assert that subjecting the delivery of development aid to the European political agenda compromises aid effectiveness and good donorship principles, and provides no safeguards to ensure that human rights are respected and rule of law standards and protection mechanisms are in place. They have also criticized the European approach to migration for having no clear commitments to open up safe and regular channels for migration, and for increasing the risk of human suffering as people are forced to take more dangerous routes.<sup>22</sup>

Europe's efforts to reduce irregular migration ignore the complex and varied reasons which drive people to cross the borders of their country of origin. People regularly cross borders for economic reasons such as daily trade or to search for new employment opportunities, while others are forced out of their country to escape persecution and war.

Despite this complexity, the EU's approach to border management in third countries is oversimplified to a dangerous degree. Through the Migration Partnership Framework, the EU is prioritizing work with key partner countries to change national legislation on migration; build the capacity of national authorities to better manage borders; and on 'stemming the irregular flows'.<sup>23</sup> The focus on border management is also prominent in Europe's approach to Libya and the countries surrounding it, where European leaders committed to 'enhance border management capacity'.<sup>24</sup>

Europe's investment in supporting third countries' border management projects is lacking an analysis of the way it would impact a variety of populations, including merchants and buyers, but also displaced people, and specifically women, children and vulnerable groups. In an attempt to stop irregular migration to Europe, the EU and its member states risk sacrificing local economies and trade in border regions and reducing the chances of people in those regions to lift themselves out of poverty.

In practice, the EU and its member states have committed little to no funds under the EUTF Africa to improve safe and regular pathways for refugees and other migrants to create alternatives to irregular movement. This is despite their commitment, under the Sustainable Development Goals framework, to 'facilitate

orderly, safe, and responsible migration and mobility of people' in order to reduce inequality within and among countries.<sup>25</sup> In 2016, the EUTF Africa's first year of operation, the EU approved only one project, at a cost of €10m, to support African governments to work together to improve the free movement of people between countries in the Horn of Africa. In the same year, it allocated over €331m to border management, fighting trafficking and preventing irregular movement.<sup>26</sup>

#### **Box 1: The importance of regional migration in West Africa**

West Africa is a major focus for Europe's efforts to stop irregular migration at source. As in many other regions of the world, intra-regional migration is part of West Africa's history and is important for the region's economy and development. Mobility within the Economic Community of West African States (ECOWAS) zone is a vital component of regional integration, which is itself a prerequisite for the West African economy's successful integration into the globalization process.<sup>27</sup> It has been estimated that 84 percent of migration movements in West Africa are directed towards another country in the region.<sup>28</sup>

#### **Case study 1: The EUTF Africa in Niger**

Niger, an important transit country for people going from West Africa to Libya and Algeria, has been identified by the European institutions as a test case for migration policies, and the EU has invested €168.9m under the EUTF Africa. Niger is one of the world's poorest countries, with 454,000 people in the south-east having suffered attacks by Boko Haram. Yet six of the nine projects under the EUTF Africa (€124m of €168.9m) are addressing migration management and governance.

In an effort to improve communities' own self-reliance and economic opportunities, NGOs have been calling on the Nigerien government and international donors to seek ways to address the security situation in Niger while ensuring access to border regions; review measures that restrict cross-border movement and trade; and ensure that host communities as well as internally displaced persons (IDPs) are equally prioritized in livelihoods and resilience-building initiatives. European support to Niger has not, for the most part, taken this into account.<sup>29</sup>

## **Undermining emergency preparedness and resilience**

Freedom of movement is also important in times of crisis. When conflicts erupt, or when famines and other sudden or slow-onset disasters develop, people are often displaced from their homes. While displacement situations can create complex conditions in transit and host countries, the displaced people themselves are always in dire need of protection and humanitarian assistance.

Most displaced people remain within the borders of their own states, but many have no choice but to cross international borders. Measures to 'tackle forced displacement', one of the main objectives of Europe's migration interventions in Africa,<sup>30</sup> can undermine coping mechanisms in the face of crises and resilience-building efforts by making cross-border movement more difficult.

## Case Study 2: Drought in the Horn of Africa

The Horn of Africa is experiencing conflicts and recurrent droughts which contribute to extreme poverty and food insecurity. Over 2.3 million people are displaced across Somalia, Kenya and Ethiopia. Family separation is common, with men and boys taking livestock great distances in search of water and pasture, leaving women, children and female-headed households exposed to the risks of gender-based violence and sexual exploitation.<sup>31</sup>

Drought is forcing a growing number of people to leave their homes in search of livelihood and water resources and, at the same time, reduces their financial ability to reach international destinations. The number of arrivals from the Horn of Africa to Italy in the first six months of 2017 was just over 9,000, a drop of nearly half from the same period in 2016.<sup>32</sup> However, this drop does not indicate a significant improvement in the conditions in the Horn of Africa.

In order to support governments and communities in the region to build their resilience to droughts, donors must invest in, among other approaches, making regional migratory routes safer and easier to navigate, by improving infrastructure along them and supporting pastoral communities to diversify their livelihoods.

Development aid should deal holistically with resilience and recovery from crises and chronic problems. Rather than forcing people to remain in harm's way, European interventions should address the root causes of poverty and crises, including bad governance, poverty, inequality and human rights abuses. Development aid should not tackle migration while sacrificing the rights of people who wish to run away from danger.

## DEALS THAT NEGATIVELY IMPACT PEOPLE'S LIVES

In 2016 and 2017, the EU and its member states engaged in a process of reaching agreements with third countries to reduce the number of refugees and other migrants arriving irregularly at European borders, and increase the number returned to non-European countries. All these agreements were negotiated covertly, without allowing for any debate in the European Parliament or parliaments of the member states concerned. Their content clearly signals that Europe is willing to engage in conduct that calls into question its obligation to protect those fleeing conflict or persecution. The culminating effect of these agreements is a policy which delegates the obligation to host refugees to poorer countries and drastically reduces people's ability to seek asylum in Europe.

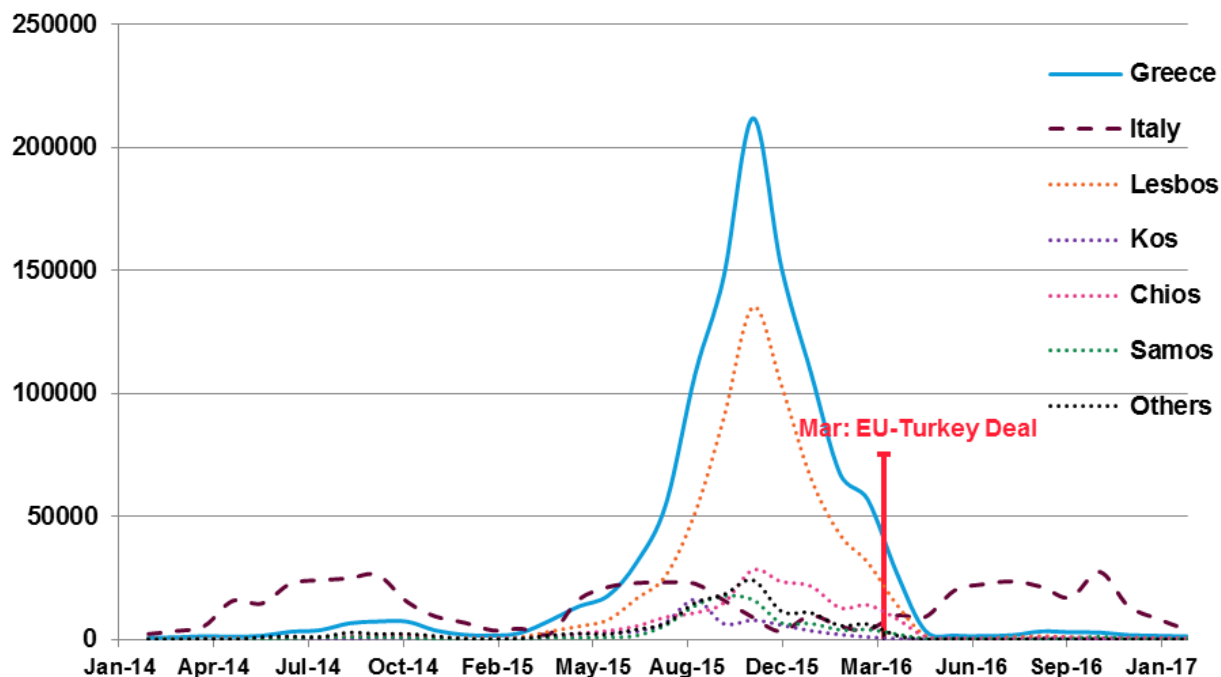
### The EU-Turkey agreement – a dangerous precedent

On 18 March 2016, the European heads of state and government, together with their Turkish counterparts, reached a migration deal, the 'EU-Turkey Statement'. The deal permitted Greek authorities to return to Turkey 'all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016'<sup>33</sup> in return for a European commitment to resettle one Syrian national from Turkey to the EU for every Syrian returned to Turkey. The European leaders also committed to setting up a voluntary humanitarian admission scheme at a later date, to providing €3bn to the Facility for Refugees in Turkey, and to accelerating the visa liberalization roadmap for Turkish nationals.

NGOs have loudly criticized the deal for failing to respect the spirit of international and EU law.<sup>34</sup> Its effectiveness has also been questioned by academics.<sup>35</sup> As the figure below shows, the number of sea crossings had already started dropping dramatically in November 2015 and was not impacted significantly by the deal reached in March 2016.

Figure: Sea crossings to Greece, Jan 2014 – Jan 2017

Source: Compiled by Oxfam using UNHCR data



The nature of the deal raises grave concerns around its conception and implementation. First and foremost, the cost to the people affected has been immense and unacceptable. Since Turkey will only take back people from the most eastern Greek islands, growing numbers of asylum seekers are being kept on these islands in overcrowded camps, often through detention or with restrictions on their liberty and freedom of movement. Oxfam and other organizations have documented and shared concerns about people's safety and living conditions.<sup>36</sup> These include cases of people living in unsafe sites, in tents in searing heat in summer and snow in winter, children in detention, and families split between the islands and the mainland. Women report experiencing increased violence and feeling unsafe.<sup>37</sup>

*'We don't feel safe going to the showers or the toilets alone. We have set up groups of six and we all go together. If one wants to go, she has to take another five women with her.'*

Tagrit, 30, Syrian female, Moria closed facility, Greek island of Lesbos

The deal has also had a significant effect on the number of people able to seek asylum in the EU. As part of the agreement with Turkey, asylum seekers on the Greek islands must pass an 'admissibility' test before European authorities review their claim that they are fleeing from danger.<sup>38</sup> The test aims to return to Turkey anyone who cannot prove that they would be in danger there, as well as in their country of nationality. Moreover, the complicated and constantly changing administrative procedures related to the changes in asylum processes are causing confusion among asylum seekers and European Asylum Support Office (EASO) staff. The Dutch Council for Refugees, ECRE, Save the Children and Oxfam are among the organizations reporting that asylum procedures are conducted with asylum seekers who do not fully understand what is expected of them, or by asylum officers who have not received adequate training.<sup>39</sup> With insufficient access to legal counsel and assistance, the legal and procedural rights of asylum seekers are being violated daily.

Finally, the European approach has a knock-on effect on donors' ability to engage third countries on the issue.<sup>40</sup> Europe's efforts to decrease the number of people seeking asylum in its member states signals to other host countries that reducing access to asylum procedures, closing borders, and forcibly deporting refugees may not carry negative political consequences.

## **Keeping people in hell – Libya and the central Mediterranean route**

The European effort to stop the irregular movement of refugees and other migrants towards Europe, which has been the driving force behind the EU-Turkey deal, is being replicated in other parts of the Mediterranean. In February 2017, Italy announced a Memorandum of Understanding with Libya, with EU endorsement, that provides funding for Libyan authorities to hold back those attempting to flee the conflict-ridden country. In August 2017, Italy spearheaded a European initiative to restrict the actions of NGOs operating search and rescue missions in the Mediterranean, and sent a naval mission to support the Libyan coastguard in preventing people from leaving Libyan territorial waters.

These plans show little consideration for the plight of migrants and refugees in Libya. A recent report by Oxfam and its partners Borderline and Doctors for Human Rights (MEDU), based on the testimonies of women and men in Libya, shows that thousands of people have been beaten, tied up and sold as cheap labour in Libya's shocking slave trade. Women are at an extremely high risk of physical and sexual violence, and men also report having been raped.<sup>41</sup>

Regardless of this human suffering, and inspired by the one-for-one mechanism envisaged under the EU-Turkey deal, European leaders are supporting efforts to prevent people crossing the Mediterranean by boat and replace independent movement with a selective process by which only those refugees deemed eligible would be allowed into Europe. However, any proposal that would allow only refugees fleeing persecution from another country through Libya to seek and receive protection in the EU ignores the appalling conditions there, which put all people at risk, regardless of their migratory status. Intentionally denying a route to freedom for people who have been tortured, put into slave-like situations, or survived sexual and gender-based violence would unnecessarily prolong the time that people are kept in such terrible conditions. The EU and Italy's plans must change to address people's needs and vulnerabilities first and foremost, allow them to seek safety, and increase search and rescue operations to prevent further deaths at sea instead of promoting policies that force people to stay in detention centres where they are exposed to horrifying abuse.

## **Box 2: Stories of abuse and torture in Libya**

Esther, 28, from Nigeria, was locked up in Zawia prison with her sister for around five months: 'Men in uniform were violent and armed with guns, iron bars and sticks. They asked for blackmail money. I was beaten on every part of my body and forced to collaborate in sexual violence perpetrated against the other women. I have scars on my head and right arm. I lost my poor little child who was in my womb due to the beatings, and my sister died from the beatings and abuse. I lost a lot of blood without receiving any kind of help.'

Eighteen-year-old Chidi from Gambia was subjected to torture in prison: 'When I had just arrived in Libya in 2016, I was kidnapped by a gang that brought me to the Zuwarah prison, where I remained for about three months with other detainees. Our captors gave us food once a day and regularly committed acts of torture and violence against everyone held there. I was subjected to repeated acts of suspension torture – where my hands were tied behind my back and I was suspended by a rope attached to the ceiling – and I was continually beaten over the head.'

## **Returns and threats to people's rights**

In at least two other cases, EU and member states' efforts to increase the number of returns have resulted in dubious agreements. On 4–5 October 2016, a donor conference in Brussels pledged €13.6bn to support the political process and efforts to end violence in Afghanistan. Two days earlier, on 2 October, the EU and the Afghan government had published a statement on a 'Joint Way Forward on migration issues', committing the parties to cooperate closely to organize the return to Afghanistan of Afghan nationals 'who do not fulfil the conditions to stay in the EU'.<sup>42</sup> Many NGOs expressed deep concerns that thousands of women, men and children would be returned to Afghanistan against their will, including unaccompanied children who have no family members there.<sup>43</sup>

In December 2016, Dutch Foreign Minister Bert Koenders represented the EU in signing a joint declaration with the Malian government on cooperation in returning failed asylum seekers from Europe. The statement led to massive civil unrest in Mali, where it was widely understood to threaten the status of the diaspora and the transfer of remittances. Subsequently, Mali's Foreign Minister was forced to deny that any such agreement had been reached.<sup>44</sup> Since then, the high-level dialogue with Mali has continued, including through a regional approach, but 'cooperation on readmission with Mali has shown no sign of progress'.<sup>45</sup>

## **What's next for the future of asylum in Europe?**

European efforts to reduce refugees' ability to arrive in Europe on foot or by sea have gained momentum in the last two years. In recent months, European leaders, including French President Macron and German Chancellor Merkel,<sup>46</sup> have proposed plans to establish processing centres in African countries from which refugees will potentially be resettled in Europe. While any increase in European commitments to resettle refugees from poorer host countries is to be welcomed, it should not be part of a deal which restricts people's ability to seek asylum from within Europe itself, nor should it create situations where refugees are being warehoused for months and years. Current trends suggest that the increase in European support for refugee status-determination procedures

overseas will be accompanied by additional admissibility tests or similar requirements for those who claim asylum in Europe. This trade-off in rights would result in an overall reduction in the protection afforded to refugees, rather than a long-overdue increase.

## CONSEQUENCES OF STOPPING PEOPLE FROM MOVING THROUGH EUROPE

Another objective of the EU migration approach is to stop people who do arrive at Europe's borders from moving further between European member states. The EU has set up various legal and physical barriers to this end – leaving many people in a state of limbo, living in poor conditions, with little support and without a clear understanding of the asylum process.

Attempts to agree on mechanisms to share the responsibility for addressing the needs of asylum seekers have stalled due to political disagreements. As finger-pointing between member states and European institutions continues, many people have become frustrated with the convoluted system and have taken their chances in moving across European country borders by themselves or with smugglers.

### Closed borders and abuse of rights

The efforts to prevent people from moving between European countries have resulted in many people travelling along the West Balkans route, from Greece through the former Yugoslav Republic of Macedonia and Serbia and back into the EU. Refugees and other migrants have told Oxfam and its partners of how authorities in both Hungary and Croatia have used brutal tactics to force them back to the countries they had passed through, including beating them with batons, setting dogs on them and forcing them to remove their clothes in freezing temperatures.<sup>47</sup> Bulgarian authorities have also been accused of abuse, and in one instance of administering electric shocks.

*'We crossed the border into Hungary but the police caught us. They forced us to take off all our clothes and sit in the snow. They poured cold water over us.'*

Majeed, from Afghanistan

The Serbian authorities have generated a climate of fear and uncertainty among migrants by expelling groups of people who had been legally registered and were expecting to receive their right to an individual hearing. As a result, even in freezing temperatures of -20°C, people have slept outside rather than in government centres, for fear of being pushed back to Macedonia or Bulgaria. Despite this, European officials have congratulated Serbia on its cooperation with the European response to migration.<sup>48</sup>

Such measures violate international refugee and human rights law by severely restricting or denying the right of each individual to seek asylum and have their case examined. They also push people into taking longer, more dangerous and more costly journeys. Women and children, especially those travelling alone, are particularly exposed to violence, exploitation and/or trafficking, with some women being forced into survival sex.<sup>49</sup>

The European Commission has also proposed changes to the Common European Asylum System (CEAS) – the regulations and directives which address the various aspects of European asylum laws, including a proposal (yet to be adopted) for legal obligations on asylum seekers to remain in the first European country in which they arrive. The proposal includes punitive measures

against any asylum seeker who leaves for another member state, such as denying access to non-urgent healthcare or to education for children.<sup>50</sup>

## **‘Flexible solidarity’ and the failed relocation mechanism**

Alongside the implementation of the hotspots approach and the violent closure of migration routes, in September 2015 the European Council adopted a mechanism to relocate 160,000 asylum seekers from Greece and Italy to other EU member states, if they belong to a nationality for which the proportion of decisions granting international protection at first instance is 75 percent or higher.<sup>51</sup>

The European approach is often leaving people in limbo, without a clear understanding of their rights or the asylum process, and little support. The mechanism to relocate asylum seekers from Italy and Greece to other European states has also failed to meet expectations: only 28 percent of member states’ commitments for relocation have actually been fulfilled,<sup>52</sup> and the European Commission expects that the total percentage will reach 38 percent.<sup>53</sup> Some countries, such as Hungary, have flatly refused to take people, asking instead to show ‘flexible solidarity’ whereby they only provide funding. Other member states say their internal security procedures take a long time or are incompatible with Greece’s and Italy’s processes. Thousands of people have been rejected by member states, have not been registered for resettlement by Greek and Italian authorities, or have simply lost hope and found other ways to move onwards.

This approach of excluding people based on nationality alone without looking at individual cases has left many people stranded, and with few incentives to stay in the formal asylum process in Greece or Italy. In Greece, the system has also meant that some of those eligible for relocation have had access to better accommodation, which has created tensions and a strong sense of discrimination between asylum seeker communities.

## **Keeping families apart**

A significant number of people who have entered Greece are trying to reunite with their families. Nearly 44 percent of Syrians and 20 percent of Afghans surveyed in early 2016 in Greece aimed to join family already in a European country,<sup>54</sup> and as of May 2017, 35 percent (547 out of 1,566) of the people Oxfam works with in Lesbos and Epirus were trying to join family members in Europe.<sup>55</sup>

However, many people in Greece remain separated from loved ones in another EU member state. One reason for this is the narrow definition of family in European legislation. EU law which applies to refugees and asylum seekers only recognizes the family ties between spouses, and between minor children and their parents.<sup>56</sup> As a result, many family links are not recognized under European law, which does not take into account the wider connections formed between family members and the support networks which extended families form, as a matter of survival, during displacement.

In all but rare cases adult children, members of extended families, caretakers and families formed after displacement are prevented from being reunited. Even people who fit the narrow legal definitions can find that additional factors stand in their way. Lack of access to legal assistance and necessary documents, and

the registration of children as adults due to increasingly complicated procedures, are among some of the reasons cited by lawyers.

Even for those who can begin legal procedures to reunite with family, it is a long and frustrating process. Legal aid organizations cite lack of capacity and complex administrative requirements, but mostly blame member states' lack of commitment. Germany, Sweden and Greece have introduced restrictions on the ability of people who have been granted subsidiary protection<sup>57</sup> to apply for refugee family reunification. In some European countries, recognized refugees have only a limited period in which they can apply for their family members to join them, before falling under more prohibitive requirements to demonstrate that they will be able to financially support them.

*'It's a year and a half since I have seen my son, it's eight months since I have seen my daughter. I miss them so much.'*

Samia, who lives with her husband and three of her five children in Filippiada, north-west Greece

## Growing pressure on people in 'hotspots'

The increase in the number of asylum applicants waiting in Greece and Italy<sup>58</sup> and the lack of sufficient ways to move on to other member states has resulted in a serious violation of the fundamental rights of people reaching EU shores. Civil society organizations operating in hotspots – the reception and identification sites – have repeatedly warned of the unacceptable living conditions asylum seekers are forced to endure. In Italy for example, people, including children, have told Oxfam of being given only one set of clothing to last them weeks, having their movement restricted and being shut indoors.<sup>59</sup>

The European Court of Auditors has also identified serious problems in the hotspots related to inadequate living conditions and overcrowding. It reported that people have fled from hotspots because of insufficient access to water and healthcare, or because they felt unsafe. Many of these people have ended up sleeping on the streets.<sup>60</sup>

### Box 3: Rights denied in an Italy hotspot

A., 30, from Nigeria, arrived in Catania on 30 September 2015 on a coastguard ship. He recalls receiving a return order before being informed about his rights: 'As we got off the ship, they put us in a line for fingerprinting and photo-identification, then they asked for our name and country of origin. No one asked me whether I wanted to apply for asylum; they gave us the paper instead [the return order]. I was with a group of other Nigerians – we were put onto the streets.'

In an attempt to deal with the growing pressure and increase the numbers of people who leave Europe, authorities have resorted to measures that violate human rights.

In April 2017, based on the Joint Action Plan for the Implementation of the EU-Turkey deal, the conditions for the International Organization for Migration's Assisted Voluntary Returns and Reintegration (AVRR) programme on the Greek islands were changed. It now dictates that, upon receipt of a negative first instance decision (i.e. a decision that a person's application for international protection is inadmissible or is rejected on merit), asylum seekers are given a choice: either appeal this decision, as per their right under Greek, EU, and international human rights law, or forego their right to appeal and receive an AVRR package, which includes €1,000. If the applicant chooses to exercise their right to appeal, they lose the opportunity for future AVRR; if their appeal is rejected, they face deportation without assistance. This approach risks coercing people who have strong asylum claims to drop their appeal and leave.

### 3 A NEW APPROACH IS NEEDED

In response to the need to develop new migration policies, European leaders have made the wrong choices. By presenting migration as a threat rather than recognizing its benefits, they are playing into the hands of populist fearmongers who falsely claim that Europe is unable to cope with the arrival of more people on its shores and who demonize refugees and other migrants.

Refugees and migrants must always be protected against refoulement – forcible return to a country where their life or freedom would be threatened.<sup>61</sup> Any person fleeing from danger, persecution or war should be able to find a safe haven, and Europe must assume its fair share of this responsibility. Finally, anyone, regardless of their migratory status, should be safe from abuse at all stages of their journey. Europe must ensure that its own policies and actions promote safe transit, rather than push people into more dangerous routes.

Beyond legal rights, supporting the mobility of refugees and other migrants goes hand-in-hand with development. According to World Bank research, immigration can boost productivity through innovation and specialization, but burdensome regulatory requirements and procedures can result in significant costs for foreign skilled labourers.<sup>62</sup> Other authors estimate that an expansion of international migration, realized through the removals of *some* restrictions on people's movement, could generate economic gains equivalent to 20 percent of global GDP.<sup>63</sup>

According to other studies, less-skilled immigrants can increase labour productivity as they complement the unskilled local labour force that, based on their knowledge of the local language and institutions, will be better able to specialize in more productive complementary tasks.<sup>64</sup> An increase in labour migration inflows has a particular impact on women, by allowing them to hire low-skilled migrants and transfer their labour from unpaid care work at home to paid work in other sectors.<sup>65</sup> Done with the appropriate safeguards against exploitation, this has the potential to benefit migrants and host communities alike.

Governments' attempts to curb migration have created and compounded human misery: the experience shows that the most sophisticated barriers can make the process longer, costlier and certainly crueler, but will not stop the movement of people who are in search of security and opportunity.

Instead, the right of migrants to work in safety and dignity must be ensured in any agreement to open up labour migration channels. Europe must adopt a new approach to managing migration – one that protects people and promotes the benefits associated with migration for migrants, for countries of origin and for European host countries.

# GUIDELINES FOR EXTERNAL POLICIES RELATED TO MIGRATION

The integration and mainstreaming of the European Agenda on Migration in EU and member states' foreign relations must ensure that the human rights of migrants, refugees and all other people are protected, by adhering to the following guidelines.

## 1. Make development work for people

Development aid must keep its purpose of eradicating poverty and reducing inequality. Development actors should coordinate with providers of humanitarian assistance to save lives, alleviate suffering and maintain human dignity during and in the aftermath of crises, and to prevent and strengthen preparedness for disasters. Development aid should be distributed in accordance with need, and its effectiveness should only be measured in achieving development goals.

Donors should take a holistic approach to addressing crises and chronic problems on their own terms, rather than treating them as potential drivers of displacement and migration to Europe. Development work and humanitarian aid should not be used to 'tackle migration', and their success cannot be measured in terms of the numbers of people crossing or not crossing borders.

## 2. Do not ignore the risks – address them

European support for securitization of borders and engaging with governments in third countries must be managed in a way that increases security and protection for individuals and maintains their ability to seek asylum, not as a tool to reduce people's ability to migrate. Insecurity and instability are frequently generated or exacerbated by a lack of effective and accountable law enforcement. Supporting partner countries' security systems should contribute to the EU's objectives of achieving peace and stability, inclusive and sustainable development, state-building and democracy, the rule of law, protection of human rights and the principles of international law. Such interventions must take into account the interlinkages between political processes, comprehensive human security, justice, humanitarian response, development, conflict and fragility. They should comprehensively assess, in a participatory way, the security, safety and protection needs of different groups, including women and vulnerable groups.<sup>66</sup>

The EU should systematically monitor the impact of its migration policies to ensure that protection concerns are addressed and human rights are respected. Information should be collected from a variety of sources, including European representations, civil society, local and international NGOs and UN agencies.

## 3. Rescue people in danger

Europe must conduct search and rescue operations with the sole objective of saving lives, and support such operations by NGOs. Under international law, coastal countries have an obligation to promote effective search and rescue services,<sup>67</sup> and to 'ensure that assistance is provided to any person in distress at sea... regardless of the nationality or status of such a person or the circumstances in which that person is found' and 'deliver them to a place of safety'.<sup>68</sup>

Policies and practices that link search and rescue with a returns policy, or have the objective of breaking up smuggler rings, risk eroding the integrity and effectiveness of search and rescue services, and may make sea crossings more dangerous.

As a matter of international law, interception measures (i.e. measures applied by states outside their borders to interrupt the movement of people) and returns at borders must, at a minimum, respect three principles:

1. Non-refoulement, which applies without geographical limitation, and prohibits the return of a person to a location where he or she may be persecuted or subjected to other serious human rights violations.<sup>69</sup>
2. Non-rejection at the frontier, which obliges any state to determine the status and protection needs of anyone seeking international protection at its borders through a fair and effective procedure. This includes, but is not limited to, access to information, legal counsel and assistance, impartial interpreters, and support from the UNHCR and NGOs.
3. Not preventing people from leaving unsafe countries. The EU should not develop or support measures that restrict people's ability to seek international protection outside unsafe countries.

Even in the case of a large-scale influx, people seeking asylum should always be admitted at borders, at least for the duration of their claims process, and should have adequate reception conditions, with special attention paid to the needs of women, children and vulnerable people.

## **4. Improve and increase safe and regular mobility options**

Europe must create safer, more transparent, regular travel options, both temporary and permanent. This is the only effective way to reduce the risks for refugees and other migrants in transit.

As a matter of urgency, member states must improve access to international protection in Europe for those fleeing conflict and persecution, including through humanitarian visas, more flexible family reunification policies and resettlement. Policies that provide for a range of safe and regular channels for entry into the EU are an essential part of responsible and humane management of migration. These policies can reduce people's need to resort to dangerous and irregular forms of travel. They also help host states better manage migration flows, and are in line with their responsibility to share the global effort to host refugees. Safe and regular channels should not substitute or preclude in any way the acceptance and full examination of spontaneous applications for asylum at a border, as mandated by international law.

Europe must also create more and varied channels for regular labour migration. Member states must commit to broadening their labour-migration policies beyond selected highly skilled sectors and create accessible options for migration across sectors, both temporary and permanent, consistent with the demand for migrant workers at all skill levels. Doing so will promote sound migration governance, and is incumbent upon the EU in order to reduce the precarious and often exploitative conditions in which irregular workers find themselves when there is labour demand but insufficient regular channels exist.

# GUIDELINES FOR MANAGING MIGRATION INSIDE THE EU

## 1. Respect people's dignity

EU member states must collectively provide sufficient and humane reception conditions for all people arriving in Europe, including access to adequate housing, water, food, sanitation and healthcare. Applicants for international protection must have access to education and the labour market. Anyone whose right to remain in Europe is being assessed must be assured of living conditions that guarantee their subsistence, protect their physical and mental health, and respect their dignity.

It is necessary to pay attention to the specific situation of women, children and vulnerable individuals and groups. Applicants with specific needs should be able to access necessary medical or other assistance, including appropriate mental healthcare. Specifically, given women's and children's heightened risk of sexual and gender-based violence (SGBV) and trafficking, the EU and its member states should develop and implement, together with other actors, a comprehensive and coordinated effort to respond to survivors and prevent further cases of SGBV and human trafficking.

## 2. Ensure asylum procedures are accessible, fair and effective

Everyone who applies for international protection in Europe has the right to a fair and effective process to seek asylum and complementary forms of protection. European states must fulfil their responsibility to provide protection to those who need it.

In a fair and effective asylum process, applicants can expect:

- Information on how to apply for international protection, and on the asylum process, in a language they understand.
- Access to interpretation services.
- Access to free legal counsel and assistance at all stages of the asylum process.
- Their applications are examined and decided individually, objectively and impartially, with personal interviews conducted in a safe environment, and examined by qualified staff, based on precise and up-to-date information.
- Decisions on their applications are given in writing, including all reasons for rejections.
- Access to the information that was considered in making a decision on their case, and information on the right to appeal.

Particular attention must also be paid to the needs of certain asylum applicants who may be in need of special procedural guarantees due, for example, to age, sexual orientation, illness, mental or physical disabilities, or as a consequence of being tortured, raped or subjected to other forms of violence. The need for special procedural guarantees must be identified before the first asylum interview. Those applicants should be provided with adequate support, including sufficient time, to create the conditions necessary for their effective access to asylum procedures.

### **3. Do not detain people simply on the basis of their migration status**

European and international law stipulates a limited number of reasons for which people who have applied for international protection may be detained, and prescribes that detention be used only as a measure of last resort. However, current trends see the detention of asylum seekers becoming the norm rather than the exception.

No person should be detained for the sole reason that he or she is seeking international protection, or on the basis of his or her nationality. The decision to detain a person should be taken or approved by a judge, and only for reasons prescribed both in the European Reception Conditions Directive and in member state law. These reasons must be explicitly communicated in writing to the person or to his or her legal representative, with an explanation of how to appeal a negative decision. The reasons for detention should be clearly specified and subject to regular review: a general fear of absconding that is not based on individual circumstances is not sufficient justification for detention; nor should a person be detained for the sole purpose of identification, if he or she is fully cooperating with the process.

The decision to detain someone should be a measure of last resort, taken only after all non-custodial alternatives have been considered. Children should never be detained because of their own or their parents' migration status. Detention is never in the best interest of the child. Families with children should be accommodated in non-custodial, community-based placements while their migration status is being resolved.

Identification and registration procedures at borders and in processing centres must respect human rights; in particular, the person being detained must be clearly informed of their rights. Access must be given to independent organizations that can provide aid, including psychosocial support and legal assistance, and monitor respect for human rights.

### **4. Help families to reunite**

Family reunion schemes for recognized refugees (in member state law) and for asylum seekers (e.g. under the Dublin Regulation) should allow families to be reunited during and after the asylum assessment process. The schemes must be easy to navigate and adequately supported by qualified officers. Family members should receive timely and clear information about the process. Family reunification schemes should ensure that travel of family members occurs in a safe and timely manner. The definition of family should apply, at a minimum, to young adults who were dependent on the family unit prior to displacement, parents, siblings, in-laws and any dependent relative.

# RECOMMENDATIONS

Governments have a duty to respect and protect the human rights of refugees and migrants in all their policies and actions. They also have a responsibility to promote the positive aspects of migration.

As the international community focuses its attention on the plight of migrants and refugees, the EU and its member states should adopt comprehensive migration policies which promote more safe and orderly migration, leaving no one behind.

The EU and member states should:

1. Ensure that European law and national legislation meet, at a minimum, international and European human rights standards and protect the rights of migrants and refugees. European and national policies should also be designed with the aim of increasing the benefit that migration can carry for those who are moving across international borders as well as for the communities and countries of origin, transit and destination.
2. Ensure that all projects adopted under the EU Trust Fund (EUTF) for Africa promote the objectives and effectiveness of development aid, and that input from all relevant stakeholders, primarily the populations affected by each project, is considered before projects are approved.
3. Ensure that agreements with partner countries do not include provisions that reduce the EU and member states' responsibility for hosting and protecting asylum seekers and refugees. Europe must continue to assess asylum claims on an individual basis, providing access to a full, fair and effective process.
4. Implement fair and effective asylum procedures and give people access to at least minimum standards of living and procedural rights. To ensure this, the EU and its member states should:
  - a. Ensure people have access to information on their rights and the asylum process in a language they understand, and expand legal assistance.
  - b. Improve conditions in hotspots and reception centres in front-line states, so that people can access appropriate accommodation, healthcare, good quality food, water and sanitation.
  - c. Use detention as a measure of last resort that is taken only after all non-custodial alternatives to detention have been considered. Children should never be detained because of their own or their parents' migration status.
  - d. Provide access for independent organizations and bodies that can provide aid, including psychosocial support and legal assistance, and monitor respect for human rights.
5. Commit to protecting and advancing the rights of migrants in the negotiations towards the UN Global Compact for Safe, Orderly and Regular Migration; commit to sharing responsibility for receiving, hosting and supporting refugees at home and abroad in the negotiations towards the UN Global Compact on Refugees; and encourage other countries to do the same.
6. Commit, both at an EU and member state level, to examining and adopting mechanisms to increase and improve safe and regular pathways for refugees and migrants. This should include effective mechanisms for relocation that respect the legitimate needs and choices of asylum seekers, prioritize the

most vulnerable without discrimination, and ensure that responsibility is shared between member states.

7. Expand the definition of family for both refugee family reunion and Dublin Regulation applications, to include young adults who were dependent on family unity prior to displacement, parents, siblings and in-laws, and ensure that the concept of dependency is adequately addressed.

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On the concept of comprehensive human security, see the Organization for Security and Co-operation in Europe (OSCE) commitments, which aim to ensure full respect for human rights and fundamental freedoms (e.g. Lamberto Zannier, Secretary General. Human Rights and OSCE's comprehensive security concept. Retrieved 21 September 2017 from: <http://www.osce.org/sq/103964?download=true>).

67 United Nations Convention on the Law of the Sea, Article 98.

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69 1951 Convention relating to the status of refugees, Article 33, which is widely believed to constitute customary international law, as well as additional international legal sources. For more information, see UNHCR. (2007, January 26). Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Retrieved 21 September 2017 from <http://www.unhcr.org/4d9486929.pdf>



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