



## **Pushing the boundaries:**

Insights into the EU's response to mixed migration  
on the Central Mediterranean Route

International Rescue Committee | July 2018

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<b>Executive summary</b>	<b>1</b>
<b>Ten point action plan for migration along the Central Mediterranean Route</b>	<b>4</b>
<b>Introduction</b>	<b>6</b>
<b>People on the move</b>	<b>8</b>
<b>Urgent needs of vulnerable migrants</b>	<b>10</b>
<b>Migration management</b>	<b>14</b>
<b>Asylum claims, resettlement and returns</b>	<b>16</b>
<b>Economic development</b>	<b>19</b>
<b>Diplomacy</b>	<b>23</b>
<b>Ten point action plan for migration along the Central Mediterranean Route</b>	<b>26</b>
<b>References</b>	<b>28</b>

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### Acknowledgements

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With special thanks to Mark Curtis for his support. We are grateful to IRC colleagues Seydou Hassane Aboubacar, Yvonne Agengo, Sara Beccaletto, Annalisa Brusati, Lucy Carrigan, Yannick Deville, Lena Donner, Rebecca Gang, Nadia-Elise Gateka, Lina Gjerstad, Elizabeth Hamann, Joanna Henderson, Daphne Jayasinghe, Sarah Kirby, Noemie Kouider, Laura Kyrke Smith, Mouna Mayoufi, Henrieke Max, Sarah Mosely, Elinor Raikes, Katrien Ringele, Richard Pyle, Samer Saliba, Natalia Strigin, Imogen Sudbery, and Melanie Ward for contributing their time and expertise.

Company Limited by Guarantee  
Registration Number  
3458056 (England and Wales)

Charity Registration Number  
1065972

**Front cover:** Female migrants from sub-Saharan Africa sit waiting at a detention center in May 2015 in the capital Tripoli, after they were arrested in Tajoura, east of Tripoli. *Mahmud Turkia/AFP/Getty Images*

**Right:** A woman cries as migrants of different African nationalities arrive at a naval base in the capital Tripoli on May 6, 2018, after they were rescued from inflatable boat off the coast of Al-Zawiyah. *Mahmud Turkia/AFP/Getty Images*



# Executive summary



**Migration has been at the top of the European political agenda since 2015 following a spike in people, including refugees and asylum seekers, arriving to southern European countries by sea. Today, European Union (EU) leaders remain constrained by internal political divisions over how to manage arrivals to Europe. The resulting shortcomings in the European policy response have been seized upon by populist movements across Europe as evidence that migration is out of control, in turn fuelling anti-immigrant sentiments.**

However, the fact is that people have always, and will always, move across borders – pushed out by violence, persecution and conflict, by poverty, climate change or attracted elsewhere by work, study or family ties. The migration that Europe is seeing is part of a much wider global pattern of population movements, including record levels of forced displacement, which are a fact of the modern world. Rather than trying to stop migration, leaders should seek to manage migration so that it is safe, orderly and humane.

In the absence of agreement on a fair and efficient system to share responsibility for arrivals inside Europe, an issue which came to the fore in the run-up to the June 2018 European Council meeting, leaders have found greater unity of purpose in their foreign policy approach. This has focused on two broad aims: on the one hand, the EU has sought to intensify cooperation with third countries with a view to curbing future arrivals to Europe, including through substantial investments in border security measures. On the other, it has focused on addressing the drivers of migration by fostering economic development, governance and building resilience in countries of origin and transit. Funding has been mobilised to address these two objectives through the EU Emergency Trust Fund for Africa (EUTF for Africa), launched at the Valletta Summit on Migration in 2015. High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, said in a recent interview:

“If you want to manage migration and if you want to prevent further security threats, in particular terrorism, there is one single place where you have to invest all your political, economic and diplomatic efforts and that is the belt of the Sahel and the Horn of Africa. That is where all our challenges could be solved, or could deteriorate into something dangerous.”<sup>1</sup>

The International Rescue Committee (IRC) works with vulnerable migrants in Niger, Libya and Italy, along what has become known as the Central Mediterranean Route (CMR), which stretches from Sub-Saharan Africa to Italy via Libya. Providing humanitarian assistance to people on the basis of need, the IRC works with all people on the move, including refugees, asylum seekers and economic migrants (all referred to in this report as ‘migrants’ unless otherwise specified), to provide emergency health care, cash support, information, and case management for particularly vulnerable people, including children and survivors of gender-based violence (GBV). People moving along this route do so for a range of reasons. Whatever first drove them to leave, they are all ultimately exposed to significant risks on the journey, including exploitation and abuse at the hands of people smugglers and security services.

This report aims to draw greater attention to the humanitarian crisis facing people on the move along this route, and to offer insights into the impact of EU interventions on the situation they find themselves in.



Thousands of men, women and children are languishing in ghettos in Niger and in government-run and unofficial detention centres in Libya, without access to basic services. Others attempting to stay and work in Libya live with the constant threat of abduction, exploitation and abuse, impeding their ability to access basic services and move freely within local communities. Many have been subjected to inhumane treatment at the hands of state and non-state actors (including vast criminal networks of people smugglers)<sup>2</sup>; among them are the unrecorded thousands who have perished in the desert.<sup>3</sup>

EU policy interventions could make a significant positive impact on the situation on the ground, and there are many examples of good practice. These include development projects across the region, supported by the EUTF for Africa, and increased cooperation between the EU and the African Union (AU) through the joint Migration Task Force, which helped to secure the evacuation of thousands of people from Libyan detention centres in late 2017.<sup>4</sup> However, this report demonstrates that the EU has yet to strike the right balance. A raft of initiatives have been introduced by the EU in an effort to stem migration. Many of these interventions have been hastily introduced or implemented at speed, without the necessary analysis of potential impacts. The often short-term focus of the interventions risks undermining many important longer-term development objectives in the region. Without a change in the current course, a number of interventions also run the risk of exacerbating the already grave humanitarian needs along the route.

Those forced to move due to violence and persecution must always be given the protection that they are entitled to under international law. Frontline European countries are demanding greater responsibility sharing amongst EU member states in receiving and processing the claims of asylum seekers. In this context, EU leaders have returned to the long debated idea of external processing centres that would examine the claims of those seeking protection in the EU outside the EU's shores. At the June 2018 European Council meeting, EU leaders supported this approach – labelled 'regional disembarkation platforms' in principle, and mandated the EU institutions to 'swiftly' explore the concept. They also reference the establishment of 'controlled centres' inside Europe, where people rescued in international waters would be brought. Before rushing into this as a way forward, a period of sober analysis is essential to consider and answer serious questions about how they would operate including their legality, the conditions within them, and how access and due process would work in reality.

The EU has made some progress in supporting UN-led processes to transfer some people out of Libyan detention centres in recent months. They have done so through the Voluntary Humanitarian Return (VHR) programme to support those wishing to return to their country of origin and not in need of international protection and, with less success to date, through evacuations via the Emergency Transit Mechanism (ETM) for refugees and asylum seekers. However, much more must be done to ensure the rapid transfer of people out of detention – either to the International Organisation for Migration (IOM) for those who elect to voluntarily return home, or to the United Nations High Commissioner for Refugees (UNHCR) for those in need of international protection. In addition, more pledges of resettlement places from EU member states to support the ETM are urgently needed, and the slow and cumbersome process must be speeded up. No one should have to risk their life to receive protection in Europe, and safe and legal pathways for refugees fleeing violence and persecution through mechanisms such as the EU-wide refugee resettlement scheme (Union Resettlement Framework), currently being negotiated, remain a missing link in the EU's migration response.

EU-backed border security measures within West and North Africa, aimed at preventing migrants getting to Europe via Libya have disrupted longstanding patterns of local migration, upon which people are reliant on for income for their families, and which strengthen local economies. Therefore, despite the recent pledges to increase EU development financing to address the drivers of migration along this route, these commitments are not sufficiently linked to a robust economic strategy for the region that facilitates orderly cross-border economic migration within North Africa. Measuring the impact of EU development funding against a clearly articulated theory of change, which prioritises sustainable livelihoods and good governance alongside border security measures, would not only promote greater aid effectiveness, but would also better reflect the priorities articulated by partner governments in Africa.

It is also time for EU leaders to be honest that many of their economies are reliant on migrant workers, such as those who come from Africa, including for temporary, seasonal jobs. The remittances these people send home are vital to many African families.<sup>5</sup> However, existing legislation such as the EU Seasonal Workers Directive is not being implemented by many member states, and pilot projects proposed in the EU's review of the European Agenda on Migration are yet to be implemented. Sensible changes in this area would give EU member states more control over migration, not less.

Increasing the security capacity of border management without sufficient attention to the safety and human rights of vulnerable migrants is also creating additional obstacles for those most likely to face discrimination and problems in accessing services, thereby putting more lives at risk. The revelation that one Libyan recently sanctioned by the United Nations (UN) was a former militia leader able to act as both people smuggler and head of the EU-funded regional unit of the Libyan coastguard, highlights the need for far greater accountability of the security services the EU is supporting.<sup>6</sup> The 2018 June European Council conclusions backed greater support for the Libyan coastguard, and stressed the need for “all vessels” operating in the Mediterranean to “respect the applicable laws and not obstruct operations of the Libyan Coastguard”. In light of concerns about the conduct of the Libyan coastguard<sup>7</sup>, this emphasis on other search and rescue (SAR) vessels is misplaced. At a time when the Mediterranean Sea crossing has become one of the most deadly in the world, the focus should remain on encouraging effective collaboration between all SAR operations. Any financial support must be made conditional on respect for fundamental rights and accompanied by extensive monitoring to ensure that EU resources are not being diverted to support the smuggling trade or inadvertently contributing to the abuse and exploitation of migrants. The current accountability gaps must be tackled, with more resources channelled into assessing the implementation of new approaches to determine their actual impact.

According to recent research, only one in five people who migrate to Libya ultimately attempt to cross the Mediterranean Sea.<sup>8</sup> The voices of the people in this report who made the journey to Italy say they were driven onwards to Europe because of the appalling conditions in Libya.<sup>9</sup> There are no simple solutions and ultimately the only way to improve conditions in Libya and reduce the likelihood of migrants travelling onwards to Europe, is to support efforts to restore stability and good governance. They must continue to unite behind and support the UN-led peace process, based on the Action Plan unveiled in September 2017 by Ghassan Salamé, the UN Secretary-General's Special Representative for Libya. EU member states can do more to build on the momentum of the 2015 Paris Summit, which brought together the country's key power players to agree on a roadmap towards elections, through a joint diplomatic strategy that drives an inclusive political process establishing the necessary technical, legislative, political and security conditions to promote stability and protect human rights for all in Libya.

Ultimately, much of Europe's power as an actor on the global stage lies in its projection of a values-driven foreign policy, and the current trend towards transferring some of Europe's responsibilities onto the developing world does not set the right example. Migration must be safer but it is also manageable, provided EU leaders agree necessary reforms to put in place a fair, humane and efficient asylum system that shares responsibility between European countries. Alongside this, the IRC suggests the following ‘Ten Point Action Plan’ for EU leaders to promote a values-driven approach to migration along the CMR. French President Emmanuel Macron has indicated that the Sahel will be an important focus for the G7, which France will host next year – this will be another important opportunity for progress on these points.

# Ten point action plan for migration along the Central Mediterranean Route:

## 1. Improve access to lifesaving services for vulnerable migrants along the Central Mediterranean Route:

The EU-AU-UN Migration Taskforce should provide greater financial and logistical support to agencies delivering outreach services to address the health and psychosocial needs of vulnerable migrants at different points along the Central Mediterranean Route, to ensure a coordinated response that is able to reach the most vulnerable. This includes working with the Libyan Government of National Accord (GNA) and the House of Representatives to ensure they establish a registration system for all those detained in Libya (including at proposed disembarkation points) and adopt a Protection Guarantee to ensure the provision of gender segregated areas, appropriate sanitation and hygiene facilities, access to legal aid, health services and adequate food and non-food items in all government-run facilities. Special provisions must be made to provide protection and services for children travelling alone – an estimated 26,095 children are currently unaccompanied in Libya.<sup>10</sup> At sea borders, the focus must remain on saving lives and facilitating effective collaboration amongst vessels operating in the Mediterranean, in full respect of fundamental rights.

## 2. Protect and empower women and girls along the Central Mediterranean Route:

Women and girls are particularly vulnerable to abuse and exploitation, for example, roughly 80 per cent of the female Nigerians reaching Italy and other countries in the EU in 2016 were victims of sex trafficking.<sup>11</sup> The EUTF for Africa should invest in specific programming to support the safety and wellbeing of women and girls by providing access to sexual and reproductive health care, gender segregated sanitation facilities, safe spaces for women and girls at reception points, and appropriate medical care, counselling and legal services for survivors of GBV. These protection measures should be integrated alongside programming to economically empower women through livelihoods support, access to cash and financial services, and collaboration with local women's organisations and communities to tackle harmful gender norms that inhibit economic well-being.

## 3. Increase humanitarian funding for countries along the Central Mediterranean Route:

The EU can build on the political momentum generated by the International High Level Conference on the Sahel that it hosted in Brussels in February this year to increase pledges in support of the 2018 Humanitarian Response Plan (HRP) for the Sahel, which is currently only 19.4 per cent funded for Libya and 33 per cent funded for Niger. It should also continue to work with other key stakeholders, such as the League of Arab States (LAS), to provide the required additional US\$250 million for Libya and US\$338 million for Niger.

## 4. Ensure EU asylum processing procedures are principled and humane:

The right to asylum was born in Europe and the EU has a duty to continue to uphold these standards as it asks them of other countries through the Global Compact for Refugees. Before moving forward with the current proposal for 'regional disembarkation platforms' or other forms of external processing centres outside of the EU, the EU has a responsibility to fully address four key areas of concern: legality, safe and humane conditions, access to the centres, and access to due process, over which numerous questions remain.

## 5. Increase access to resettlement in the EU:

The EU has the capacity to immediately double its emergency resettlement pledges for the CMR to 8,000 places by the end of 2018, in addition to current pledges under the Union Resettlement Framework. This target is 20 per cent of UNHCR's global call of 40,000 emergency places for the route, reflecting the EU's combined Gross Domestic Product (GDP), which is approximately 20 per cent of global GDP. Greater investments can also be made to shorten the waiting period for people evacuated under the ETM to ensure they are not left in limbo in processing centres.

### **6. Support a 'prosperity package' for Libya and Niger:**

The EUTF for Africa should refocus its selection of projects to deliver an integrated 'prosperity package' that includes job creation, market support, cash relief and entrepreneurship programmes, underpinned by a clear set of outcomes and indicators to measure progress towards safety, poverty alleviation and resilience for migrants and host communities. This rebalance of priorities is crucial, especially as EU development funds are increasingly delivered via the EUTF for Africa.<sup>12</sup> Reforming the governance of the EUTF for Africa to establish collective outcomes between donors, national governments, civil society and the private sector through their increased participation in planning, implementation and evaluation will catalyse greater long term impact, policy coherence and investment.

### **7. Support labour mobility across the Central Mediterranean Route:**

The EU has a clear opportunity to encourage member states to establish bilateral programmes with Sahel states to facilitate temporary labour movement to the EU via the Seasonal Workers Directive (or any similar national legislation). This will both meet the needs of EU businesses and support the flow of remittances back into the region. The EU-AU-UN Migration Taskforce should also encourage Libya to revisit efforts made in 2012 to establish a national migration policy, through a joint migration action plan with the GNA and the House of Representatives to increase access to work permits for migrants, as part of the country's transition to peace and stability.

### **8. Promote alternatives to detention in Libya:**

The EU is well placed diplomatically and economically to maintain political pressure on the Libyan GNA and the House of Representatives to develop alternatives to the detention of migrants; for example, through the establishment of open centres where UNHCR, IOM, NGOs, and lawyers can assist people with essential services and support durable solutions. Whilst detention centres remain operational, the EU should maintain pressure for full access for the UN and NGOs to provide essential services.

### **9. Strengthen accountability for human rights abuses along the Central Mediterranean Route:**

The EU can utilise current migration management partnerships with border authorities in Libya and Niger to strengthen adherence to protection principles and human rights. The EU should include mechanisms to independently monitor the safe and humane treatment of vulnerable migrants by border authorities and coastguards, as an integral part of EU-funded projects to strengthen border management, and increase accountability by withdrawing funding where breaches of agreed standards are uncovered.

### **10. Enshrine the rights of migrants in the new Libyan constitution:**

As part of the EU's stated objectives to advance the political process in Libya and assist in its democratic transition, it should work with partners in the Libyan Quartet to ensure the GNA and the House of Representatives establish a legal framework for providing asylum and protecting victims of trafficking in the new constitution. This should include the ratification of the 1951 Convention and Protocol Relating to the Status of Refugees, and full recognition of the role of UNHCR.

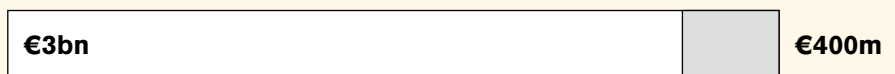
# Introduction

In November 2015 at the Valetta Summit on Migration, the European Commission launched the EUTF for Africa. This €3.4 billion fund was created to 'address the root causes of instability, forced displacement and irregular migration and to contribute to better migration management'.<sup>13</sup> The following June, the European Council endorsed the new Migration Partnership Framework (MPF) which identified five 'countries of origin and transit',<sup>14</sup> with which the EU would develop migration compacts that aimed to reduce the movement of people towards Europe.<sup>15</sup> In February 2017, the EU published the Malta Declaration, signalling its approach to migration along the so-called CMR, which stretches from Sub-Saharan Africa to Italy via Libya.

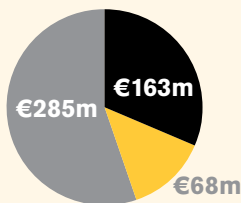
## EU Trust Fund for Africa

Source:

○ EU ○ Member States



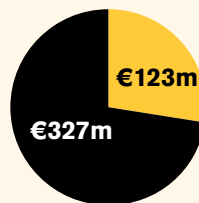
### Migration management



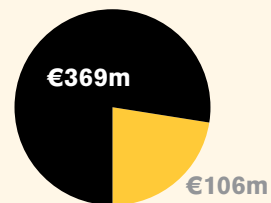
### Economic opportunities



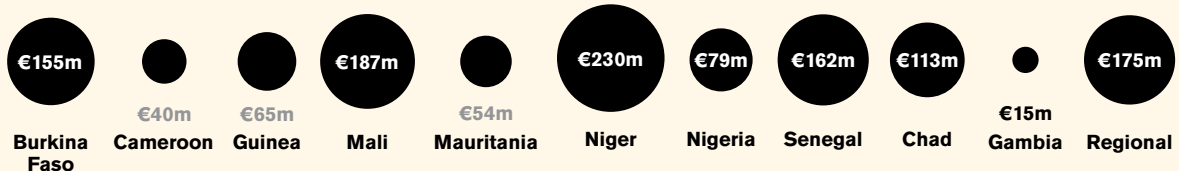
### Strengthening resilience



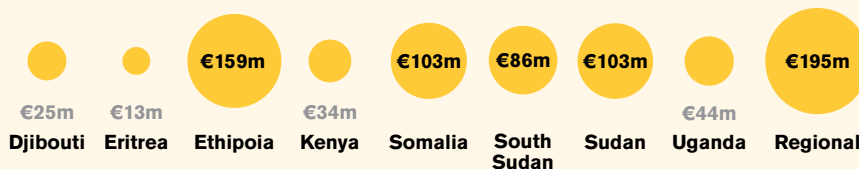
### Governance and conflict prevention



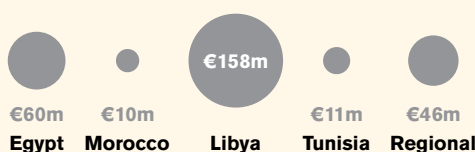
## Sahel/Lake Chad



## Horn of Africa



## North Africa







**Above:** Sub Saharan woman leaving the Hamal rescue boat. 50 men and 5 women were rescued in Alboran Sea from a dinghy and brought to the port of Motril. 121 people were rescued today by the Maritime Rescue Safety in Alboran sea and assisted by Red Cross. *Carlos Gil/SOPA Images/LightRocket via Getty Images*

This suite of initiatives sends a clear signal about the EU's response to mixed migration, and its intention to prioritise stemming future arrivals to Europe in their development cooperation programmes in North Africa and the Sahel. Despite language around these programmes majoring on humanitarian imperatives and the importance of economic development initiatives, the priority focus attached to stopping people moving risks detracting from the focus on addressing humanitarian and development needs.

This report offers insights into the ongoing crisis in two countries where the IRC has a significant presence: Libya and Niger. It exposes the dire humanitarian situation and the as yet unmet needs, especially among vulnerable groups such as women and children.

It also examines how certain EU interventions risk creating perverse unintended consequences in the region including the disruption of long established intra-Africa migration patterns that sustain livelihoods. Ultimately, the reality on the ground indicates that in some cases, these policies risk undermining the EU's strategic poverty reduction and stabilisation objectives.

A ten point action plan is presented, outlining immediate actions the EU and its partners should take to re-focus interventions along the CMR towards protecting and meeting the needs of vulnerable people.

# People on the move

**People choose or are forced to migrate based on a number of factors including violence, persecution and conflict, poverty and climate change. In the context of the CMR, the main drivers of migration fall into these categories:**

## Asylum

Many people leave their country due to political factors such as conflict, violence or persecution. Tens of thousands of people have been killed due to the protracted conflicts in Sub-Saharan Africa alongside the rise of violent extremism across the Sahel, attacks by al Qaeda in the Islamic Maghreb (AQIM) and Boko Haram. This violence has resulted in many people being forced to seek protection outside their own country.<sup>16</sup> UNHCR estimates that up to 30 per cent of those travelling through Niger since 2016 may have been in need of international protection.<sup>17</sup> However, many continue on to Libya. There are migrants of nearly 40 nationalities in Libya, with 65 per cent originating from Sub-Saharan Africa, 28 per cent from North Africa and seven per cent from the Middle East.<sup>18</sup> Currently, UNHCR has registered 52,739<sup>19</sup> refugees and asylum seekers in Libya (59 per cent male, 41 per cent female, 30 per cent children<sup>20</sup>) but many are out of reach to UNHCR and aid agencies for a variety of reasons, so the actual number in need of international protection is likely to be much higher. An estimated 277,000 people are in need of resettlement across the 15 priority countries along the route.<sup>21</sup>

**AN ESTIMATED 277,000 PEOPLE ARE IN NEED OF RESETTLEMENT ACROSS THE 15 PRIORITY COUNTRIES ALONG THE ROUTE.<sup>19</sup>**

## Family reunification

Families are often separated as family members are left behind in the country of origin or in their country of first displacement. They either lack the resources to make the journey as a group, are rightly fearful of the dangerous conditions that it entails or, in some cases, are forcibly separated by smugglers along the route. Family members trying to reunite with others either along the route or in Europe is often part of the reason that people are on the move. Research in 2016, for example, showed that 44 per cent of Malian women travelling along the CMR were seeking to be reunited with their families.<sup>22</sup> Of those who arrived to the EU in 2016, 44 per cent of Nigerians<sup>23</sup> and 42 per cent of Ethiopians<sup>24</sup> were granted residence permits on the basis of family reunification.

**IOM REPORTS A NEARLY 600 PER CENT INCREASE IN POTENTIAL VICTIMS OF SEX TRAFFICKING AMONGST SEA ARRIVALS TO ITALY BETWEEN 2014 AND THE FIRST HALF OF 2017.<sup>24</sup>**

## Trafficking

Throughout their journey, male, female and child migrants are at risk of exploitation and abuse. Men and boys are at particular risk of forced labour, as was depicted in the recent CNN coverage of what appeared to be migrants being sold into slavery.<sup>25</sup> A large number of women and girls, as well as some men and boys, also unwittingly become victims of trafficking for the purpose of forced, commercial sexual exploitation, lured into modern slavery by smugglers who offer to waive their upfront travel costs on the understanding they can repay the debt upon arrival. IOM reports a nearly 600 per cent increase in potential victims of sex trafficking amongst sea arrivals to Italy between 2014 and the first half of 2017.<sup>26</sup> On their journey along the CMR before reaching Italy, victims of trafficking are moved from connection house to connection house, remaining largely invisible and therefore inaccessible to humanitarian agencies.

**NIGER, FOR EXAMPLE, IS RANKED SECOND TO LAST ON THE UN'S 2016 HUMAN DEVELOPMENT INDEX OF 188 COUNTRIES, BASED ON LIFE EXPECTANCY, EDUCATIONAL ATTAINMENT AND GROSS NATIONAL INCOME PER CAPITA.<sup>25</sup>**

### Poverty

Countries in the Sahel are some of the poorest in the world and the most vulnerable to climate change. Niger, for example, is ranked second to last on the UN's 2016 Human Development Index of 188 countries, based on life expectancy, educational attainment and gross national income per capita.<sup>27</sup> 44.5 per cent of Nigeriens live in grinding poverty, surviving on less than US\$1.90 a day<sup>28</sup> and male and female adult literacy rates are at just 23 per cent and nine per cent respectively.<sup>29</sup> For the majority who rely on agriculture for survival, many have no choice but to seasonally migrate across borders in search of work, when increasingly severe droughts destroy their crops and livestock. Historically, Libya and Algeria have provided people from poorer countries with an opportunity to earn much more than in their home countries or elsewhere in the Economic Community of West African States (ECOWAS) zone, a regional economic integration union comprising 15 countries. Around half of the migrants in Libya originally travelled in search of work.<sup>30</sup> Niger's close proximity to Libya and Algeria makes the northern part of the country a key transit hub for Nigeriens and other West and Central Africans.

### Mixed migration

Those moving along the CMR are driven by a combination of factors outlined above. However, the dangers faced, in many cases, the human rights abuses and violence endured, during the journey can drastically affect the vulnerability of migrants along the route and can drive them to make further migratory movements in order to seek safety, even if they first left home for economic or other reasons. This challenges established thinking around strict demarcations between economic migrants and those in need of international protection, because a person's need for protection can change on the journey. Additionally, some journeys are made in small steps, requiring separate arrangements to be made with different groups of smugglers for each leg of the trip, when people become able to pay upfront. To finance this travel, migrants may make stops to work or wait to receive money from relatives between legs, which can take several months or more. Constantly needing to renegotiate the terms of

travel increases the risk of exploitation and abuse. For many women, but also some men, this sometimes means engaging in sex work or being forced into prostitution. Likewise, children often become victims of sexual exploitation and abuse. Inside Libya, high levels of violence and criminality, compounded by the lack of adherence to human rights, puts migrants, refugees and asylum seekers alike at risk. This reality means that many hundreds of thousands of migrants in Libya, regardless of their original motivation for migrating, are now in urgent need of humanitarian assistance. This also causes increasing numbers of desperate people to attempt to make the dangerous journey onward to Europe, even if this was not what they initially intended.

When developing policy responses, whether for the short or long-term, it is critical to acknowledge the realities of mixed migration flows in the modern world: refugees and economic migrants alike are, in many ways, forced into onward movement due to their experiences of violence and an utter lack of economic possibility. Effective policy should take into account both the complex reasons migrants embark on their journeys, and the acute vulnerabilities an overwhelming number of migrants endure. Given the complexities of mixed migratory flows along the CMR, there is an essential need for individual assessments of cases to a) determine asylum status and b) ensure that other protection needs (see box) are addressed, even if someone is not eligible for international protective status.

### Protection

Humanitarian protection describes the effort to protect the fundamental safety and well-being of individuals uprooted by conflict and crises. It includes a range of interventions which ensure that all women, men, girls and boys whose governments are unable or unwilling to protect them have equal access to their rights in accordance with international law. Specifically, protection entails securing access to basic services (including adequate shelter, food, water, education and health), the right to claim asylum, and protection against violence and arbitrary detention. The ultimate goal of protection is to help people who may be migrants, including refugees and asylum seekers, stateless persons, the internally displaced and returnees, rebuild their lives within a reasonable amount of time.<sup>31</sup>



# Urgent needs of vulnerable migrants

**People on the move across the CMR have a range of urgent humanitarian needs which agencies like the IRC are working hard to address. However, a closer look at the situation in Niger and Libya reveals that the challenges in meeting these needs are great and require concerted and coherent humanitarian, political and diplomatic efforts.**

## Niger

The vast, landlocked Republic of Niger is located in a volatile region with protracted insecurity resulting from the presence of jihadist groups, such as Boko Haram, spilling over from neighbouring Mali and Nigeria. In response, the democratically elected government, under Mahamadou Issoufou, has declared an extended state of emergency in the regions of Diffa, Tillabery and North Taboua. There are currently around 326,758 displaced people, both Nigeriens and people from neighbouring countries, scattered in these regions.<sup>32</sup> This includes a significant number of Nigeriens and other West and Central Africans who have been expelled from Algeria and, to a lesser extent, who are spontaneously arriving back from Libya. The government is also responding to frequent climate and public health-related crises and chronic food insecurity – all whilst struggling to maintain social services and provide for its citizens' most basic needs.

## Ghettos in Niger

According to IOM, around 330,000<sup>33</sup> and 69,000<sup>34</sup> people (a combination of Nigeriens and people of other nationalities) travelled from/through Niger in 2016 and 2017, respectively. In order to pass through Niger, people link up with a smuggler, who will usually temporarily house them in a transit house or 'ghetto'. IRC teams on the ground report that living conditions in ghettos are extremely poor. Unrelated men, women and children usually share cramped accommodation, increasing the risk of GBV. The lack of clean water or adequate food, means poor health and malnutrition are commonplace amongst those staying in ghettos. Nutritional support, emergency health care and preventative measures like childhood vaccinations are sorely needed, especially as the arduous journey across the Sahel increases the risk of illness and injury.

In late 2017 and early 2018, the IRC worked in 98 ghettos, including four housing mostly women and girls. Often access is initially denied, but after building trust, including through workshops with ghetto managers, IRC teams were able to provide migrants with a range of services, including critical non-food items (e.g. feminine hygiene products, torches, whistles), financial assistance vouchers, and referrals for mental health and psychosocial support. In the summer of 2018, the IRC will embark on a new set of projects with vulnerable migrants in Northern Niger, including emergency nutrition and health care, skills training and awareness raising for youth, case management for survivors of GBV and legal counselling.

## Violence and intimidation along the route

However people travel along the CMR, one thing is clear: they will face a variety of risks throughout the journey and most will rely on the assistance of smugglers who can abuse and exploit them. Interviews conducted by the IRC in Italy reveal the shocking levels of violence and intimidation by smugglers, including regular beatings, starvation and death threats.



## Children on the move

Almost half of children (42 per cent) travelling through Libya are unaccompanied, meaning they are travelling without the supervision and support of a parent or guardian.<sup>35</sup> They are typically adolescents, and the majority are male. Often isolated, without access to child-focussed information on available services and the true risks of the onward journey, they witness and experience emotional, physical and sexual violence, without access to adequate food or the critical services they need, such as health care, education and psychosocial support. According to UNICEF, they risk abduction, extortion, exploitation (including human trafficking) and detention, and are often dependent on the assistance of smugglers, or in the hands of traffickers, who may abuse them.<sup>36</sup> They require greater levels of support to identify durable solutions that are in their best interests, which include resettlement, family reunification, or alternative care arrangements such as foster care.



**Above:** Immigrants are seen at a detention centre in Zawiyah, 45 kilometres west of the Libyan capital Tripoli, on June 17, 2017. The Libyan coastguard has rescued more than 900 African and Asian migrants attempting to reach Europe, a navy spokesman said. *Taha Jawashi/AFP/Getty Images*

## Libya

Since the 2011 ousting of Colonel Gaddafi, the country has descended into widespread violence, causing internal displacement of Libyan communities (currently numbering 179,400 people<sup>37</sup>) and the emergence of the Islamic State of Iraq and the Levant (ISIL) in Libya. In December 2015, the UN brokered the Libyan Political Agreement (LPA), leading to the creation of the GNA, presided over by the Presidency Council, headed by Fayeze al-Sarraj in March 2016. However, the GNA based in Tripoli has been unable to unite the country. A second rival government in Tobruk and Bayda, including the House of Representatives in Tobruk, whose president is Aguila Saleh, continues to lead a rival power bloc, bolstered by support from the Libyan National Army. Although the capital, Tripoli, is controlled by the GNA, that control is contingent on the loyalties of dozens of separate militias.

Additional vast areas of the country, particularly to the south, are controlled by hundreds of different militias without loyalty to either of the government factions, thereby further undermining a coordinated response from Libyan authorities to address the humanitarian crisis in the country.

As a result of ongoing conflict and instability, communities across the country now live with fuel shortages and cuts in power and water supply, lack of access to cash or livelihood opportunities, shortages of medicines and medical equipment, a weak judicial system and a continually deteriorating economy and social service infrastructure. For instance, 18 per cent of all hospitals (17 in total) and 20 per cent of all primary health care facilities (273 in total) are closed, and most open facilities lack qualified staff, supplies and a health information system.<sup>38</sup> The UN's 2018 Humanitarian Needs Overview estimates at least 1.1 million people (Libyans and non-Libyans), including 378,000 children and 307,000 women of reproductive age (15-49), are in need of humanitarian assistance and protection.<sup>39</sup>

## Discrimination in Libya

IOM has officially recorded 690,351 migrants in Libya but estimates there may actually be 750,000 or more.<sup>40</sup> Libya is not a signatory to the 1951 Refugee Convention, nor does the country recognise the right to claim asylum or the role of UNHCR. While some migrants who arrived in Libya before the conflict had the legal right to work, most of the more recent arrivals do not, and face huge challenges in securing legal papers in this current period of instability and weak governance in Libya. Some are refugees and asylum seekers, or have been trafficked, with no official recognition of their right to international protection status under Libyan law.

The majority of migrants in Libya reside in host communities as opposed to official and unofficial detention centres. Like most Libyans, it is reported that their most pressing humanitarian needs are access to health care, jobs and freedom from violence.<sup>41</sup> As the country's security situation has deteriorated, xenophobic sentiments and abuse against migrants have increased, especially targeting those from Sub-Saharan Africa. Those without legal papers are particularly vulnerable to exploitation. A recent study by REACH and the Start Network that was conducted in three urban areas showed almost half of migrants reported knowing or having been a direct victim of robbery, and a quarter reported not being regularly paid.<sup>42</sup> Many migrants live in the shadows under constant threat of robbery, abduction, detention and abuse from security services and criminal gangs.

Migrants' access to essential services, particularly health care, is impeded by widespread discriminatory practices, denial of care in public facilities, and their inability to afford private facilities. Migrants found to have a communicable disease (e.g. tuberculosis) are detained. This means most migrants are reluctant to use public health services for fear of being sent to detention centres.<sup>43</sup> The IRC has been operating mobile health units in Libya to improve health care access for vulnerable communities, and is extending the provision of dedicated outreach services in order to build trust with vulnerable migrants, who are often also the most 'invisible' to service providers.



**Above:** Immigrants are seen at a detention centre in Zawiyah, 45 kilometres west of the Libyan capital Tripoli, on June 17, 2017. The Libyan coastguard has rescued more than 900 African and Asian migrants attempting to reach Europe, a navy spokesman said. *Taha Jawashi/AFP/Getty Images*

## Official detention centres in Libya

In 2010, Libya passed a law criminalising the irregular entry of migrants and sanctioning their detention and deportation without due process, which has yet to be reformed.<sup>44</sup> This has resulted in arbitrary detention becoming the primary strategy for migration management in the country.<sup>45</sup> Although exact figures are hard to ascertain, as there is no official registration procedure for detainees, the Libyan authorities claimed 19,900 people were being officially detained in government-managed detention centres in late 2017.<sup>46</sup> As of May 2018, UNHCR had identified 3,352 of these people as refugees and asylum seekers.<sup>47</sup>

Those who have been able to access centres report conditions where torture, beatings and sexual violence are rife.<sup>48</sup> Women, men and children are often held in cramped spaces, where often hundreds of people share a single room, with limited water and sanitation facilities and food. Services for women and girls are lacking, with pregnant women at times not receiving reproductive health care during pregnancy or after birth. Mental health and psychosocial support services, case management for GBV survivors, and child-focused services are largely non-existent.



**Above:** Female migrants from sub-Saharan Africa sit waiting at a detention center in Tripoli in May 2015 in the capital Tripoli, after they were arrested in Tajoura, east of Tripoli. *Mahmud Turkia/AFP/Getty Images*

### Migrants held captive in unofficial detention centres

In addition to those in official, government-managed detention centres, there are unknown thousands held captive in 'unofficial' detention centres, run by a range of armed actors including militias and criminal gangs. Located in disused farms and warehouses, the UN has referred to these unofficial centres as 'forced labour camps', 'where people were held for months at a time without any form of due process, in squalid, cramped conditions'.<sup>49</sup> Those being illegally held are without even the very limited services that are available in official detention centres, as neither the UN nor NGOs are able to access these facilities. Testimonies of those held captive depict people extorted for ransom from family, forced into manual labour, and experiencing torture, rape and other forms of abuse for extended periods before being released or brought to the coast for travel across the sea.<sup>50</sup> During the September-October 2017 conflict in Sabratha, more than 18,000 migrants in captivity escaped from a single location, giving a sense of the large numbers that may be held elsewhere.<sup>51</sup> More recently, in late May 2018, hundreds of migrants escaped captivity in Bani Walid, some having been held and abused for years.<sup>52</sup>

“If they catch you, they put a gun to your head. If you don't have money they even kill you.”

“BOBBY”, 25, MAURITANIA

*Interviews conducted by the IRC in Italy, April 2018*

“They used sticks and whips. When you tried to protect yourself, they would kick you. They would beat us until our clothes became ripped and we bled... If you don't complain and eat s\*\*t food you are okay. But the day you complain... You keep silent. Two Eritreans were killed because they said they were hungry. And so they starved them.”

“MIKE”, 26 YRS. OLD, SUDAN

*Interviews conducted by the IRC in Italy, April 2018*

### Women and girls on the move

Female migrants are particularly vulnerable to abuse and exploitation. Women and girls risk being forced into prostitution and trafficked for the purposes of commercial sexual exploitation. IOM estimates that up to roughly 80 per cent of the Nigerian women and girls reaching Italy and other countries in the European Union in 2016 were victims of sex trafficking.<sup>53</sup> It is also commonplace for women and girls to experience sexual violence at the hands of smugglers.<sup>54</sup> Whilst women can be reluctant to talk about their experiences, others spoke of their suffering at the hands of criminal gangs.

“If you are a woman...they will do everything to you. They will beat you, they will rape you, they will molest you. Many ladies, they got pregnant from them, have babies from them”

“JOHN”, 32 YRS. OLD, NIGERIA

IOM states that 11 per cent of adult migrants observed in Libya are female,<sup>55</sup> while the Mixed Migration Monitoring Mechanism initiative (4Mi) puts the percentage at closer to 30-40 per cent.<sup>56</sup> Yet there are a lack of dedicated services for women and girls in either Niger or Libya, including sexual and reproductive health services and support for survivors of GBV. According to UNHCR, the most common first request made by female asylum seekers who are evacuated to Niger from Libya is for HIV testing; an indication that many will likely have been raped while detained.<sup>57</sup>

Even when women and girls have not suffered from sexual abuse and exploitation, they face stigma. In a recent 4Mi report, Sub-Saharan African female respondents, particularly from West Africa, reported feeling stigmatised and treated as if they were prostitutes.<sup>58</sup> Fear of intimidation can further inhibit their decision to access essential services and can constrain their options for income generation. There is an urgent need for dedicated outreach to vulnerable women and girls at different points along the route, including access to 'safe spaces' which provide health care, psychosocial support, legal services and economic opportunities.



# Migration management

**The current focus on increased security and border control within EU migration policies derives from the 2015 Migration Agenda adopted by European Heads of State and Government, coupled with more recent statements such as the EU's Malta Declaration of February 2017, where leaders underlined that 'a key element of a sustainable migration policy is to ensure effective control of our external border and stem illegal flows into the EU'.<sup>59</sup> In pursuit of this goal, the EUTF for Africa prioritised funding for Niger, as a key 'transit country', to support both development initiatives and increase the capacity of Nigerien police and military authorities to manage their borders. The latter objective was bolstered by EU member states providing border management training to Nigerien troops in mid to late 2016,<sup>60</sup> by extending the mandate of the EU Capacity Building Mission (EUCAP) in the Sahel to include border management support.<sup>61</sup> This included posting a Frontex liaison officer to Niamey in order to deepen relations with the relevant authorities in Niger involved in combating irregular migration, including training on border management, exchanging information on migration routes and flows, and facilitating returns of people on the move to their countries of origin.<sup>62</sup> The EU also played a key role in supporting the Nigerien authorities to draft a major new 'Law against the Illicit Smuggling of Migrants' in May 2015.<sup>63</sup>**

Since the introduction of these policies, the numbers of those travelling northward out of Niger have dropped from 330,000 in 2016 to 69,000 in 2017,<sup>64</sup> which has understandably bolstered a perception in the EU that the current policy approach to migration management is having the desired impact. However, given the complex local and regional power dynamics, as well as economic factors underpinning the migration business, recent policies may not have been sufficient to decrease migration flows as much as official figures might indicate. In fact, some suggest as many migrants are now just using alternative routes less visible to the authorities.<sup>65</sup> Current approaches to migration management, focused on short-term wins, may actually be unintentionally exacerbating the humanitarian crisis, without sufficiently addressing underlying causes of irregular migration.

## Deterioration of conditions in ghettos in Niger

Following the implementation of the new law in 2015, which officially criminalised both intent and acts to smuggle people outside of Agadez, migrants and the locations of ghettos began to move frequently to avoid detection by the authorities. Increased fear of arrest has meant ghetto managers are increasingly less likely to trust humanitarian agencies and allow them to provide essential services. According to the IRC's teams on the ground, conditions in the ghettos have become considerably worse. Migrants are also less likely to leave ghettos to access services for fear of arrest, and as border crossing has become riskier and more expensive, those passing through Agadez are ultimately staying in ghettos for longer periods of time – what was once days, may now be weeks or months.

## Increased danger on the route

To avoid checkpoints and security services, smugglers are resorting to alternative migration routes that are longer and more dangerous, which exposes people to a new range of risks.<sup>66</sup> Increasing the length of time people spend in the desert inherently increases their risk of exploitation, abuse, injury or even death. Smugglers are now also more likely to abandon people in the desert in the event of an accident or to avoid detection by the authorities. Smugglers have significantly increased their prices in response to rising operational costs and risks – a trip in 2018 is now up to five times the price it was two years ago.<sup>67</sup> Medical agencies confirm the prevalence of people presenting with burns and other injuries from accidents as a result of the increasingly dangerous journeys they are taking. And interviews by 4Mi with 1,286 people between June 2017 and February 2018 showed 47 per cent of the 962 deaths reported occurred in the desert, while 55 per cent of sexual abuse cases reported occurred in the desert.<sup>68</sup> Although no official figures exist for deaths in the desert, according to Vincent Cochetel, UNHCR Special Envoy for the Central Mediterranean Situation, it is estimated that many more people have died in the desert attempting to reach Libya than those lost at sea heading to Europe.<sup>69</sup>

## Increasing criminal control of migration

Smuggling has been a multi-billion dollar industry yet many of those arrested and fined have tended to be relatively minor actors operating on the route through Agadez into the desert, such as drivers and guides, rather than those controlling the system.<sup>70</sup> This is in part because minor players are more visible to authorities, but also because larger, better resourced, networks are more likely to be able to pay bribes to authorities.<sup>71</sup> Recent approaches have pushed smuggling further underground and more firmly under the control of vast criminal networks stretching across the Sahel and beyond, thereby contributing to the increasing destabilisation of the region.<sup>72</sup> Some recent progress has been made in targeting higher-level individuals engaged in



smuggling and trafficking networks operating in Libya. In June 2018, the UN Security Council was able, for the first time, to implement a travel ban and asset freeze against six individuals known to be involved in human smuggling in Libya,<sup>73</sup> among them the head of the EU-funded regional unit of the Libyan coastguard.<sup>74</sup> The EU was crucial in securing these sanctions, which are a positive step forward in the fight against smugglers, though much more remains to be done on this front.

### Criminal gangs

*"Imagine this. You are being kept in a holding pen in the middle of the Libyan Desert. You are watching as the men who are holding you there – by force – threaten to rape a young boy who is travelling alone. They are shooting a video of these threats which they will send to his family as a means to extort them for money. You are there but there is nothing you can do. If you do anything, if you show any emotion they will turn on you too. Life is cheap here. And you know what these men are capable of. So you keep still."*

"Max" is from Aleppo, Syria. He is 30 years old. He fled because of the war, and flew first to Sudan before starting on the trek north through the desert. Avoiding criminal gangs in Libya was impossible. He was abandoned in the desert by smugglers and criminal gangs picked him up. If he didn't go with them he would die. If he did go with them he was theirs to torture and extort for money.

*"They did these things to me."*

His captors were adept at both psychological and physical torture, using electric sticks and burning people with plastic. Although temperatures in the desert can soar to 50C in the day, at night the temperatures can drop below freezing. Max described how, when the temperature dropped, guards would force their captives into a pool of cold water and then pass electric volts through that water. All of this treatment amounts to torture.



Above: IRC

### Intercepted at sea – returned to detention in Libya

A major EU response to arrivals via the CMR has been to step up capacity building and other assistance to the Libyan coastguard to increase its presence along the coast. As a result of this support and the Libyan coastguard's increased patrols, more than 25,000 people have been intercepted at sea and returned to Libya since January 2017.<sup>75</sup> Although those intercepted receive medical and basic humanitarian assistance from UNHCR and partner NGOs upon disembarkation, they are all then automatically transferred to one of the official, government-run detention centres where, as outlined above, conditions are dire and frequent human rights abuses take place.<sup>76</sup> Since there is no registration system in place for those disembarked and subsequently detained, it is impossible to know with any degree of accuracy how many people are being held in official detention at any given time,<sup>77</sup> the length of their detention and, ultimately, their fate. The practice of migrants being transferred into detention and then between detention centres without registration means agencies like the IRC cannot provide effective care. The detention centres where the IRC provides medical services through its mobile health units have regularly received hundreds of new migrant detainees in recent months, without adequate advance warning or the required capacity to receive them. The lack of registration also impedes the ability of the UN to effectively manage processes to transfer people out of detention – either to IOM's system for VHR or to UNHCR to register people for asylum, transfer and refugee resettlement.

While the increase in interceptions of migrant boats by coastguard authorities has decreased the actual numbers of people attempting to cross the Mediterranean, the crossing has become substantially more dangerous due to the strong opposition from EU member states to SAR operations. Evidence shows that whilst the number of people crossing the Mediterranean has declined, for the reasons outlined above, the death rate per journey has increased. In February 2017, for every 30 people who arrived to Italy, one person had lost their life, whilst in February this year, for every 16 people who arrived, 1 person had lost their life.<sup>78</sup>

There is an opportunity for SAR operations to work in a more coordinated way with coastguards and yet statements from the EU leaders continue to establish them in opposition to coastguard authorities. In the recent in the recent June 2018 Council Conclusions, political leaders prioritised the operation of the Libyan coastguards, stating that 'all vessels' are to 'respect the applicable laws and not obstruct operations of the Libyan coastguard'.<sup>79</sup> Policies to tighten sea border controls should not be at the expense of the humanitarian imperative to save lives. Indeed a recent resolution by the European Parliament<sup>80</sup> stressed that "acts of humanitarian assistance should not be criminalised", in line with the UN Smuggling Protocol. At a time when political support and subsequent investment in greater sea border management is being put in place, EU member states must not step back from the moral and legal obligation to rescue those in distress at sea.

# Asylum claims, resettlement and return

**In response to the dire situation for many vulnerable migrants in Libya, the EU has been supportive of two channels for evacuation: VHR, which facilitates an individual's return to their country of origin if they do not need international protection; and the ETM, which affords asylum seekers of seven nationalities the potential to be evacuated out of official detention centres to Niger, for possible onward resettlement to Europe after assessment of their asylum application. The UN oversees both processes in cooperation with African governments and EU member states who have agreed to accept returnees or allocate resettlement places. Strengthening and expanding this strategic partnership via the EU-AU-UN Migration Taskforce is a vital tool for helping thousands to escape horrendous conditions in detention centres in Libya, and to ensure those with valid asylum claims are able to access the protection they are guaranteed under international law.**

For those intercepted at sea, the situation is more complex with respect to political agreement over which countries should take initial responsibility for processing asylum claims. This highly politicised issue has caused the EU to revisit ideas for 'external processing' or 'disembarkation platforms' to lessen the numbers of arrivals to southern European countries, as discussed below.

## ETM

In 2017 UNHCR, with the agreement of the Nigerien government, established the ETM. The goal of the ETM is to evacuate refugees and asylum seekers from official detention in Libya to safety in Niger, where EU member state delegations can deploy to assess their claims and, if successful, offer them resettlement in the EU. This is a critical lifeline for refugees and asylum seekers held in the official detention centres, but significant improvements need to be made to strengthen this mechanism. Some limitations to and challenges include:

- UNHCR is only able to evacuate people of seven authorised nationalities.<sup>81</sup> This needs to be extended to all refugees and asylum seekers on the basis of need, not nationality.
- The process to evacuate people from detention centres is slow and inefficient, which has limited the numbers of people being registered by UNHCR under the ETM. Libyan authorities need to improve the bureaucratic process, and provide full access to UN agencies to effectively identify vulnerable migrants for processing.
- Niger is only able to offer 1,500 places at its centre in Niamey at any one time. Yet many are left there in limbo as resettlement places in European countries fail to materialise, in turn preventing more vulnerable people from being evacuated from Libya. There is an urgent need for the EU to increase resettlement places and address bottlenecks in processing procedures.

Since the ETM was established, only 173 people have been resettled across Europe, in France, the Netherlands, Switzerland and Sweden<sup>82</sup>. Although the European Commission has consistently pressed member states to step up in this regard, the pledging and resettlement processes remain slow. Current pledges from EU member states stand at 3,781 places for Libya and Niger (including only 53 places for unaccompanied children).<sup>83</sup> This falls short of the 8,000 places the EU should be offering as part of its commitment to equitably share responsibility for resettlement with other parts of the world. This figure is calculated as 20 per cent of UNHCR's global call for 40,000 places for the CMR, in line with the EU's 20 per cent share of global GDP. The reluctance of EU member states to provide more resettlement places caused the Nigerien government to suspend evacuations to their site in Niamey for nearly three months in early 2018. While evacuations have resumed as of 13 May 2018, the process is likely to stall again if sufficient resettlement pledges are not clearly articulated and adhered to by EU member states.

It is also important that the places offered for the CMR are properly considered as 'emergency pledges' in addition to those already agreed. This would be in line with the emergency resettlement procedures currently foreseen under the proposed Union Resettlement Framework, which is currently being negotiated by the EU institutions. Agreement on this framework, provided it includes all necessary safeguards, would lay the groundwork for a more coherent and robust system to enable member states to scale up their resettlement commitments.

## External processing centres

According to the EU's Dublin Regulation, the first country to which a person arrives is responsible for examining their claim to asylum. The spike in arrivals in 2015, and the progressive tightening of internal border controls put in place by neighbouring EU member states to reduce onward movement, has placed a disproportionate share of the responsibility on the states situated on the EU's southern border, in particular Greece, Italy and Spain. A proposed revision of this Regulation has been on the table for the past two years but entrenched political divisions between east and west, north and south have prevented an agreement that would pave the way for a system that more equitably shares responsibility between states. In light of this stalemate, EU leaders are now returning to the long debated idea of external processing centres that would examine the claims of those seeking protection in the EU outside the EU's shores. The model of 'regional disembarkation platforms' was the subject of lengthy discussion at the June 2018 European Council meeting. Alongside this model, EU leaders considered other flanking measures, such as further intensifying support for the Libyan coastguard and the coastguards of other neighbouring countries, the idea being that people could be disembarked from boats to centres within these countries' territories if they were rescued within their territorial waters. The Council Conclusions mandate the EU Council and European Commission to 'swiftly explore this concept'.<sup>84</sup> Before moving forward with this proposal or other forms of external processing centres, these bodies should fully address four key areas of concern around the legality, humanitarian standards and due process underpinning these proposals, against which numerous questions remain.

**1) Legality:** would people be taken directly to a regional disembarkation platform instead of to the nearest safe port, in contravention of international maritime law? Would a negative decision at a disembarkation point block a person from seeking asylum in an EU member state, in contravention of international refugee law? How would it be possible to ensure that people's rights under EU law are upheld outside the EU's territory?

**2) Safe and humane conditions:** it is crucial to ensure that people are in humane conditions and that their rights are fully upheld. It is likely that those awaiting assessment of their claims would be held in detention, yet the lengthy average processing times mean this would not be an acceptable solution for vulnerable people. Holding children in detention is a violation of UN guidance on implementation of the Convention of the Rights of the Child. The arrangements established to implement the EU-Turkey deal do not inspire confidence that while people's claims are examined they would be treated in a dignified, humane manner that affords full respect to EU asylum law.

**3) Access to the centres:** who would have access to the centres? For example, could people only access them if they had attempted to reach Europe by boat and been rescued at sea, thus increasing incentives for them to try to make the sea crossing?

**4) Due process:** what guarantees would be in place to ensure people receive a full and thorough assessment of their asylum claim in line with EU law, with proper access to legal representation and translation throughout the process, to prevent discrimination against certain nationalities?



**Above:** Abdoulaye, a young senegalese man waits in a "ghetto" of the city of Agadez, northern Niger, on March 31, 2017, in order to reach Libya and try to cross the Mediterranean sea to go to Europe. *Issouf Sanogo/AFP/Getty Images*



As regards cooperation with the Libyan coastguard, it is important that any step up in these efforts is preceded by work to ensure that the safety and wellbeing of people picked up at sea is guaranteed once they are returned to Libya. Furthermore, there are questions as to why North African countries would agree to cooperate on hosting these centres. As discussed above, the ETM has been suspended because only a certain number of people can be hosted there at a time, and people cannot be processed for resettlement and resettled quickly enough to free up spaces for others.

Beyond this, a more fundamental question remains about whether it is right for the EU to push some of its responsibilities for processing – and perhaps also hosting – refugees onto much poorer third countries in this way. Developing countries already host 85 per cent of the world's refugees, while the EU, a stable and prosperous region, hosts just 11 per cent. If the EU expects these countries to continue to play such a fundamental role in managing migration, it is crucial that it upholds the right for people to access their right to claim asylum inside the EU, in full respect of fundamental rights.

**DEVELOPING COUNTRIES ALREADY HOST 85 PER CENT OF THE WORLD'S REFUGEES, WHILE THE EU HOSTS JUST 11 PER CENT. CURRENT PLEDGES FROM EU MEMBER STATES STAND AT 3,781 PLACES FOR LIBYA AND NIGER (INCLUDING ONLY 53 PLACES FOR UNACCOMPANIED CHILDREN).<sup>78</sup> THIS FALLS SHORT OF THE 8,000 PLACES THE EU SHOULD BE OFFERING AS PART OF ITS COMMITMENT TO EQUITABLY SHARE RESPONSIBILITY FOR RESETTLEMENT WITH OTHER PARTS OF THE WORLD.**

### **Voluntary Humanitarian Return Programme (VHR)**

Those who do not qualify for evacuation via the ETM can opt for IOM's VHR. Through this programme, IOM provides people both inside and outside of detention with support to obtain the necessary travel documentation, such as passports and organising travel to countries of origin. In operation since 2006, the VHR was massively scaled up along the CMR following support from the EUTF for Africa in 2016.<sup>85</sup> This has resulted in 23,302 migrants being returned to their country of origin via VHR since January 2017.<sup>86</sup> While this is a positive and lifesaving option for many, it is clear that many are returning to their countries of origin highly traumatised, and if support services are available at all, they often lack the capacity to provide the level of care needed. The majority of returnees will be going back to the same levels of poverty that influenced them to migrate in the first place. Reintegration can be challenging, requiring a range of interventions, and many will face stigma from their communities for failing to finish their journey.

In the second half of 2017, IOM introduced reintegration services for people once they return home, which includes livelihood support and access to mental health and psychosocial services. This is a positive step but services provided have not been able to keep pace with the scale of returns catalysed by the large numbers being evacuated from Libya since November 2017 (over 15,000 between November 2017 and March 2018).<sup>87</sup> These initiatives require increased resources from the EUTF for Africa that need to be linked into longer term development initiatives, based on increased cooperation with authorities and local communities.



# Economic development

The negative impacts of climate change and regional instability in recent years have undermined development efforts and increased poverty in the Sahel. The Agadez region has seen a severe decline in tourism as a result of the armed rebellion in Niger in 2006 and 2007, and the Sahel Crisis of 2012. Before Tuareg rebels stepped up attacks in the uranium mining powerhouse in 2007, some 5,000 tourists used to arrive in Agadez annually, spending 3 billion CFA and putting the region among the most active travel destinations in Sub-Saharan Africa.<sup>88</sup> This has also damaged the region's ability to utilise one of its most important assets, its natural resources, following the recent closures of uranium and gold mines.<sup>89</sup> Deforestation, desertification and frequent, severe droughts caused by climate change have also jeopardised the rural livelihoods most people in Niger depend on.

## Impact of restrictive migration management policies on development

The interrelation between migration and economic development is complex. There is broad agreement, however, that while emigration can have certain negative impacts on countries of origin, overall, emigration produces a net economic benefit not only for the individual household, but also for the rest of society.<sup>90</sup> Furthermore, contrary to popular perception, the majority of migrants from the Global South are hosted by other countries in the Global South.<sup>91</sup> It is therefore essential that any policies designed to improve migration management take into account the potential impact on poverty reduction strategies, and are designed in partnership with the countries concerned.

The EU is careful to acknowledge the importance of ensuring coherence between migration management and development policies. For example, the Valletta Action Plan includes among its priorities the 'development benefits of migration and addressing root causes of irregular migration' alongside the 'prevention of and fight against irregular migration'.<sup>92</sup> Actions to be undertaken under the former priority include support for African countries in developing national and regional migration strategies, and the inclusion of poverty reduction in these approaches, while actions under the latter include fostering police and judicial cooperation, intelligence sharing, capacity building for border management authorities and the provision of border management equipment and infrastructure. The Action Plan also pledged to address one of the African partners' top priorities: the establishment of legal migration options for their nationals to work in the EU. The importance of implementing the Action Plan together with African countries in a spirit of ownership, involvement and participation is highlighted throughout.

# OVER US\$182M

**THE REMITTANCES NIGERIENS SEND BACK TO THEIR FAMILIES FROM THIS MIGRATION ACCOUNT FOR OVER US\$182M IN 2016 — ROUGHLY 2.43 PER CENT OF GDP.<sup>90</sup>**

However, African partners have raised concerns that in the implementation of this joint agenda, the EU has been disproportionately focused on achieving a reduction in the flows of people, at the expense of their regional objectives focusing on increasing mobility, which are supposed to have equal weight.<sup>93</sup> In the Sahel, in particular, there is a risk that rather than promoting economic development, this imbalance could in fact undermine the economic development of an already impoverished region. This is apparent in two ways:

### 1) Traditional seasonal migration routes disrupted

As already mentioned, the recent reduction in observed movement of people across the Nigerien – Libyan border as a result of the Valletta process has been cited by the European Commission as evidence that its external migration policies are working. Yet the unilateral focus on halting irregular flows of people to Europe as a measure of success obscures the broader implications for stability and local development in the region. As discussed above, there is evidence to suggest that the majority of people travelling along the CMR do not intend to take a boat to Europe. Rather, they are following patterns of intra-Africa migration that have been part of the fabric of life in the Sahel for generations. Beginning in the 1990s, then Libyan leader Gaddafi openly encouraged economic migration to Libya, which resulted in 1.5 million Sub-Saharan African migrants living and working in Libya at its peak in 2000.<sup>94</sup> Remittances continue to make a significant contribution to African economies. In 2016, Niger received US\$182 million in remittances, accounting for 2.43 per cent of GDP.<sup>95</sup> African partners via, for instance the ECOWAS, have taken steps to further promote this mobility for work and trade by

eliminating barriers to free movement, just as the EU has done inside Europe.<sup>96</sup> However, border restrictions across the Sahel driven by the EU's migration management policies run contrary to these efforts by preventing large numbers of seasonal economic migrants and traders from moving easily within the region in search of work, as they have done for generations. Those who continue to travel now have to pay exorbitant bribes to security forces.<sup>97</sup>

## **2) A one-size-fits-all approach to the migration 'business'**

The migration 'business' has been an integral part of local economies across the Sahel for generations. The provision of shelter, food and transport for seasonal migrants has generated much-needed revenue for local businesses and traders in struggling local communities in Agadez and other towns along the route.<sup>98</sup> During its peak in 2013-2016, those managing ghettos for migrants were making anywhere from US\$10,000 to US\$13,000 a week.<sup>99</sup> As has been mentioned above, a new law designed to dismantle criminal gangs of smugglers has tended to target relatively minor actors operating on the route, such as drivers and guides, rather than those controlling the system.<sup>100</sup> In addition, a one-size fits all approach from local law enforcement to anyone associated with the migration business has in effect criminalised a wide range of people, including legitimate businesses, as 'migration actors'. Those selling food, water and other goods to migrants, as well as vehicle drivers providing them with transportation, have been arrested on the grounds that they are in the same category as smugglers.

There has been insufficient attention given to those who have lost their livelihoods as a result of migration management policies imposed by the EU, or due consideration as to how a one-size-fits-all approach to the migration business has increased the vulnerability of already impoverished communities. Although there are no official figures available, IRC staff are noting that the crackdown on smuggling has led to an increase in robberies and other crimes in and around Agadez. The EU's recent focus on curbing migration from Niger onwards, without equal attention to the linkages between migration and the country's overall development needs, including job creation, basic service provision and good governance, risks creating instability and tension and an increase in extremism<sup>101</sup> in the long run. Better analysis and understanding of these linkages, together with action to address them, is crucial to more effective and sustainable migration management.

## **Opportunities to support economic development**

### **Development financing**

In November 2015, the EU launched the EUTF for Africa 'to address the root causes of instability, forced displacement and irregular migration, and to contribute to better migration management'.<sup>102</sup> It provides much-needed, flexible funding focused on countries along the major migration routes to Europe. The EUTF for Africa is a crucial source of funding for Niger, which receives more than any other country (€189.9 million in 2017).<sup>103</sup> So far, for the Sahel and North Africa, around €1.6 billion worth of projects have been approved under the fund, and in December 2017, the EU announced that it will continue to support Niger by providing development assistance totalling €1 billion during the period 2017-2020.<sup>104</sup> Since its core aims include job creation, support for basic services and promoting conflict prevention, the fund is well-placed to help foster sustainable livelihoods and other essential measures to mitigate the impacts of tackling the smuggling industry on the local community. However, if it is to effectively meet its objectives as part of a holistic approach to migration management, this funding must be delivered in line with the right principles and priorities.

### **Promote inclusion and accountable development**

To ensure the optimal impact of the EUTF for Africa, the aims of the Busan High Level Forum, which build on the 2005 Paris Summit,<sup>105</sup> must be central to its implementation. Based on those principles and the current needs in Niger, the EU should engage in ongoing dialogue with the Nigerien government and civil society to promote a needs-based approach to funding allocations. This should include a gendered approach to development to increase specific programming for women and children, in order to meet the acute challenges they face in Niger with access to health care, education and sustainable livelihoods. Rapid action is needed to support local communities in mitigating the negative impact current migration management policies are having on local economies, including working with the local private sector. As Dr Donald Kaberuka, former President of the African Development Bank, outlined at the launch of the London School of Economics-Oxford Commission on State Fragility, Growth and Development; "Top-down, donor-led approaches with unrealistic, tight timetables have not produced enduring results. Early efforts will be needed to revive the local private sector which is often the lifeline for families and communities when the state can no longer assure its basic core functions. Confidence generated by domestic businesses is what will spur foreign investment, not vice versa."<sup>106</sup>

## Busan Principles<sup>107</sup>

The Busan Partnership document specifically highlights a set of common principles for all development actors that are key to making development cooperation effective.

- Ownership of development priorities by developing countries: countries should define the development model that they want to implement.
- A focus on results: having a sustainable impact should be the driving force behind investments and efforts in development policy-making.
- Partnerships for development: development depends on the participation of all actors, and recognises the diversity and complementarity of their functions.
- Transparency and shared responsibility: development cooperation must be transparent and accountable to all citizens.

## Support sustainable livelihoods

Economic interventions such as livelihoods programming can reduce vulnerabilities facing migrant and host communities. In Agadez, programming to develop economic opportunities is urgently needed. Migrants, in particular, are at risk of resorting to harmful or illegal practices to sustain themselves, such as child labour, dietary restrictions, engaging in hazardous and exploitative work, or selling productive assets. Currently, only six per cent of the EUTF for Africa in Agadez is dedicated to promoting short term economic alternatives for those formerly working in the migration industry, and those programmes have experienced a number of delays.<sup>108</sup> Reports suggest that only a few hundred people have received support to date.<sup>109</sup> For Niger more widely, only seven per cent of the EUTF for Africa is dedicated to 'creating economic and employment opportunities' and 15 per cent reserved for 'transforming systems built around irregular migration'. Separately, 51 per cent of the EUTF for Africa for Niger is focused towards some form of migration management, 19 per cent of which is specifically for border management. It is crucial that a better balance is struck within the EUTF for Africa to significantly increase funding for the livelihoods programming and that bureaucratic delays releasing funds are addressed.

It is also vital to ensure that host communities, migrants and internally displaced people (IDPs) are all targeted as part of livelihoods and resilience-building initiatives to promote equitable, needs-based development and socially harmonious societies. To be able to offer viable livelihood options to both vulnerable migrants and host communities whose livelihoods centred on migration, donors should collaborate with the Nigerien government around comprehensive economic programming. Priorities

should include job creation, market support, cash relief, and entrepreneurship programmes. In addition, in countries like Niger with a high reliance on rural livelihoods, households' programmes to strengthen resilience to environmental risks induced by climate change need to be prioritised. These include interventions to foster drought-adapted agricultural production, improving water and sanitation management, and bolstering the financial and physical assets help households respond to cyclical and dramatic climate shifts.

## Women's economic empowerment and gender-sensitive approaches

Empowering women to access and control resources is central to their successful economic recovery and development. Women and girls frequently have limited access to and control over land, assets, money, information and credit, while taking on the burden of unpaid childcare, domestic and agricultural labour. Cash relief allows women to take control of their lives and decide how to best spend their money. Crucially, it can help mitigate the risk of violence against women which increases with economic pressure, and enable vulnerable women and girls to avoid negative coping strategies such as transactional and survival sex. While cash alone can be an important step towards financial inclusion, donors should partner with financial institutions to ensure women's broader access to formal and informal financial services.

Economic programming should be context specific and recognise the risks migrants caught in transit are exposed to, particularly those facing women and girls. To reduce some of these risks, economic programming for women needs to integrate protection measures and GBV prevention and response services. These include safe houses, psychosocial support, and linkages to re-integration services such as IOM services for women who want to return to their country of origin, or support for women who choose to remain or re-locate in safety.

Gender sensitive economic programming must also strengthen and build on existing support structures, such as local women's organisations. Training and sensitising relevant local partners on how to respond to GBV and work with survivors, both male and female, is critical to economic recovery. In addition, continuous engagement is needed with local communities and community leaders to raise awareness of harmful traditional social norms perpetuating gender inequalities that inhibit not only women's but communities' economic well-being. Behavioural change interventions must go hand-in-hand with women's economic empowerment.

### **Economic migration within the Sahel**

Promoting economic development across the Sahel should include facilitating the orderly movement of labour across borders. ECOWAS already allows the free movement of labour within its region under the Free Movement Protocol.<sup>110</sup> The EU should further support additional legal and well managed circular migration pathways across the wider Sahel region. This should include allowing for seasonal migration in support of agricultural livelihoods, for example after harvest time, which would significantly strengthen the resilience and development of local communities.

Despite the significant risks facing migrants in Libya, people continue to arrive there in search of work. A recent report found that knowledge about the security situation and migration measures implemented since 2017 in Libya did not impact refugees' and migrants' decision to go to or stay in Libya or migrate further north.<sup>111</sup> Therefore, more should be done to help reduce the exploitation of economic migrants in Libya. For those in Libya with the legal right to work, the process to renew their existing work permits is fraught with risk and complications, due to the fragility of state bureaucracies and the high levels of discrimination against migrants (particularly those from Sub-Saharan Africa). The EU-AU-UN Taskforce could provide support to revisit efforts made in 2012 to establish a national migration policy for Libya, through a joint migration action plan with the Libyan authorities to increase access to work permits for migrants. This would, of course, need to be part of ongoing efforts to stabilise and rehabilitate Libya through strategies to build peace and promote good governance.

### **Economic migration between the Sahel and the EU**

European politicians need to be honest about their economies' need for migrant labour, and policies should reflect the need for people to be able to meet these needs safely. Estimates show that over 100,000 non-EU seasonal workers come to the EU each year – as the European Commission states, 'EU economies face a structural need for seasonal work for which labour from within the EU is expected to become increasingly difficult to find.'<sup>112</sup>

Legislation to enable well-managed temporary seasonal work routes to fill core labour shortages in the EU already exists through the Seasonal Workers Directive. As the Directive requires a job offer from an employer before a permit is granted, the EU should actively promote bilateral programmes between Niger (and other Sub-Saharan African countries) and EU member states to facilitate connections between an employer and employee, and provide safe and legal pathways to the EU. Facilitating such routes could benefit both regions by meeting Europe's labour demands while allowing for remittances to be sent to communities in Niger and, in the case of agreements with other Sub-Saharan countries, undercutting the smugglers' business model.

Such bilateral programmes could help meet one of the stated aims of the EU's Valetta Process – legal routes of entry into the EU. More recently, Council Conclusions on the EU Sahel Regional Action Plan stated that a key 'lesson learnt' was that the, 'EU should focus on...organising mobility and legal migration' and acknowledged that, 'for individuals, migration can be one of the most powerful and immediate strategies for poverty reduction.'<sup>113</sup>



# Diplomacy

**The EU's diplomatic influence in the Sahel is arguably as important as the development funding it provides in promoting peace and stability in the region. The EU and its member states continue to be actively involved in peacebuilding and stabilisation efforts, through a combination of different strategies. These range from support for regional counter-terrorism platforms, such as the Multi-National Joint Task Force (MNJTF), to engagement in inter-regional stabilisation partnerships, primarily the Libyan Quartet,<sup>114</sup> and convening of international peacebuilding summits, most recently the Paris Summit in May 2018. As crucial as these efforts are, there is much more that European states can do with their significant diplomatic influence to increase the focus on good governance and secure human rights for the most vulnerable within these processes.**

## Security across the Sahel

In Niger, as in Libya, security and development are intrinsically linked. Jihadists operating on the Niger-Mali border feed a narrative that they are 'protecting aggrieved communities'<sup>115</sup> in order to bolster local recruitment. Jihadists and other armed groups found in Niger operate primarily across borders, necessitating robust regional approaches, such as the MNJTF, set up by Cameroon, Niger, Nigeria and Chad with the specific mandate of tackling Boko Haram.

EU member states, most notably France, have provided financial, logistical and diplomatic support to the MNJTF and the G5 Sahel group of states, made up of Burkina Faso, Mali, Mauritania, Niger and Chad. This includes the establishment of the G5 Sahel Cross-Border Joint Force endorsed by the AU and recognised in June 2017 by the UN Security Council by Resolution 2359, sponsored by France.<sup>116</sup> The G5 force, for example, had been in the pipeline for a number of years, but was unable to fully launch as pledged funding failed to materialise. That changed on 23 February 2018 at a conference in Brussels co-chaired by the EU, AU, G5 Sahel and UN. Fifty states including Saudi Arabia, the United Arab Emirates, Norway, the United States and Japan pledged a total of €414 million, surpassing the French government's aim of reaching €300 million.<sup>117</sup>

However, the challenge is to ensure that this relatively sudden international focus is turned into sustainable, long-term support. For the G5 Sahel to be sustainable, for example, Niger President Issoufou, has stated that €115 million will be needed annually going forward. His sobering statement was further backed by the UN Secretary General, António Guterres' warning that whilst the conference was a success, the G5 Sahel needs predictable, regular funding to have a true chance of bringing greater security to the region.<sup>118</sup>

Moreover, the overwhelming focus of these international actors on short term migration and security objectives can also act as a barrier preventing national and local needs from being met. Just as security is a prerequisite for development, so a failure to address the urgent development needs of Niger and the wider Sahel region risks undermining security advances. But despite the fact that the creation of sustainable and regional development is an intrinsic part of the G5's mandate, the first time it discussed the links between security and development in its four years of existence was at the conference in Brussels in February this year.<sup>119</sup>

## The need for good governance

Long experience – including that of the IRC in governance programming – shows the importance of prioritising good governance in fragile contexts as a precursor to meeting the humanitarian and development needs of local people. In this case, well-known lessons of conflict sensitivity and development have been set aside in the rush to implement security and border management policies. As detailed throughout this report, stability is key to enabling an environment that allows for humanitarian needs to be addressed in the short-term, combined with sustainable development for the longer term. Stabilising the region includes addressing the security challenges which are extensive along this migration route. However, a heavy handed focus on security and border management, without the required focus on sustainable development policies, is already having damaging consequences.

The EUTF for Africa's focus in Niger – and elsewhere in the Sahel – is on so-called 'train and equip' programmes that attempt to upskill security services such as the national police and border guard forces.<sup>120</sup> The €86 million EUTF for Africa budget for Niger currently profiled for '*improved governance and conflict prevention*' is spread between two projects, both aimed at tackling human trafficking, irregular migration and people smuggling<sup>121</sup>. Without a more balanced approach, more programmes to drive better accountability between the people and the authorities, a specific drive to build up the strength and resilience of civil society groups, then it is likely that EUTF for Africa objective to support 'improvements in overall governance, in particular

by promoting conflict prevention, addressing human rights abuses and enforcing the rule of law' will remain unmet. Equally, the EUTF for Africa should have robust reporting mechanisms in place to ensure that breaches of international standards are recorded, and that funding is appropriately withdrawn or paused.

In the longer term, the EU should view present-day investment in Niger as an opportunity to bolster the capacity of its government — at local, regional and national. This should promote the ability of Nigeriens to act for themselves according to their needs and preferences, and to make decisions that are rooted in an understanding of the local context and conflict sensitivity. Only in this way will the Nigerien government be able to ensure its policies do not contribute to prolonged instability and fragility.

### Peacebuilding in Libya

Conscious of the potential for conflict and instability in Libya to spill over into the region and fuel increased forced migration to Europe, stabilisation efforts have always been a key priority for the EU, despite the inherently complexities this presents. At the international diplomatic level, the League of Arab States (LAS), the AU, the EU and the UN have formed a Quartet to advance the political process and assist Libya in its democratic transition. The Quartet held their first meeting at the LAS's headquarters in Cairo on 18 March 2017. The EU is also a stakeholder in the United Nations Support Mission in Libya, tasked with facilitating implementation of the LPA and the UN Libya Action Plan, launched in September 2017. Amongst its aims is the facilitation of the Libyan constitutional process and elections by the end of 2018.

President Macron has played a lead role in supporting mediation, most recently through the Paris Summit on 29 May 2018. The Paris Summit signalled progress on the road to peace by bringing together the four key power holders in Libya from across the two rival governments and the military,<sup>122</sup> along with around 20 other states integral to peacebuilding in Libya, to agree to the next steps for the UN's Action Plan, including elections on 10 December 2018. The significance of this cannot be underestimated. However, the elections would be the beginning and not the end of a solution to the crisis in Libya and the December election target date is considered 'extremely optimistic' by Libya experts.<sup>123</sup>

### Human rights in Libya

Developing critical infrastructure and building up state institutions are essential to creating an environment conducive to free and fair elections and increasing the capacity of the public administration to promote justice, policing and security sector reform, sound management of public finances, media reform, general public sector capacity building, education, health and the strengthening of civil society.<sup>124</sup> As mentioned previously, UNHCR is not officially recognised by the Libyan authorities, nor is Libya a party to the 1951 Refugee Convention, refusing to distinguish between refugees, asylum seekers, migrants or victims of trafficking. It has yet to establish asylum legislation and procedures to honour its obligations under the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugees Problems in Africa. Migrants with irregular status are technically in Libya illegally, and can be arbitrarily detained and deported at any time. This makes seeking services risky, leaves them no legal recourse for crimes perpetrated against them, and ultimately makes them a prime target for exploitation and abuse.

The EU's High Representative for Common Foreign and Security Policy, Federica Mogherini, has shown personal commitment in leading diplomatic efforts to extend international humanitarian access, to secure alternatives to detention and to establish a functioning registration system for those being detained. The assistance through the VHR programme that has enabled over 16,000 people to leave detention centres and return to countries of origin in the first six months of the establishment of the EU-AU Migration Taskforce is a positive step.<sup>125</sup> However, the migrants who remain in unofficial detention – held captive without access to humanitarian assistance and enduring human rights abuses – must not be forgotten.

Under Libyan law, the current definition of the grounds that warrant international protection is limited to those seeking political asylum – a much narrower definition than that enshrined in the Geneva Convention. Through the Quartet, the AU and the LAS, with the support of the EU and UN, should use their influence to support Libya to include a definition of a refugee that is in line with international law and ultimately ensure that Libya becomes a signatory to the 1951 Refugee Convention and the 1967 Protocol.

The current drafting of the new constitution includes the right to a judicial process for those detained; however, current provisions should be expanded to include a clear, stated rule against any arbitrary arrest and detention, in line with the Arab Charter and the International Covenant on Civil and Political Rights. Whilst these changes are necessary, so too is a clear agreement by the Libyan authorities on the next steps of the constitutional process, which is currently lacking.

The EU should also build capacity and accountability amongst Libyan authorities to ensure they are willing and able to implement policies that protect the rights of vulnerable migrants. This is in line with the EU's 2014 prior commitments to provide technical assistance to the former National Transitional Council to build up state institutions and public administration capacity, and to provide long-term support to democratisation and civil society.<sup>126</sup> Crucially, the EU should ensure that Libya's economy is a key priority on the diplomatic agenda. An economy that works for both the local population and migrants, with a reliable official currency and market, would underpin the realisation of the rights of migrants to be able to work and access the labour market for the benefit of both the Libyan economy and the economy of migrants' country of origin.<sup>127</sup>

### Humanitarian Funding

The current shortfall in the HRP for the Sahel (US\$1.5 billion) must be filled in order to meet urgent humanitarian needs across the route.<sup>128</sup> The EU should use all diplomatic leverage, including through its links with the LAS, to secure contributions by the international community to meet the HRP appeal for 2018, of which only 33 per cent is currently funded for 2018.

In Libya, the EU and EU member states have provided 75 per cent of the funding for the HRP, yet a critical shortfall of US\$250 million, or 80.6 per cent, in funding remains. In Niger, the EU is the second largest donor to the HRP. The EU together with additional individual contributions from four EU member states, including Germany and Sweden, provide 35 per cent of current HRP funding. Whilst this is a commendable contribution, given the acute needs in Niger, additional EU member states should commit individual contributions to the HRP.

As the humanitarian crisis along the CMR continues to undermine the safety of hundreds of thousands of vulnerable people and risks further destabilising an already impoverished and fragile region, it is essential that the necessary humanitarian and development funding is provided for the Sahel to prevent further loss of life. President Macron has already indicated that the Sahel will remain a key focus for the G7 once France assumes the chair next year, which will be essential to ensure this crisis does not slip off the international political agenda. As global leaders gather in Paris in 2019, this will be an important opportunity to secure funding, and promote the required responsibility-sharing needed to address this crises over the long term.

# US\$1.5B

**SHORTFALL IN THE HRP FOR THE SAHEL (US\$1.5 BILLION), ONLY 33 PER CENT IS CURRENTLY FUNDED FOR 2018.<sup>123</sup>**

# US\$250M

**SHORTFALL IN THE HUMANITARIAN RESPONSE PLAN (HRP) FOR LIBYA US\$250 MILLION, OR 80.6 PER CENT.<sup>123</sup>**

# Ten point action plan for migration along the Central Mediterranean Route:

## 1. Improve access to lifesaving services for vulnerable migrants along the Central Mediterranean Route:

The EU-AU-UN Migration Taskforce should provide greater financial and logistical support to agencies delivering outreach services to address the health and psychosocial needs of vulnerable migrants at different points along the Central Mediterranean Route, to ensure a coordinated response that is able to reach the most vulnerable. This includes working with the Libyan Government of National Accord (GNA) and the House of Representatives to ensure they establish a registration system for all those detained in Libya (including at proposed disembarkation points) and adopt a Protection Guarantee to ensure the provision of gender segregated areas, appropriate sanitation and hygiene facilities, access to legal aid, health services and adequate food and non-food items in all government-run facilities. Special provisions must be made to provide protection and services for children travelling alone – an estimated 26,095 children are currently unaccompanied in Libya.<sup>10</sup> At sea borders, the focus must remain on saving lives and facilitating effective collaboration amongst vessels operating in the Mediterranean, in full respect of fundamental rights.

## 2. Protect and empower women and girls along the Central Mediterranean Route:

Women and girls are particularly vulnerable to abuse and exploitation, for example, roughly 80 per cent of the female Nigerians reaching Italy and other countries in the EU in 2016 were victims of sex trafficking.<sup>11</sup> The EUTF for Africa should invest in specific programming to support the safety and wellbeing of women and girls by providing access to sexual and reproductive health care, gender segregated sanitation facilities, safe spaces for women and girls at reception points, and appropriate medical care, counselling and legal services for survivors of GBV. These protection measures should be integrated alongside programming to economically empower women through livelihoods support, access to cash and financial services, and collaboration with local women's organisations and communities to tackle harmful gender norms that inhibit economic well-being.

## 3. Increase humanitarian funding for countries along the Central Mediterranean Route:

The EU can build on the political momentum generated by the International High Level Conference on the Sahel that it hosted in Brussels in February this year to increase pledges in support of the 2018 Humanitarian Response Plan (HRP) for the Sahel, which is currently only 19.4 per cent funded for Libya and 33 per cent funded for Niger. It should also continue to work with other key stakeholders, such as the League of Arab States (LAS), to provide the required additional US\$250 million for Libya and US\$338 million for Niger.

## 4. Ensure EU asylum processing procedures are principled and humane:

The right to asylum was born in Europe and the EU has a duty to continue to uphold these standards as it asks them of other countries through the Global Compact for Refugees. Before moving forward with the current proposal for 'regional disembarkation platforms' or other forms of external processing centres outside of the EU, the EU has a responsibility to fully address four key areas of concern: legality, safe and humane conditions, access to the centres, and access to due process, over which numerous questions remain.

## 5. Increase access to resettlement in the EU:

The EU has the capacity to immediately double its emergency resettlement pledges for the CMR to 8,000 places by the end of 2018, in addition to current pledges under the Union Resettlement Framework. This target is 20 per cent of UNHCR's global call of 40,000 emergency places for the route, reflecting the EU's combined Gross Domestic Product (GDP), which is approximately 20 per cent of global GDP. Greater investments can also be made to shorten the waiting period for people evacuated under the ETM to ensure they are not left in limbo in processing centres.



## **6. Support a 'prosperity package' for Libya and Niger:**

The EUTF for Africa should refocus its selection of projects to deliver an integrated 'prosperity package' that includes job creation, market support, cash relief and entrepreneurship programmes, underpinned by a clear set of outcomes and indicators to measure progress towards safety, poverty alleviation and resilience for migrants and host communities. This rebalance of priorities is crucial, especially as EU development funds are increasingly delivered via the EUTF for Africa.<sup>12</sup> Reforming the governance of the EUTF for Africa to establish collective outcomes between donors, national governments, civil society and the private sector through their increased participation in planning, implementation and evaluation will catalyse greater long term impact, policy coherence and investment.

## **7. Support labour mobility across the Central Mediterranean Route:**

The EU has a clear opportunity to encourage member states to establish bilateral programmes with Sahel states to facilitate temporary labour movement to the EU via the Seasonal Workers Directive (or any similar national legislation). This will both meet the needs of EU businesses and support the flow of remittances back into the region. The EU-AU-UN Migration Taskforce should also encourage Libya to revisit efforts made in 2012 to establish a national migration policy, through a joint migration action plan with the GNA and the House of Representatives to increase access to work permits for migrants, as part of the country's transition to peace and stability.

## **8. Promote alternatives to detention in Libya:**

The EU is well placed diplomatically and economically to maintain political pressure on the Libyan GNA and the House of Representatives to develop alternatives to the detention of migrants; for example, through the establishment of open centres where UNHCR, IOM, NGOs, and lawyers can assist people with essential services and support durable solutions. Whilst detention centres remain operational, the EU should maintain pressure for full access for the UN and NGOs to provide essential services.

## **9. Strengthen accountability for human rights abuses along the Central Mediterranean Route:**

The EU can utilise current migration management partnerships with border authorities in Libya and Niger to strengthen adherence to protection principles and human rights. The EU should include mechanisms to independently monitor the safe and humane treatment of vulnerable migrants by border authorities and coastguards, as an integral part of EU-funded projects to strengthen border management, and increase accountability by withdrawing funding where breaches of agreed standards are uncovered.

## **10. Enshrine the rights of migrants in the new Libyan constitution:**

As part of the EU's stated objectives to advance the political process in Libya and assist in its democratic transition, it should work with partners in the Libyan Quartet to ensure the GNA and the House of Representatives establish a legal framework for providing asylum and protecting victims of trafficking in the new constitution. This should include the ratification of the 1951 Convention and Protocol Relating to the Status of Refugees, and full recognition of the role of UNHCR.

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