



HOUSE OF LORDS

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The EU Sub-Committee on Home Affairs

Inquiry on

THE EU ACTION PLAN AGAINST MIGRANT SMUGGLING

Evidence Session No. 1

Heard in Public

Questions 1 - 12

WEDNESDAY 15 JULY 2015

10.30 am

Witness: Andrej Mahecic

Members present

Baroness Prashar (Chairman)
 Lord Condon
 Lord Cormack
 Lord Faulkner of Worcester
 Baroness Janke
 Baroness Massey of Darwen
 Lord Morris of Handsworth
 Baroness Pinnock
 Lord Soley
 Lord Wasserman

Examination of Witness

Andrej Mahecic, Senior External Relations Officer, United Nations High Commissioner for Refugees

Q1 The Chairman: Good morning, Mr Mahecic, and thank you most warmly for your time. This session is open to the public and a webcast goes out live by video transmission. A transcript will be taken of the evidence and put on the parliamentary website. You will be sent a transcript. If there are any corrections, please send them to us. If you would like to give us any supplementary evidence after the session, please do so. Before we get into questions, is there a general statement or any comments that you wish to make?

Andrej Mahecic: First, I thank the Committee and the Chairman for the invitation. The issue that you are looking at today is of great importance to the UNHCR. It is perhaps the visible part of what is happening globally. We are living in a time when global forced displacement is the highest recorded, with nearly 60 million people forcibly displacement. What I will say today will closely relate to that and to the UNHCR's mandate, which has been given to the organisation by the General Assembly. That mandate is to protect and assist refugees, and to work with the Governments trying to find the solutions to their plight. My answers will, if you like, come from the refugee protection and the protection-sensitive approach.

The Chairman: Thank you. Perhaps I may start by saying that you collect a lot of data. Do the data collected by you shed any light on the root causes of irregular migration to the EU?

Andrej Mahecic: We believe that they do. Before I elaborate on that, I would like to share the latest data that we have collected for the first six months of this year. So far in 2015, 166,000 refugees and migrants arrived by sea, including more than 77,000 in Italy, 87,000 in Greece, 94 in Malta and more than 1,600 in Spain. The very important element of this is the top five nationalities, which basically speaks of who these people are. Some 36% of all arrivals are Syrians, another 13% Eritreans, another 11% Afghans, and another 4% are equally Somalis and Nigerians.

The Chairman: Would you repeat those figures more slowly?

Andrej Mahecic: Yes. Some 36% are Syrian nationals, 13% Eritreans, 11% Afghans, 4% Somalis and 4% Nigerians. So there is a direct and clear link between unprecedented forced displacement globally—as I said, nearly 60 million people—and what we are witnessing in the Mediterranean. The majority of those taking the sea route to Europe are refugees. Their numbers continue to rise rapidly. Most people arriving from sea are fleeing war, conflict and persecution at home, as well as deteriorating conditions in many refugee-hosting countries.

EU states have a clear responsibility to offer them protection and an obligation, with others, to rescue people at sea when they are in danger.

Another finding of a recent report, which I have copies of and will leave with the Chairman, is that the number of deaths at sea rose to record levels in April 2015, then dropped significantly in May and June. While many factors contributed to the recent decline, improved European-led search and rescue operations beginning in May have had an immediate and very positive effect. Yet we should be aware that the peak months are ahead of us.

The third finding is that there has been a major increase in refugees and migrants taking the eastern Mediterranean route from Turkey to Greece. More than 85% of those arriving in Greece are from countries experiencing war and conflict, principally Syria, Afghanistan, Iraq and Somalia. From Greece, most move onwards across the Balkans to western and northern Europe. Italy remains the primary destination for Eritreans, Somalis and other people from sub-Saharan Africa.

The fourth finding relates to the fact that as arrivals increase, the reception capacity and conditions remain seriously inadequate. While conditions of reception in Italy vary a great deal, serious systemic gaps remain in Greece. The Former Yugoslav Republic of Macedonia and Serbia collectively offer fewer than 3,000 places of reception—significantly below the level of arrivals. Let me just give you the data: 19,000 arrivals were recorded in the first weeks of June alone. This impacts on people with special needs, including unaccompanied and separated children, and increases their vulnerability and risk of exploitation. This is an emergency situation that requires urgent attention and far greater support for efforts to handle new arrivals. If this situation remains unaddressed, onward movement of refugees and migrants is very likely to continue on a significant scale.

The fifth finding shows that the number of refugees and migrants entering the western Balkans from Greece has dramatically increased since the beginning of June, with more than 1,000 people arriving every day, as opposed to about 200 just a few weeks ago. They face serious humanitarian and protection challenges linked to the hardship of the journey, the abuses of smugglers and criminal gangs and increased tightening of the borders.

The sixth finding is that countries of origin and the international community at large need to do better at preventing and resolving conflicts. Transit countries need to develop their asylum systems, including reception arrangements and identification processes. In other words, the record number of people displaced globally speaks to two harsh realities: that peace is in serious deficit today, and the general inability and capacity of the international community to end long-term conflicts and to prevent new ones.

The Chairman: Thank you very much for that very comprehensive answer.

Q2 Lord Morris of Handsworth: Do you think that the measures suggested by the EU Action Plan against Migrant Smuggling contribute to addressing the root causes of irregular migration?

Andrej Mahecic: I underline first of all that combating smuggling is likely to be effective only if accompanied by a holistic approach and other alternatives for refugees. Only a genuinely European approach can tackle a phenomenon of such scale, complexity and transnational nature. A number of proposed measures focus on disrupting the smuggling trade and stemming movements in co-operation with third countries, but the law enforcement measures must be accompanied by efforts aimed at reducing the need for migrants and

refugees to turn to smugglers in the first place. The situation today calls for measures beyond just border security.

Most smuggling does not involve the crime of trafficking. That distinction is really important to maintain in statements and actions initiated in response to the current crisis. Moreover, people resorting to smugglers and those falling prey to traffickers are not criminals. Those boats are carrying human beings who are entitled to their human rights and who are in need of international aid and protection. Therefore, all actions must scrupulously respect international human rights law, international refugee law, international humanitarian law and the law of the sea, and ensure the dignified, safe and humane treatment of migrants. We look forward to working with EU member states and institutions on: elaborating concrete actions respecting the rights of all refugees and migrants, and consultations to increase resettlement places on offer; on arrangements for pre and post-arrival assistance; and on relocation to ease the burden on the states on Europe's southern border.

Efforts to deter smuggling will be in vain unless measures are adopted to address overly restrictive migration policies in Europe, as well as the push factors of conflicts, human rights violations and economic deprivation in many of the countries of origin or transit.

Enforcement measures therefore need to comply with applicable standards of human rights law enforcement and the administration of justice. We, as the UN agency mandated to protect refugees, are urging states to consider the increased use of legal alternatives so that persons in need of international protection do not have to resort to the dangerous irregular movements by sea and the use of smugglers.

We were pleased to see that the EU Agenda on Migration also called on member states to use other legal avenues for people in need of international protection to reach Europe. A number of models are available, such as private sponsorship schemes, humanitarian visas and the possibility of family reunification, among others. We hope that these issues will create much-needed and credible legal avenues for refugees to reach safety in Europe. Without such avenues, refugees will continue to be left with few options and will be pushed into the hands of smugglers. If this is the case, international efforts to crack down on smugglers and traffickers are unlikely to be effective on their own.

Lord Cormack: You made the distinction at the beginning between traffickers and smugglers. What sort of an overlap is there? Are you saying to us that very few smugglers are traffickers? Are you saying to us that some are traffickers? How do you break this down? I know that it is impossible to give an exact statistical answer, but by and large are smugglers not traffickers and are there only very few traffickers, or do you think that there are a lot?

Andrej Mahecic: This is a very complex issue and a question that can probably be debated on its own, but to put it into straightforward terms, smuggling is not a human rights violation per se, although it could be, while trafficking is a human rights violation. That is the very important distinction, which we believe needs to be reflected. There is also the issue of the people who are using the services. With regard to the trafficking of human beings, there are essentially three points to why this is of particular interest to UNHCR. First, we want to prevent refugees and asylum seekers from becoming victims of the trafficking of human beings. Secondly, we want to identify actual victims of the trafficking of human beings, who are at risk and therefore may be in need of international protection and should be warranted international protection. Thirdly, the efforts to combat the trafficking of human beings should not take place in a way that prejudices the rights of a person to seek asylum. This is enshrined in the Palermo protocol, which I believe is also being referenced here.

Lord Cormack: Do I infer from what you say that the majority of these refugees are desperate people who use the services of smugglers and are not people who are being exploited by traffickers? That is a very important question.

Andrej Mahecic: We do not have the data that would indicate the level of those who might be trafficked and those who use smugglers to get to Europe. The vast majority of migrants are fleeing from conflict and war situations—situations of human rights violations—and they seem to resort to the use of smugglers in the absence of any credible alternative at this point.

Q3 Baroness Massey of Darwen: I have two questions. First, do you think that the action plan sufficiently differentiates between migrant smuggling and human trafficking? Secondly, are certain groups more liable to be trafficked than smuggled, with the trafficking starting off in different kinds of ways—by family, for example?

Andrej Mahecic: It is possible. We have seen that in situations of war and conflict people will resort to the services of the smugglers, because if you have no legal alternatives, what other way is there? For example, if you are a Syrian family who have lost all your papers in a blast or fire, you have a hard time proving who you are, let alone being in a position where you can cross the border in a regular way. These people may already have been registered as refugees, but that does not mean that the situation in the countries that are hosting them is such that they can stay there and not be at risk. This is what we are seeing in the Mediterranean. You have to remember that the countries neighbouring Syria are currently hosting 4 million Syrian refugees. The people on the move are, by definition, vulnerable. Specific groups could be more exposed to the risk of trafficking, especially when you have a situation where refugees are resorting to negative coping mechanisms such as child labour, arranged marriages et cetera. This vulnerability provides the possibility of exploitation and the risk of trafficking.

Baroness Massey of Darwen: I know that there is a separate issue with trafficking, but could I just push that a little further? It seems to me that those most likely to be trafficked are women and girls for sexual exploitation or domestic labour, but not exclusively, because there are the boys who are going to the cannabis farms, for example. Often it is a family who will sell their relative or child into trafficking, so the situation is quite different. Am I right about that?

Andrej Mahecic: It is a very broad and complex issue, and it goes way beyond the refugee mandate that strictly speaking we are looking at. It certainly needs to involve discussions with Governments, local communities and those international organisations that have far more expertise in this. Obviously, there is also the law enforcement element. As I say, it certainly goes beyond the remit of our mandate.

Baroness Massey of Darwen: Yes, but does the action plan differentiate between smuggling and trafficking, because they are quite different?

Andrej Mahecic: Yes, they are. This is an element that can always be strengthened. As I said earlier, we would encourage this important distinction to be stressed in any statement or action of the EU in this regard.

Lord Faulkner of Worcester: Is it not the case that the UN protocol says that smuggling of migrants is a criminal offence if the person doing it is getting a financial reward for it? That is a little at variance with your drawing the distinction between smuggling and trafficking.

Andrej Mahecic: I did not say that there was no criminal element; I said that smuggling per se may not be a human rights violation but that trafficking is. I did not speak about the criminality element of it.

Q4 Lord Faulkner of Worcester: Can I ask you to compare and contrast the EU action plan with the UN protocol?

Andrej Mahecic: I can answer that question only partially, because the protocol itself and the convention is, if you like, in the domain of the UN Office on Drugs and Crime. Our take on it, as I said, is from the refugee protection perspective. I explained the three elements of our interest in combating trafficking. When it comes to the smuggling of people, many persons fleeing conflict, persecution and violence resort to it because they have no other option, and we welcomed the adoption of the protocol at the time with the provisions that look specifically at the protection of smuggled migrants, such as the obligation on state parties to take appropriate measures to afford smuggled migrants protection against violence and to take into account the special needs of women and children. The protocol against smuggling is also clear in that it does not aim at punishing persons for the mere fact of having been trafficked or smuggled, or at penalising organisations that assist such persons for purely humanitarian reasons.

Lord Wasserman: I have a very short question that relates to your first answer about the Balkans and Greece. I was very interested in what you said about how it had suddenly jumped enormously. What is the reason for that? What do you think has happened?

Andrej Mahecic: First, there is, if you like, an almost perfect storm in what we are seeing in the Mediterranean. First and foremost, this is driven mainly by unabating conflict inside Syria. The situation in Syria can be described with three words: death, destruction and displacement. In addition to the 4 million Syrians who are living in neighbouring countries, there are another 7.6 million Syrians who have been displaced in that country for more than a year and more than once. If you add these two figures together, that is half the Syrian pre-war population, which means that every second Syrian is now in the situation of forced displacement. The situation in neighbouring countries, which are buckling under the pressure, is becoming untenable. Lebanon is currently hosting about 1.2 million Syrian refugees, which is 25% of the Lebanese population. Turkey, in the last few months of 2014, with the fighting around Kobane and further fighting along the northern Syrian border, has become the country with the largest refugee population in the world.

Lord Cormack: And Jordan?

Andrej Mahecic: Jordan is currently hosting about 620,000 refugees, which is about 10% of the Jordanian population. Just to give you an example of the pressure on the infrastructure, Jordan is the sixth country in the world when it comes to the scarcity of water. You can imagine what challenges this alone brings, not to mention the effect that this is having on local communities, which are mostly hosting the refugees. While there is a perception that most of the Syrian refugees are in camps, only a fraction of them are accommodated in camps; most of them are staying with the communities that have accepted them. That is certainly true of Jordan, where more than 85% are living like that.

Lord Cormack: With families.

Andrej Mahecic: With families, exactly, and they face slowly and surely sinking below the poverty line, which means that they can depend on less than \$3 per person per day. This is where we get to the vulnerabilities—exploitation, child labour, early marriages—which, as I said, might lead to other vulnerabilities such as falling prey to traffickers. Many of the Syrians can no longer enjoy protection, because the protection space for Syrians in the neighbouring countries is shrinking, and because of that and the risks they are facing some of them are attempting the journey from Turkey, especially towards Greece.

On the situation across northern Africa, the situation for Syrians changed substantially in Egypt last year with the change of regime. We know that many of those who were there feel harassed, are frequently detained et cetera. Then you have those who are in Libya, and the collapse of law and order in Libya is, if you like, the last of the elements that create that perfect storm that we are now seeing in the Mediterranean.

Lord Wasserman: I am interested in particular in what you said about the number of people from Greece to the Balkans increasing enormously. Is that because suddenly more people came? Is that because there is no more law enforcement, but the Greeks are trying to keep them out? What is the reason?

Andrej Mahecic: The Greek coastguard is doing a commendable job in rescuing these boats.

Lord Wasserman: I understand.

Andrej Mahecic: There is a combination of factors. There has been an increase in the number of arrivals. There are also, as I mentioned, serious gaps in the reception capacity of Greece. Therefore many people simply move on, because it is very difficult for them to stay there. They are left to their own devices. That is why we say that this is an emergency. In fact, we have declared it as a level-2 emergency, as Greece certainly not only faces a volatile economic situation at the moment but is coping with this increased influx through Turkey.

Q5 Lord Condon: In response to this perfect storm, which you have very eloquently described, are the European Union institutions currently co-operating with UNHCR to address migrant smuggling—not only Brussels but your Liaison Office, your office in Warsaw, EASO and FRONTEX? Is that co-operation really effective?

Andrej Mahecic: We do co-operate with EU institutions, and it is a regular and strong co-operation. However, we approach that co-operation from our refugee protection mandate rather than from the one that deals with migrant smuggling, because, as I said, this is outside our remit. We have regular co-operation with FRONTEX within the EU bilaterally and as part of the FRONTEX Consultative Forum. We also work with other international organisations such as IOM and the UN Office on Drugs and Crime, but again, as I said, combating migrant smuggling is not our key objective for being involved in that.

In this context, our expertise can help in understanding why people are on the move. It can help to inform people about the conditions. You perhaps know that the UNHCR operates in 125 countries in the world—hence we can certainly offer good information about the situation in the transiting countries. We have had very good co-operation with Mare Nostrum, which was the search and rescue operation launched by the Italian Government. We are also in contact with EU NAVFOR for the Mediterranean, and have attended a number of briefings and meetings. I would like to note here that the launch of EU NAVFOR is one component of the European Agenda on Migration, particularly in its focus on fighting human smugglers and traffickers in the Mediterranean. But I would emphasise that we certainly do not want to see the loss of civilian life in those actions. It is also important that in no circumstances should there be disembarkation in Libya or north Africa without the consent of the Governments concerned.

It is also important that international law prescribes an important distinction between smugglers and traffickers on the one hand, as I mentioned earlier, who are involved in criminal activities, and the victims of smuggling and trafficking on the other.

Lastly, I would just like to highlight that any efforts to combat smuggling must fully comply with international human rights and refugee law, and in that respect I would like to end on a

positive note: the EU NAVFOR Mediterranean operations plan reflects that in the language of the plan.

Q6 Lord Cormack: In your opinion, are the EU member states doing enough to meet their obligations?

Andrej Mahecic: Unfortunately, I will not be able to answer questions on that, simply because they lie beyond our expertise. I do not believe that I can offer the Committee the meaningful response that it needs on this issue. It should perhaps be addressed to the UN Office on Drugs and Crime, which is the UN body overseeing the framework that you are talking about.

Q7 Lord Cormack: Yes, but you are the UNHCR. I personally have great admiration for what your organisation has sought to do over the years. Clearly you are on the point of being overwhelmed. The EU as an entity has statutory obligations under international law, et cetera. Do you believe that the UNHCR is having adequate co-operation from the countries of the European Union?

Andrej Mahecic: I can speak on the co-operation that we have vis-à-vis refugee protection. However, I cannot speak in a way that will help you on the issue of smuggling and human trafficking. In the light of the current situation in the Mediterranean, at the very end of the Mare Nostrum operation the UNHCR called for an adequate replacement. Unfortunately, it took the 1,800 lives that were lost in April before we saw the resurrection of the search and rescue operation in the Mediterranean. That is one of the things that we are looking at because it is needed and the priority for us should be rescuing human lives. In that sense, it is welcome to see that resources for FRONTEX and the search and rescue operations in the Mediterranean have been boosted. Beyond resources, it is also important for us that the search and rescue operations cover the same area that the Mare Nostrum operation covered, because most of the distress calls last year and many in the first half of this year came from the Libyan search and rescue operation area.

Another element that we put forward to the European Commission in March related to having robust procedures in place and adequate reception facilities. These procedures are important because they need to satisfy the legitimate security concerns of the Governments because it is important to identify who the people arriving on these boats are. Equally, these procedures can identify the people who need international protection and those who do not, because you need two separate ways to deal with the solutions.

Lord Cormack: Could you very simply and clearly define for me and for the benefit of the Committee your precise remit as the UNHCR and whether you believe that you have adequate resources to fulfil your obligations and remit?

Andrej Mahecic: As I said, the mandate of the UNHCR is to assist and protect refugees and to work with the Governments to find solutions to their plight. That is the perspective that we are coming from. Most of the UNHCR operations are in Asia and in Africa. Our biggest operation at the moment is the Syrian emergency. To answer your question directly, we do not have sufficient support. Our appeal for the refugee response in the region is funded at about 22%. We are now in July, which means that we should be at well over 50% in order to meet the needs of the 4 million Syrian refugees. We have been alerting the international community about this. It means that the Syrians in the neighbouring countries will face more and more difficulties. There are risks that the food rations will go down. We currently have a lifeline for Syrian refugees in, for example, Jordan that consists of cash assistance to vulnerable families, 40% of whom are families headed by a woman because many of the men

have been killed in the Syrian conflict. A family of four or five is supposed to cover the rent, education, health services et cetera with this. We certainly do not have enough resources. We are severely underfunded. The European bloc is an industrialised and developed bloc. We work mostly in developing nations where 86% of the world's refugees are hosted.

Lord Cormack: How many of you are on the ground dealing with the problems that we are engaging with today, and what is your budget?

Andrej Mahecic: Globally?

Lord Cormack: No, the people dealing with the subjects that we are talking about today: dealing with the refugees from the countries that you have very clearly enumerated and given us the percentage of.

Andrej Mahecic: Globally there are about 8,000 UNHCR staff working in 125 countries. The largest operations by far are in Syria and its neighbouring countries. I do not have the staffing tables for the offices in Europe, but they are very small because their function is different. Their function is working with Governments on asylum and the quality of asylum procedures. It is also focused on global major emergencies and advocacy for them. The UNHCR's offices in Europe have a different role compared with the operational presence that we have on the ground. If this is of interest to the Committee, we can certainly provide the profile of the offices in Europe and their size.

The Chairman: That would be very helpful. It is of interest.

Andrej Mahecic: In the light of the discussion of what is happening in the Mediterranean and because of the gaps identified in Greece and the situation in Italy, we have recently beefed up our presence there, especially vis-à-vis legal protection of refugees, the provision of aid et cetera. However, the primary response within the EU, which as I said is a developed, industrial bloc, will be the prerogative of the Governments.

The Chairman: Thank you for that answer.

Lord Soley: Just before I ask my question, can you clarify this? I might have misheard the early part of your answer to Lord Condon. I thought I heard you say that people-smuggling was outside your remit. Did I hear that correctly?

Andrej Mahecic: I said that the UNHCR's mandate is focused on refugee protection. We know that at times refugees may resort to smugglers and may become victims of traffickers. We are not a law enforcement agency. We approach the issue strictly from the refugee-protection aspect.

Lord Soley: So people-smuggling is outside your remit? Is that what you are saying? It is what you seemed to be saying earlier. I am not saying that that is right or wrong, I am asking for clarification.

Andrej Mahecic: It is not the primary focus of the mandate. It is something that could have, and at times has had, an impact on the refugees and the asylum seekers. In that context we are looking at this, but in a very co-ordinated way with others who have more expertise on this issue.

Lord Soley: So it is in your remit?

Andrej Mahecic: Partly.

Lord Soley: Either it is or it is not. I understand what you said—that it is complicated and all the rest—but assuming I heard you correctly, you said that people smuggling is outside your remit. If it is, that raises certain questions; if it is not it would not.

Andrej Mahecic: If we are approaching it from the law enforcement narrative, certainly we are not a law enforcement agency.

Lord Soley: I understand that.

Andrej Mahecic: However, we have concerns when refugees and asylum seekers are in situations where they have to resort to smugglers—they are then particularly vulnerable—as well as in situations where they could become victims of traffickers.

Lord Soley: So if I write to the Secretary-General of the United Nations and say that my understanding, from your answer to Lord Condon, is that people-smuggling is outside your remit, you will confirm that?

Andrej Mahecic: I can give the mandate as it has been written and given to the UNHCR.

Q8 Lord Soley: Right. Thank you very much. The question I wanted to ask you is about your experience of migrant smuggling on the ground. Is the framework against migrant smuggling effective? Does it have any drawbacks? Can you see the European Union's action plan addressing any of the problems with it?

Andrej Mahecic: Again, I fear I must repeat what I already said in answer to the previous question: I am not in a position to give you an answer on the implementation of the treaty, as that is not within the UNHCR's remit.

Lord Soley: No, but the UN says that there ought to be legal ways of doing it, and you are saying that you think that will address the people smuggling side of the problem. Is that correct? That is why you say, presumably—not you personally, but the office—that you want legal routes to deal with the people-smuggling problem.

Andrej Mahecic: When we speak of the legal alternatives, these are the alternatives that would draw the refugees and asylum seekers away from the smugglers, but in the absence of credible legal alternatives people will resort to smugglers, and that is the problem.

Lord Soley: I understand that. Is the framework that you have at the moment good? Is it successful, or not?

Andrej Mahecic: Which specific framework?

Lord Soley: The framework against migrant smuggling—I think that is the phrase you used.

Andrej Mahecic: That particular international treaty is in the domain of the UN Office on Drugs and Crime. I cannot give you an answer on the compliance and how successful the framework is, because it is not the treaty that we are supervising.

Lord Soley: I understand your difficulty on this, and I am not saying that this applies to you necessarily, but it does come over that there is perhaps a wooliness about the thinking on people smuggling on the part of the wider bodies of the United Nations. It is hard to get clear answers, and I am not saying that it is necessarily your personal responsibility, but it is almost as though there is no clear strategy other than to say, “We need some legal outlets for people in order to stop the smuggling”. I rather doubt that would help, let alone stop it.

Andrej Mahecic: The UN Office on Drugs and Crime could certainly provide the Committee with a more detailed and helpful response. As I said, it is very difficult for me to comment on the compliance and implementation of an international instrument that is outside our remit.

The Chairman: Thank you. I think we have asked the question on human trafficking anyway, so Lord Wasserman has the next question.

Q9 Lord Wasserman: As I understand it, you are concerned with human rights and refugees, and you are not concerned with whether they get there by trafficking, smuggling or the ordinary routes. You want to protect refugees, no matter how they proceed. You find refugees and you want to protect their human rights, to look after them and to take care of them. There is another agency called the UN Office on Drugs and Crime and its business is stopping smuggling.

Andrej Mahecic: Yes.

Lord Wasserman: So you are really concerned with human beings and their human rights, and I think I understand that. You made it very clear, too, that you see a very big difference between smuggling and trafficking. Trafficking is actually a human rights violation. Smuggling might be illegal but it is one way of moving from one place to another, and we might not like it but it goes on all the time and it is certainly not your business professionally to stop it.

I wonder what your opinion was on the proposal to extend the 2004 directive on the residence permit issued to third-country nationals who are victims of trafficking—victims of a human rights violation—to migrants who are smuggled and who are therefore not subject to a human rights violation.

Andrej Mahecic: Again, it is one of those complex issues where, in addition to what I can partially offer, comments can certainly be sought from the Office of the High Commissioner for Human Rights as well as from the International Organization for Migration. From the perspective of the UNHCR and our refugee protection mandate in relation to this, we would expect smuggled migrants and the victims of trafficking to be channelled through an asylum procedure whereby it can be established whether these are people in need of international protection or not and then that protection granted if needed.

Again, as you mentioned, it is really important to keep the distinction between smuggling and trafficking, because they basically entail different legal and practical responses to these situations, in addition to different levels of state obligation vis-à-vis those and to the state engagement. The 2004 residence permit directive was issued as a way of increasing the protection of victims of trafficking, although of course we recognise that there are situations where what started as smuggling turned into trafficking.

There are also some thoughts from human rights experts from the Office of the High Commissioner for Human Rights and some concerns that they have voiced vis-à-vis the motivation behind this directive that it might be about tackling smugglers as opposed to providing proper protection to victims of smugglers. In some of the discussions that the human rights office had, the main preoccupation of states there was to use the smuggled migrants to get information about the smugglers. To do this they were even willing to forgo a few protections that are contained, for example, in the Palermo smuggling protocol.

The other potential problem with this might be who is defined as a smuggled migrant. EU legislation, I understand, according to the Office of the High Commissioner for Human Rights, improperly defines smuggling in that it omits the profit element, which is an integral part of the UN Convention against Transnational Organized Crime. Also from a human rights perspective, the human rights office has stressed that it would not want to see those who merely facilitate illegal entry to residents being harshly criminalised with the link being made between smugglers and traffickers.

Going back to my earlier point, smuggling is not a human rights violation per se, but trafficking is.

The Chairman: Did you want to ask a supplementary briefly, Lord Cormack?

Lord Cormack: Yes, very briefly. You said earlier in answer to a question that I asked that you did not believe that you had enough resources. We are part of the UK Parliament. The UK is a permanent member of the Security Council. What should we be doing to ensure that you have better resources? What should you, not personally but within the United Nations, be doing better to co-ordinate your approaches to these really terrible human problems?

Andrej Mahecic: First, the UK has been a very important contributor to the UNHCR. As you may know, the UNHCR is funded entirely by voluntary contributions. The UK has also generously contributed to the Syrian crisis. The Government frequently point out that since April 2011, when the Syrian crisis blew up, until today they have put forward some £800 million, which is a considerable contribution to the overall international effort. We also recognise the contribution that the UK Government are currently making vis-à-vis the search and rescue operation in the Mediterranean, the participation of the Royal Navy vessels in those operations and the thousands of lives that have been saved. When it comes to dealing with the specific elements of the agenda that relate to relocation and resettlement, we believe that only a genuine collective European effort will be able to succeed. We believe that the figures and the plan are important steps. The figures can be described as “modest”, but they are important because they open those very important legal alternatives.

With regard to reception, the idea of relocation, burden-sharing and responsibility-sharing in the EU is important, because Greece and Italy are currently shouldering that. Equally, the largest numbers of asylum applications in Europe are launched in Germany, which received about 200,000 asylum applications last year, compared with about 30,000 received here in the UK. Many other asylum applications are also lodged in Sweden, especially by the Syrians. Those two situations are untenable.

The Chairman: We are familiar with that, and in the interests of time I would like to move on.

Andrej Mahecic: We believe that the UK can take part in the collective EU effort. The UK already has the vulnerable persons relocation programme in place. However, about 187 Syrians have been resettled through that programme; by comparison, Germany has offered 30,000 places.

Q10 Lord Faulkner of Worcester: I shall start my question with a slightly naive preliminary. There is enormous confusion in this country, and I think elsewhere, between an economic migrant, an asylum seeker and a refugee. If we were to take you to, say, Calais this afternoon, where there may be 15,000 people at the border, what proportions of those people would fall into those categories?

Andrej Mahecic: It is impossible to answer that question without talking to these people to find out who they are and what their needs are. My understanding from colleagues in France is that there are about 3,000 people around the port of Calais. What you can see there and in the Mediterranean is a consequence of what is happening elsewhere. This is where I come back to the issue of having robust procedures in place that can identify those in need of protection and those who are not. For the asylum system in Europe to be functional, it is important that these procedures are fair and efficient, because you need to grant protection to those who need it. We do not want to see the asylum system abused. While many migrants might be prompted by economic difficulties at home and by the ambition to better their lives, which is understandable, our primary concern lies with those fleeing for their lives and those who need to be granted protection. The function of the asylum system is of paramount importance for us. There is an issue in Europe where, if you are a Syrian refugee seeking

asylum in Europe, your chances of being recognised as a refugee in Greece and in Sweden are far apart. In Greece, there are relatively low recognition rates, while in Sweden or Germany it is almost 100%. In the UK the recognition rate for Syrians is very high: it is about 85%.

Lord Faulkner of Worcester: It is high?

Andrej Mahecic: Very high, yes. That is the crucial part. Equally, you need to look at the solutions for those who do not need protection and whether there is any reason to grant them stay on any other grounds. In some cases the solution will be return, in dignity and safety, to the country of origin where they face no risk at all. This will be the solution for many, simply because they will have no way of regulating their stay in Europe. I believe that in Italy, for example, many of the young Tunisians who arrive on these boats are returned to Tunisia on the basis of the readmission agreement and because they do not have a founded protection claim.

Q11 The Chairman: Does the European Union action plan strike a correct balance between immigration control and refugee protection?

Andrej Mahecic: The plan is an important step towards finding solutions to the current crisis. Clearly, more needs to be done, especially on addressing the root causes. We are amid the largest global displacement in modern times. We believe that it is essential that states work together to find answers and that Europe shows leadership and vision in addressing the challenges of protecting the thousands of refugees who are fleeing war. I spoke about the relocation of 40,000 people who are in clear need of international protection. The participation of all member states will be key to success in that regard. These measures will need to be expanded to address current needs and the fact that an increased proportion of the sea arrivals take place in Greece.

On the proposal for the resettlement of 20,000 refugees, we are urging member states to make concrete commitments towards this goal beyond the existing resettlement quotas. We are also calling on member states to offer other legal avenues, as I mentioned. As I also just mentioned, we have long recognised the importance of the return programmes for people not in need of international protection to preserve the integrity of the asylum systems. The plan, while heavy on the law enforcement element and border control, acknowledges the necessity of co-operation with countries of origin, the first asylum country and transit countries, but the root causes also need to be tackled. In that context of forced displacement, finding political solutions to conflicts and human rights violations, together with increasing development co-operation, is critically needed.

Furthermore, major humanitarian operations, such as those in Syria and the Central African Republic and others, are dramatically underfunded. Although more targeted assistance is needed, including development initiatives, the resilience and self-reliance of refugees and internally displaced populations could be strengthened, allowing them to live their lives in hope and dignity. We, as the UN body mandated to work with refugees, stand ready to work and to collaborate with EU member states and EU institutions, as well as with other partners, to make these objectives a reality. We believe that now is the time for all EU member states to show strong commitment and leadership in supporting and building on these measures.

Q12 Baroness Pincock: I have one question, but I might extend it to one and a half. During your responses to us this morning, you have said two things that are very interesting to me. Right at the beginning you talked about the fact that a lot of the migration from northern Africa, Syria and elsewhere in the Middle East was people fleeing conflict: in other words, it

is not economic migration. Could you put some figures on that and give us the rough proportions?

Secondly, right through your responses you have also talked about vulnerable people and people whose human rights might be violated. I am particularly concerned about girls and pregnant women. Does the action plan deal with those sufficiently?

Andrej Mahecic: That has been our main focus of attention: strengthening the protection element of the EU plan. The EU plan obviously cannot deal with everything; it addresses a number of issues on the European agenda.

First, on the situation across northern Africa and the Middle East, I have already spoken about the Syrian displacement, which is the main driver of what we are seeing. Of the Syrians who, for example, have initially sought immediate refuge in Egypt, we have at least 130,000 registered. The estimate is that there are many more who did not come forward to register for a number of reasons and concerns. Many of them have felt especially compelled to leave Egypt since the change of regime last year. A number of boats originated in Egypt. It is also the practice that when these boats are intercepted by the Egyptian navy, most of these people end up in detention, in addition, of course, to the harassment and the abuse that these people feel.

Across northern Africa, we have another 24,000 Syrians registered, some of whom are also in Libya. As you can imagine, the current situation in Libya is dire, and volatile, and because of the collapse of law and order there, many of those who might have been there even as migrant workers ultimately decided to board these boats and make the journey to Europe in search of safety.

Further into sub-Saharan Africa, there is Boko Haram in Nigeria, and our current estimate is that over a million people are displaced internally in Nigeria because of the violence. The neighbouring countries are hosting hundreds of thousands of Nigerian refugees, some of whom are likely to be also making their way northwards. There is another crisis in the Central African Republic, which is dire, and instability in South Sudan. To add to that, there are human rights abuses in Eritrea, which are pushing a large number of Eritrean refugees, and last year we already noticed a significant increase in the number of Eritreans, most of them tracking across Sudan and Libya, trying to make their way into Europe. Many of them are also trying to make their way through Sinai into Israel. These people are particularly vulnerable to traffickers. We often hear reports of people being abducted and families being approached for ransom.

Further eastwards, there is the situation of Somalia and more than 20 years of civil war there. The camps that we are managing in northern Kenya are some of the largest in the world. The Dadaab refugee complex consists of five camps and covers about 25 square kilometres, and is currently home to nearly half a million Somalis, some of whom are the third generation to grow up there.

Throughout these situations, the particularly vulnerable categories are the girls and women, many of whom fall victim to torture, rape et cetera. We are particularly sensitive to that, and the resettlement programmes, especially for the resettlement of Syrians, take the vulnerability criteria into account, as outlined by UNHCR.

The Chairman: Thank you very much indeed for your very comprehensive answers and your time this morning. We would be very grateful if you could send us information about your offices in Europe. That would be very helpful. As I said at the outset, if there is any other supplementary evidence that you want to send us, please feel free to do so.