

## Amnesty International UK—Written Evidence (PMS0001)

### Introduction:

1. The Select Committee's Call to Evidence makes clear the aims of the inquiry are to assess the EU Action Plan against migrant smuggling in the context of the EU Agenda on Migration. At the Oral Evidence session on 8 July 2015 with James Brokenshire, Minister of State for Immigration, the questions and answers ranged across the scope of the EU Agenda. In this submission, Amnesty International UK (AIUK) seeks to provide the Committee with a broad context appropriate to the aims of the inquiry and having regard to the range of questions and answers at that evidence session. Key issues are briefly addressed under discrete headings.
2. AIUK's **key recommendations** arising from the following discussion are:
  - 2.1. The scale and complexity of the current refugee and migrant crisis requires a multifaceted and coordinated approach in cooperation with others. Isolated responses – whether individual nations acting alone or limited responses to discrete measures such as targeting people smugglers – will not be effective and may lead to the crisis becoming more intractable. **UK government should revisit its response to UN calls (particularly as regards Syrian resettlement, in respect of which it should increase its commitment of places to thousands not hundreds) and to the EU Agenda on Migration, in which it should fully participate.**
  - 2.2. **UK government should revisit and correct its analysis and narrative concerning the current crisis.** Its understanding and approach, as evidenced by Ministers' public statements, is inconsistent with available evidence; and will, if this narrative takes hold in general political and public discourse, increase the barriers or disincentives to adopting comprehensive and collective strategies commensurate with the nature and scale of the crisis.
  - 2.3. **UK government, as other Member States, needs to recognise that a more equitable sharing of responsibility for refugees (including hosting them) is required within the EU and with countries outside the EU.** This is necessary to provide a sounder basis for international cooperation and to reduce pressure on refugees to make or attempt secondary movements due to insecure and unsustainable conditions in countries which are unable or unwilling to cope with the disproportionate number of refugees they are hosting.

### Amnesty International's engagement with this subject matter:

3. The growing refugee and migrant crisis at Europe's borders, including in the Mediterranean and Aegean Seas has been a focus for Amnesty International for many years. In 2014 and 2015, in particular, we have produced several reports and briefings relating to issues now relevant to the EU Agenda and the Committee's inquiry. These include:
  - *The Human Cost of Fortress Europe: human rights violations against migrants and refugees at Europe's borders*, July 2014<sup>1</sup>

- *Lives Adrift: refugees and migrants in peril in the central Mediterranean*, September 2014<sup>2</sup>
- *Struggling to Survive: refugees from Syria in Turkey*, November 2014<sup>3</sup>
- *Left out in the Cold: Syrian refugees abandoned by the International Community*, December 2014<sup>4</sup>
- *Hardship, Hope and Resettlement: refugees from Syria tell their stories*, February 2015<sup>5</sup>
- *Europe's Sinking Shame: the failure to save refugees and migrants at sea*, April 2015<sup>6</sup>
- *Libya is Full of Cruelty: stories of abduction, sexual violence and abuse from migrants and refugees*, May 2015<sup>7</sup>
- *Pushed to the Edge: Syrian refugees face increased restrictions in Lebanon*, June 2015<sup>8</sup>
- *The Global Refugee Crisis: a conspiracy of neglect*, June 2015<sup>9</sup>
- *Europe's Borderlands: violations against refugees and migrants in Macedonia, Serbia and Hungary*, July 2015<sup>10</sup>

### Background:

4. In October 2013, three shipwrecks off the shores of the Italian island of Lampedusa claimed the lives of more than 500 people attempting to cross the Mediterranean to Italy. Many of the dead were children. In the aftermath, the European Commission proposed five actions to prevent deaths – (i) increased border surveillance; (ii) increased support and assistance to frontline Member States, including Italy, to improve reception, processing, screening and registration capacity; (iii) increased efforts to fight human traffickers and people smugglers; (iv) increased refugee resettlement, enhanced regional protection programmes and opening of safe and legal routes to the EU; and (v) increased cooperation with third countries.<sup>11</sup>
5. In the absence of any concerted and effective commitment to search and rescue operations by the EU, the Italians alone introduced Operation Mare Nostrum (OMN). For over a year, the Italians delivered a coordinated search and rescue operation in the central Mediterranean in the course of which 166,000 people were rescued at sea at a cost of around €9million per month. This compares to the additional €8.2million allocation of EU funds to the EU's Frontex operations in the central Mediterranean in response to the October 2013 tragedies.<sup>12</sup>

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<sup>1</sup> [http://www.amnesty.eu/content/assets/Reports/EUR\\_050012014\\_Fortress\\_Europe\\_complete\\_web\\_EN.pdf](http://www.amnesty.eu/content/assets/Reports/EUR_050012014_Fortress_Europe_complete_web_EN.pdf)

<sup>2</sup> <https://www.amnesty.org/en/documents/EUR05/006/2014/en>

<sup>3</sup> <https://www.amnesty.org/en/documents/EUR44/017/2014/en>

<sup>4</sup> <https://www.amnesty.org/en/documents/MDE24/047/2014/en/>

<sup>5</sup> <https://www.amnesty.org/en/documents/MDE24/0004/2015/en/>

<sup>6</sup> [http://www.amnesty.org.uk/webfm\\_send/1345](http://www.amnesty.org.uk/webfm_send/1345)

<sup>7</sup> [http://www.amnesty.org.uk/sites/default/files/libya\\_is\\_full\\_of\\_cruelty.pdf](http://www.amnesty.org.uk/sites/default/files/libya_is_full_of_cruelty.pdf)

<sup>8</sup> <https://www.amnesty.org/en/documents/mde24/1785/2015/en/>

<sup>9</sup> <https://www.amnesty.org/en/documents/pol40/1796/2015/en/>

<sup>10</sup> <https://www.amnesty.org/en/documents/eur70/1579/2015/en/>

<sup>11</sup> Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, COM(2013) 869 final, December 2013

<sup>12</sup> Frontex General Report 2013, p47

6. In 2014, other Member States – including the UK – increased their calls upon the Italians to withdraw OMN on the grounds that the operation was acting as a draw to more refugees and migrants to attempt the dangerous sea crossing.<sup>13</sup> In that year, the Mediterranean crossing – the world’s deadliest – saw around 3,500 deaths. The claim that the Italian operation was a draw was made despite a host of compelling factors driving the increase in refugees attempting the crossing. These factors included the ongoing and deteriorating crisis in Syria; the increasingly unsustainable position of neighbouring states and for Syrian refugees in those states; and the failure of EU Member States to collectively provide resettlement and/or other safe and legal routes for refugees to seek and attain asylum in the EU. Of those reaching Italy in 2014 by this route, Syrians and Eritreans accounted for 46% of the total. Sudanese, Afghans and Iraqis were also highly represented among those making the journey. At the end of October 2014, Italy agreed to phase out OMN.

#### **The effect of the withdrawal of Operation Mare Nostrum (OMN):**

7. The withdrawal of OMN did not lead to a reduction in the numbers of people journeying to Europe across the Mediterranean. UNHCR has shown that in each month over the first half of 2015, the number of people making this dangerous journey was significantly higher than in 2014. The rise in numbers making the journey over the months of 2015 reflects the same pattern as in 2014 that as the weather improves more people attempt the journey. Over the period, the single largest group by nationality remained Syrians – constituting 34% of the arrivals to the EU by sea in the first half of 2015 (as compared to 32% of the arrivals during 2014). The next two largest groups by nationality were Eritreans (12%) and Afghans (11%).<sup>14</sup>
8. OMN’s withdrawal did lead to a massive rise in the number of deaths over the early months of 2015. In the first three months, 479 people drowned or went missing as compared to 15 over the same period in 2014. In April, the number of drowned or missing was 1,308 as compared to 42 for that month in 2014.<sup>15</sup>

#### **The introduction of an effective EU search and rescue operation:**

9. The scale of the tragedies in April 2015 led to an urgent EU summit at which the Rt Hon David Cameron, the Prime Minister, stressed the focus must be saving lives. The EU agreed to triple funding of the Frontex operation Triton in the central Mediterranean. Additionally, several individual Member States – including the UK – committed ships and aircraft to aid the search and rescue operation. The resources of the current operation are now at a level beyond OMN. The operating area of Frontex has been significantly extended ensuring more vessels are available to respond to boats in distress. Still ahead are the peak months during which crossings are attempted, but the numbers of deaths at sea has greatly reduced. In 2015, to 26 April, those drowned or missing in the central Mediterranean numbered 1,721 (around one in every 16 people attempting the journey). From 27 April to 29 June, the figure stood at 99 (around one in every 427 people). It is vital that this commitment to saving lives persists.

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<sup>13</sup> The Minister of State, James Brokenshire, set out the UK government’s position in a debate in the House of Commons on 30 October 2014, see *Hansard HC*, 30 Oct 2014 : Column 397

<sup>14</sup> UNHCR, *The sea route to Europe: The Mediterranean passage in the age of refugees*, 1 July 2015

<sup>15</sup> UNHCR, *op cit*

### **Who are making these journeys?**

10. As indicated above, the single largest nationality group making these journeys is and has for some considerable time been Syrians; and the second largest, Eritreans. The overwhelming majority of these people are refugees. Other nationalities highly represented include Afghans, Iraqis, Somalis, South Sudanese and Nigerians. Many of these too will be refugees. UNHCR has stated the majority of people making these journeys are refugees.<sup>16</sup>
11. While single young men make up the largest group by age and gender, there are many families, women and children making these journeys. For example, in his statements on the rescue operations conducted by HMS Bulwark, Captain Nick Cooke-Priest said significant numbers of children and pregnant women were among those his crew had rescued.<sup>17</sup>

### **Why are these journeys being made?**

12. Root causes for refugees who make up the majority are conflict, failed states and brutal regimes. These lie behind the initial decision of refugees to flee their home countries. A compounding feature is the insecurity and unsustainability refugees are facing in countries that for many are destination countries and for others are or become transit countries. For example, the unsustainable growth of Syrian refugees in Jordan, Lebanon and Turkey (now over 3.5 million collectively) compels many to move on, including those whose original intentions or wishes may have been to stay closer to communities and their home in Syria.
13. Similar sorts of pressures are present in other regions. For example, Ethiopia is hosting close to one million refugees; Kenya hosts the world's largest refugee camp. Hostility, violence and discrimination directed towards refugees and other migrants have grown globally.
14. The dire situation in Libya adds a further dimension for refugees and other migrants who have travelled there – whether primarily looking to find safety in Libya, to work there or seek to cross to Europe. The internecine conflict has put them at especially heightened risk of extreme violence and abuse, and with borders closed and crossing the desert not an option, a journey across the sea is all that remains for many to escape the situation.
15. When the Prime Minister in his speech to the Global Security Forum on 19 June 2015 identified external factors as “*driving desperate migrants across the Mediterranean in the hope of reaching our shores*”,<sup>18</sup> the analysis he gave in a very general sense was correct – people are being ‘driven’. The external factors he identified were failed states and criminal gangs, to which he might have added repressive regimes, conflict, deteriorating conditions for refugees in third countries and the absence of safe and legal routes.

### **Getting on a boat provides no guarantee of settlement in Europe**

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<sup>16</sup> UNHCR, *op cit*

<sup>17</sup> See e.g. <https://modmedia.blog.gov.uk/2015/05/13/latest-from-hms-bulwark-in-the-mediterranean/>

<sup>18</sup> However, later in his speech the Prime Minister reverted to a mistaken albeit more familiar emphasis on ‘pull’ factors.

16. One aspect of the UK government's analysis and narrative, which is especially troubling, is the assertion of a need to break what is claimed to be a link between getting on a boat and attaining settlement in Europe. There is no such link. Arriving in Europe provides no more certainty or opportunity for settlement than does arriving in the UK. Article 24 of the recast Qualification Directive (Directive/2011/95) requires that a residence permit of no less than three years be granted to those who qualify for international protection (which includes refugees and those who face similarly grave risks in their countries of origin). Other migrants may not qualify for any residence permit.
17. It is surprising that Ministers should be making this incorrect claim so frequently and publicly. If it is thought that false beliefs as to what may be available to a person who successfully reaches Europe play a significant part in people smugglers' ability to attract migrants, repeatedly and publicly advertising this claim might be regarded as a potentially self-defeating policy.

### **Tackling people smuggling or human trafficking:**

18. As UNHCR's Senior External Relations Officer and the Director of Europol indicated to the Committee last week,<sup>19</sup> the majority of people attempting the crossing are not victims of human trafficking. Human trafficking, as distinct from people smuggling, necessarily involves the movement of a victim, often using coercion or deception, for the purpose of her or his being exploited by the trafficker. Whereas most people smugglers financially exploit a person's need or desire to migrate, there need be no further intention to exploit the person whether by forced labour, forced prostitution or other abuse for services or financial gain.
19. The overall picture is, however, complex. Firstly, many of those being smuggled are seriously abused by people smugglers. There have been grave abuses by smugglers in and en route to Libya, in addition to forcible overcrowding onto unseaworthy vessels to attempt the crossing. Secondly, refugees and other smuggled migrants may be especially vulnerable to traffickers; places where these people are congregated are known to be favoured targets for traffickers. Some people may move from situations of being smuggled to situations of being trafficked. Indeed, some may move between such situations more than once. For example, this would appear to be the case of some of those who have been subjected to sexual exploitation, forced labour or held by smugglers in Libya to extort money from families.
20. Nonetheless, it remains important to distinguish these two phenomena – both in the context of the current crisis and in other contexts (e.g. the UK government's commitment to tackling modern slavery). Failure to properly distinguish them risks undermining understanding of, and responses, to each. The emphasis upon human trafficking in political rhetoric is also dangerous insofar as it is or may be used as a means to paint the current crisis as one primarily of criminality requiring a policing and border control response; rather than acknowledging and addressing the importance of conflict, brutal regimes and other driving forces behind people's movement and the lack of safe and legal routes which lead to refugees and other migrants turning to smugglers or falling prey to traffickers.

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<sup>19</sup> Uncorrected transcripts of oral evidence sessions on 15 July 2015 with Andrej Mahecic (Q2, pp3-4) and Rob Wainwright (Q21, p8) respectively.

## EU Agenda on Migration and Action Plan against migrant smuggling:

21. The EU Agenda on Migration emphasises the current crisis cannot be addressed by individual Member States acting alone and it proposes a suite of measures. Certain of the proposals are too modest given the scale of the global and regional refugee crises, e.g. the proposal on resettlement; and others are in need of further elucidation, e.g. the need to develop other safe and legal routes. It is nonetheless significant that the Action Plan against migrant smuggling includes: *“Smuggling networks can be weakened if fewer people seek their services. Therefore, it is important to open **more safe, legal ways** into the EU.”* This is a vital aspect of the overall plan. The Agenda constitutes a good starting point for Europe to respond effectively to this crisis, but it will need to be implemented expansively and with the full backing of the Member States.
22. As other witnesses before the Committee have emphasised,<sup>20</sup> prospects of success for the Agenda and Action Plan are dependent on Member States recognising the interconnected and interdependent nature of the suite of proposals the European Commission has advanced. Thus, the Action Plan is dependent on cooperation between Member States and third countries. Proposals on relocation, resettlement and safe and legal routes are critical to more fairly sharing responsibility among all affected countries, thereby fostering an environment in which mutual cooperation and commitment is most likely to be secured.
23. The Action Plan is also dependent on significantly reducing the factors driving people into the hands of smugglers and/or making them vulnerable to traffickers. Proposals on resettlement and safe and legal routes are critical to reducing the need for large numbers of refugees to turn to smugglers to escape increasingly intolerable and unsustainable situations in countries which remain destinations for the overwhelming majority. Countries such as Lebanon might then more sustainably remain as destinations as opposed to places of transit if relieved of a more significant proportion of the very much larger numbers of refugees they host as compared to European countries.
24. For example, opening up wider family reunion opportunities could reduce pressure upon refugees to move on in the hope of joining up with extended family members in Europe. Increased response to UNHCR’s call for resettlement of Syrian refugees,<sup>21</sup> whose needs are most acute and cannot be met in the region, would have a particularly positive effect in relieving pressure on Lebanon, Jordan and Turkey. As indicated above, although the scale of the Syrian crisis demands particular attention similar concerns relate to refugee crises affecting other countries including Ethiopia and Kenya.
25. By significantly increasing its commitment to provide Syrian resettlement places, the UK could provide much needed leadership in encouraging others to contribute to meeting UNHCR’s call and to match the UK’s commitment in providing humanitarian assistance to

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<sup>20</sup> Uncorrected transcript (Andrej Mahecic, XX; Rob Wainwright, XX), *op cit*

<sup>21</sup> UNHCR has called for 130,000 resettlement places from the region to be offered by the international community by the end of 2016, see <http://www.unhcr.org.uk/news-and-views/news-list/news-detail/article/unhcr-calls-on-international-community-to-resettle-130000-syrian-refugees.html> albeit the agency has in June 2014 estimated as many as 378,684 Syrian refugees to be in need of resettlement.

Syrian refugees in the region.<sup>22</sup> Such a response to the Syrian crisis would enhance the value and effectiveness of the UK's current financial commitment.

26. Moreover, if the Action Plan is not to increase risks to refugees and other migrants, it is vital to avoid exacerbating or extending people's dependence on smugglers or susceptibility to traffickers. A particular concern relates to the situation of those in Libya where risks to all migrants are especially acute because of the ongoing internecine conflict and lack of options to escape the country. Trapping people in Libya is not a means to saving lives.

**Concluding observations:**

27. Nearly two years ago, after the October 2013 Lampedusa tragedy, the European Commission proposed a suite of measures. These were less extensive than those in the 2015 Agenda but included increased resettlement, opening of safe and legal routes and increased efforts to tackle people smugglers. The Member States failed to respond to these proposals then, preferring to focus their efforts on certain measures and not others – particularly increased border surveillance and control. The outcome has been a very substantial increase in the scale of the crisis. It is vital that Member States, including the UK, do not repeat the same mistake.

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<sup>22</sup> Since 2012, the UK has allocated £900million in humanitarian aid in response to the Syrian crisis, see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443830/DFID\\_Syria\\_Crisis\\_Response\\_Summary\\_2015.07.09.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443830/DFID_Syria_Crisis_Response_Summary_2015.07.09.pdf) but has provided only 187 resettlement places under its Vulnerable Persons Relocation Scheme (available for Syrian refugees with acute needs in the region), begun in 2014.