



TACKLING THE

GLOBAL REFUGEE CRISIS

FROM SHIRKING TO SHARING RESPONSIBILITY

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Cover photo: Kosar, from Pakistan who travelled to Greece with her brother and sister in law and her one-year-old niece (in the image). They sleep rough under a bridge in the Port of Piraeus. She says no one has offered better shelter, July 2016 © Giogos Moutafis

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FOREWORD

On 19 September 2016 the United Nations (UN) General Assembly collectively, and spectacularly, failed the 21 million refugees of this world. The “High-level Summit to address large movements of refugees and migrants” was to address the global refugee crisis, a crisis in which, daily, millions fleeing war and persecution in countries like Syria, South Sudan, Myanmar and Iraq suffer intolerable misery and human rights violations. World leaders at the General Assembly agreed an Outcome document that said they would help, but agreed no actual plan. Empty words that change nothing.

No amount of post-Summit spin can or should be allowed to give comfort to the world’s leaders. Collectively they failed. Agreeing to cooperate to address the refugee crisis, while eschewing any specific action, is not progress. Deferring a global plan on refugees to 2018 is not progress. Removing the only tangible target - to resettle 10% of refugees annually - is not progress. Not all states failed, however. A few countries, such as Canada which has accepted 30,000 refugees in the past year, have shown leadership. But the majority spent the months leading to the Summit ensuring no progress could be made.

The UN Summit had a reasonable aim: to share responsibility for the world’s refugees among states. There are 193 countries in the world. And 21 million refugees. More than half of these refugees – nearly 12 million people – are living in just 10 of these 193 countries. This is inherently unsustainable. Countries hosting such high numbers of refugees cannot provide for them. Many refugees are living in grinding poverty without access to basic services and without hope for the future. Not surprisingly, many are desperate to move elsewhere. And some are willing to risk dangerous journeys to try and find a better life.

If all –or most – countries were to take a fair share of responsibility for hosting refugees then no one country would be overwhelmed. A “fair share” can be based on reasonable criteria such as national wealth, population size and unemployment rate – common-sense criteria which acknowledge that people arriving as refugees will, at first, have an impact on the local population and resources.

No doubt this solution will be condemned by some as too simplistic. But not by those countries that are hosting hundreds of thousands of refugees. Those who do not want to take a fair share will find objections and cite reasons why it is unworkable. But that is a failure of leadership. It is also morally bankrupt and intellectually shoddy to fail to face up to reality. There are 21 million refugees and they need a place to live safely. The current “formula”, accepted by many world leaders, is geographic proximity to war-torn countries, regardless of the capacity of such neighbouring countries. It is hard to imagine a less useful basis for addressing any problem. But that is the basis on which many of the world’s leaders are operating.

When we break the global refugee crisis down by the numbers, the inequality in the response of states is stark. This is because the problem is not the number of refugees but that the vast majority (86% according to figures from UNHCR, the UN refugee agency) are hosted in low- and middle-income countries.

Meanwhile, many of the world’s wealthiest nations host the fewest and do the least. For example, the UK has accepted approximately 8,000 Syrians since 2011, while Jordan – with a population almost 10 times smaller than the UK and just 1.2% of its GDP – hosts close to 655,000 refugees from Syria. The total refugee and asylum-seeker population in Australia is 58,000 compared to 740,000 in Ethiopia. Such unequal sharing of responsibility is at the root of the global refugee crisis and the many problems faced by refugees.

An initiative by President Obama, which followed the failed UN Summit, increased pledges from 18 countries to admit 360,000 refugees globally. But 360,000 has to be seen in the context of more than 21 million refugees worldwide, 1.2 million of whom UNHCR considers vulnerable and desperately in need of resettlement. In truth, we are almost nowhere in terms of real responsibility sharing.

It is not simply a matter of sending aid money. Rich countries cannot pay to keep people “over there”. The result is that people who have fled war are now enduring dehumanizing living conditions and dying of entirely treatable diseases. They escaped bombs to die of infections, diarrhoea or pneumonia. Children are not attending school, with devastating consequences for the rest of their lives.

In any event, humanitarian appeals to support major refugee crises, such as Syria, are consistently, and severely, underfunded. As of mid-2016, governments around the world had pledged less than 48% of the amount needed by aid agencies to support refugees from Syria.

More money is vital, but so also is the need to move refugees from places like Lebanon that are overwhelmed. When we look at it from the perspective of individuals affected, the refugee crisis seems enormous, but viewed with a global lens it is solvable. Twenty-one million people represent just 0.3% of the world’s population. Finding a safe place for them to live is not only possible but it can be done without any one country having to take in very large numbers.

Around 30 countries currently run some kind of refugee resettlement programme, and the number of places offered annually falls far short of the needs identified by UNHCR. With only around 30 countries currently operating such programmes, there is real scope for positive change. Make it 60 or 90, the situation will improve – and we are not yet up to half the countries in the world. If we can increase the number of countries resettling refugees from 30 to 90, we could make a significant impact on the crisis. More importantly, the lives of the refugees would be significantly improved.

So why is this kind of responsibility-sharing not happening? While we know some countries such as Germany and Canada have tried to meet the challenge – the prevailing narrative in many countries is xenophobic, anti-migration, and driven by fear and concerns about security. The public in some countries are subjected almost daily to misinformation. In other countries the scale of the global refugee crisis is not known. In yet others, the feeling of powerlessness leads people to turn away. We need to change this, shift it to a narrative of generosity and positivity, one in which we can ensure security and help refugees – we do not need to make a choice. People can be moved to be part of a shared, fair, worldwide solution. And leaders should be making this case, not pandering to their own political ambitions.

The cost of failing to act is that we condemn millions to endure lives of unrelenting misery. The most vulnerable will not survive. Quietly, and in their thousands, vulnerable refugees trapped in unsustainable situations will die because they cannot get the help they need. They will die because some countries took in just a few hundred, leaving others with a million.

Of course there are challenges. Yes, not every one of the 193 countries is a safe place and we would exclude countries facing UN sanctions over human rights violations and those in active conflict. But if our starting point is 12 million people in just 10 countries, then the scope to improve the situation is vast.

Responsibility-sharing will remain an empty commitment without some kind of criteria or basis, a global system making clear how that can be done. We are proposing that basic common-sense criteria relevant to a country’s capacity be used to host refugees: its wealth, population and unemployment rate are the main criteria. Other factors may be relevant (population density, for example, and whether a country has a large number of existing asylum claims). No formula will be perfect, none should be overly complex. The purpose would be to give an indicative and relative number so that all participating countries would have a basis against which to assess their fair share and see what the fair share of others looks like.

In the face of brutal wars, we can feel like powerless bystanders, overwhelmed by the horror inflicted on our fellow human beings and the seeming impossibility of doing anything about it. But finding a formula to ensure just 0.3% of the world can go somewhere safe – this we can do. And we must.

SALIL SHETTY

1. MAPPING THE GLOBAL CRISIS

BACKGROUND

Refugees are people who have had to flee their country because of armed conflict, serious human rights abuses or persecution. Just over 21 million people – or 0.3% of the world's population – are refugees right now. This includes 5.2 million Palestinians, many of whom have been refugees for decades.¹ The vast majority of refugees are hosted in low and middle income countries, with one quarter (about 4.2 million people) living in least developed countries.²

As of the end of 2015 Jordan hosted the largest number of refugees in the world (2.1 Palestinian refugees who have lived in the country for decades, and 664,100 refugees under the mandate of the UN refugee agency, UNHCR). Turkey hosted the second largest refugee population, 2.5 million, including the highest number of refugees from Syria. The number of refugees entering Turkey continued to grow in 2016 and according to government sources reached 3 million in June (around 2.7 million are from Syria).³ Both Pakistan (1.6 million) and Lebanon (1.5 million) were home to more than 1 million refugees while Iran (979,400), Ethiopia (736,100), and Kenya (553,900) all hosted more than half a million each.⁴ In Lebanon nearly one in five individuals is a refugee.⁵

Meanwhile many of the world's wealthiest nations host the fewest refugees, both in absolute numbers and relative to their size and wealth. For example, the UK has accepted approximately 8,000 Syrians since 2011, while Jordan – with a population almost 10 times smaller than the UK and 1.2% of its GDP – hosts over 656,000 Syrian refugees.⁶ At the end of 2015, the total refugee and asylum-seeker population in wealthy Australia was 58,000, compared to 740,000 refugees and asylum-seekers in Ethiopia.⁷ This situation is inherently unfair, and undermines the human rights of refugees.

Almost 5 million people have fled Syria in the last five years. Most of them live in just five countries: Turkey, Lebanon, Jordan, Iraq and Egypt. While the situation of refugees from Syria has received considerable media

¹ Because almost all Palestinian refugees fall under the mandate of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), while most other refugees fall under the mandate of UNHCR, data on refugees is often presented in different ways. This report covers all refugees.

² According to UNHCR, *Global Trends, Forced Displacement in 2015*, p.2 86% of refugees under its mandate live in developing regions. See: <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>. According to UNRWA Nearly one-third of the registered Palestine refugees, more than 1.5 million individuals, live in 58 recognized Palestine refugee camps in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip and the West Bank, including East Jerusalem. See: <http://www.unrwa.org/palestine-refugees>.

³ Including about 2.7 million Syrian refugees and 400,000 non-Syrian asylum-seekers and refugees. Amnesty International, *No safe refuge: Asylum-seekers and refugees denied effective protection in Turkey* (index: EUR 44/3825/2016).

⁴ UNHCR, *Global Trends, Forced Displacement in 2015*, p. 3 and p. 15, available at: <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf>. The figure for Lebanon also includes 450,000 registered Palestinian refugees under the mandate of UNRWA, see: www.unrwa.org/where-we-work/lebanon (accessed 27 September 2016)

⁵ Lebanon is hosting 183 refugees under UNHCR mandate per 1,000 inhabitants – not including Palestinians under the UNRWA mandate. UNHCR Global Trends, *Forced Displacement in 2015*, p.2: <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.htm>

⁶ UNHCR, Syria Refugee Regional Response, available at <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 27 September 2016)

⁷ UNHCR, *Global Trends, Forced Displacement in 2015*, p. 57-58, available at <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf> (accessed 1 July 2016)

attention, other large refugee populations, displaced for several years, if not decades, are often neglected. At the end of 2015, approximately one third of the global refugee population was comprised of people in a “protracted situation”, meaning they had been displaced for five years or longer.⁸ These included: 5.2 million Palestinian refugees in the Middle East; 2.7 million Afghan refugees, the majority of whom are in Pakistan and Iran; and 1.1 million Somali refugees, including 418,000 in neighbouring Kenya.⁹

Around the world, new conflicts and crises are forcing more people to leave their countries. The crisis in Burundi, for example, has pushed over 265,000 people into neighbouring Rwanda, Tanzania, the Democratic Republic of the Congo (DRC), Uganda and Zambia.¹⁰ Armed conflict in South Sudan has driven 1 million people to leave their country for Uganda, Ethiopia, Kenya and other countries in the region.¹¹

More than 1 million refugees worldwide are considered by UNHCR to be vulnerable and urgently in need of resettlement to other countries. Vulnerable refugees include survivors of violence and torture, women and girls at risk, and those with serious medical needs. Only around 30 countries offer resettlement places for vulnerable refugees, and the number of places offered (known as “resettlement places”) annually falls far short of the needs identified by UNHCR. In 2015 only 107,100 refugees were admitted for resettlement.¹²

Humanitarian appeals to support major refugee crises, such as Syria, Burundi and Afghanistan, are consistently and severely underfunded. As of 26 September 2016, the Burundi response plan was only 37% funded, the Syria regional refugee and resilience plan was only 48% funded, and the 2016 Yemen regional and refugee and migrant response plan was only 27% funded.¹³



⁸ UNHCR *Global Trends, Forced Displacement in 2015*, p.8: <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>

⁹ UNHCR *Global Trends, Forced Displacement in 2015*, pp.16-17: <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>

¹⁰ See: Burundi Situation UNHCR Regional Update 1-31 May 2016: <http://reporting.unhcr.org/sites/default/files/regionalupdates/UNHCR%20Regional%20Update%20-%20Burundi%20Situation%20%2326%20-%201-31MAY16.pdf>; UNHCR, Burundi Situation: <http://reporting.unhcr.org/node/8488>.

¹¹ UNHCR, *The number of South Sudanese refugees reaches 1 million mark*, 16 September 2016, available at: <http://www.unhcr.org/uk/news/briefing/2016/9/57dbb5124/number-south-sudanese-refugees-reaches-1-million-mark.html>

¹² UNHCR, *Global Trends: Forced Displacement in 2015*, 20 June 2016.

¹³ As of 27 September 2016: [https://fts.unocha.org/reports/daily/ocha_R21_Y2016_asof__29_September_2016_\(02_31\).pdf](https://fts.unocha.org/reports/daily/ocha_R21_Y2016_asof__29_September_2016_(02_31).pdf)

SYRIA AND ITS NEIGHBOURS

The conflict in Syria continues to rage six years after its outbreak following anti-government protests in 2011. Both government forces and non-state armed groups have committed war crimes and violated international humanitarian law. Civilians have suffered repeated indirect and direct attacks on their families, their homes, their schools and their medical facilities.¹⁴ The entry of US and Russian led forces into the fray has seen hundreds of civilians fall victim to air and naval strikes.¹⁵ The UN special envoy for Syria, Staffan de Mistura, has estimated that around 400,000 people have been killed since the start of the conflict.¹⁶

REFUGEE AND MIGRANTS

Who is a refugee?

A refugee is a person who cannot return to their own country because they are at risk of serious human rights abuses there, or because of who they are or what they believe in. Because their own government cannot or will not protect them, they are forced to flee their country and seek international protection.

Who is an asylum-seeker?

An asylum-seeker is someone who is seeking international protection abroad, but is yet to be recognized as a refugee.

Who is a migrant?

A migrant moves from one country to another, usually to find work, although there may be other reasons such as to join family. Some move voluntarily, while others may feel compelled to leave because of economic hardship or other problems. People can migrate “regularly”, with legal permission to work and live in a country, or “irregularly”, without permission from the country they wish to live and work in.

The deadly conditions in Syria have led almost 5 million people, half of whom are children, to seek refuge outside the country.¹⁷ The majority of these refugees are being hosted in the region, in Lebanon, Jordan and Egypt, while over 2.7 million are in Turkey.¹⁸ International support for the Syrian refugee crisis has fallen far short of what is needed. In 2016, the co-ordinated regional response involving governments, UN agencies and NGOs, known as the Regional Refugee and Resilience Plan (3RP), appealed for US\$5.78 billion in assistance, including US\$4.5 billion requested by UN agencies and NGO partners (inter-agency funding).¹⁹ In February 2016, the UN co-hosted a conference in London with the aim of raising funds for the 3RP and the Syria Humanitarian Response Plan covering humanitarian and protection needs in Syria. States pledged enough to fund 76% of the inter-agency requirements for both plans. However, they have been slow to deliver on their promises, with only 30% actually received by the middle of the year.²⁰ States other than those neighbouring Syria have been slow to take in refugees, even those deemed vulnerable by the UN. According to UNHCR data, as of July 2016 states had pledged fewer than 250,000 resettlement places or other forms of entry for Syrians.²¹ The failure of international support is a significant factor in the challenges confronting refugees from Syria in the region, which include difficulties in accessing essential services such as health care, adequate shelter and adequate food.

¹⁴ Amnesty International *Report 2015/16, The state of the world's human rights* (Index: POL 10/2552/2016), available at www.amnesty.org/en/documents/pol10/2552/2016/en/ (accessed 7 September 2015).

¹⁵ Spencer Ackerman, 'US says airstrikes on Syrian city Manbij to continue despite civilian deaths', *The Guardian*, 22 July 2016, available at: www.theguardian.com/world/2016/jul/22/us-airstrikes-syria-manbij-civilian-deaths; Emma Graham-Harrison, 'Russian airstrikes in Syria killed 2,000 civilians in six months', *The Guardian*, 15 March 2016, available at: www.theguardian.com/world/2016/mar/15/russian-airstrikes-in-syria-killed-2000-civilians-in-six-months (both accessed 7 September 2017)

¹⁶ Aljazeera, *Syria death toll: UN envoy estimates 400,000 killed*, 23 April 2016, available at: www.aljazeera.com/news/2016/04/staffan-de-mistura-400000-killed-syria-civil-war-160423055735629.html (accessed 7 September 2016)

¹⁷ Data available at: <http://data.unhcr.org/syrianrefugees/regional.php>

¹⁸ Data available at <http://data.unhcr.org/syrianrefugees/regional.php>

¹⁹ *3RP Regional Refugee & Resilience Plan 2016-2017 in Response to the Syria Crisis, Mid-Year Report*, June 2016, available at: www.3rpsyriacrisis.org/ (accessed 7 September 2016)

²⁰ *3RP Regional Refugee & Resilience Plan 2016-2017 in Response to the Syria Crisis, Mid-Year Report*, June 2016, available at: www.3rpsyriacrisis.org/ (accessed 7 September 2016)

²¹ UNHCR, *Resettlement and Other Admission Pathways for Syrian Refugees*, updated as of 31 July 2016, available at: www.unhcr.org/uk/573dc82d4.html (accessed 7 September 2016)

LEBANON

Lebanon hosts more than 1.1 million refugees from Syria, 53% of whom are children, in addition to a pre-existing Palestinian refugee population of just under 450,000 people.²² According to the UN, over 55% of Syrian refugees in Lebanon live in substandard conditions in informal settlements, overcrowded buildings, and densely populated poor neighbourhoods, and 70% of households live below the poverty line.²³ Assistance from UN agencies and NGOs is limited due to a lack of funds. By mid-July, the inter-agency appeal for Lebanon was only 41% funded²⁴ and the UN has been forced to cut the numbers of refugees receiving support and the amount of assistance provided.

Cuts in cash assistance for food has meant that refugees receive the equivalent of US\$0.72 per person per day, significantly below the World Bank's global poverty line of US\$1.90 per day.²⁵ In addition, funding shortfalls mean that UNHCR, faced with a largely privatized health care system, have had to limit their financial assistance to cover affordable basic primary and emergency care. UNHCR is only able to cover up to 75% of the cost of treatment and refugees themselves have to meet the remaining 25%.²⁶

The Lebanese government does not formally recognize those fleeing Syria as refugees, and in January 2015 it severely restricted entry to refugees from Syria unless they were able to fulfil certain criteria.²⁷ Syrian refugees in Lebanon are required to apply for a residency visa, but financial and administrative requirements tied to the process mean that it is extremely difficult for them to obtain these documents. Without a permit, refugees have limited access to essential services and face the risk of detention and deportation.²⁸ In June 2016 a representative of the Ministry of Social Affairs announced that the government proposes to create its own database to register Syrians in Lebanon, separate to UNHCR's registration system. The Ministry of Social Affairs would issue those registered on its database with a card which would be recognized by all government institutions and would be an accepted form of identification at checkpoints, meaning that security forces would no longer need to check residency permits. However, refugees would still need a residency permit to register marriages and births and to access employment and other services in the country.²⁹

JORDAN

At the end of 2015 Jordan was hosting close to 2.7 million refugees, 2.1 million of whom were Palestinians. Most of the other refugees (664,100 in 2015) were from Syria. Some 115,000 refugees from Syria live in two camps - Zaatari and Azraq.³⁰ The majority of refugees from Syria live in urban areas in towns and cities.

Jordan has struggled to cope with the number of refugees within its jurisdiction. Authorities began tightening border controls with Syria in 2012 and closed its borders to Syria's refugees in 2014, with some limited exceptions.³¹ Refugees from Syria in Jordan struggle to cope, with 86% of Syrians in urban areas living below

²² UNHCR, *Global Trends, Forced Displacement in 2015*, June 2016, available at: www.unhcr.org/576408cd7.pdf (accessed 7 September 2016); <http://www.unrwa.org/where-we-work/lebanon>

²³ *3RP Regional Refugee & Resilience Plan 2016-2017 in Response to the Syria Crisis*, Mid-Year Report, June 2016, available at: www.3rpsyriacrisis.org/ (accessed 7 September 2016)

²⁴ Data available at: <http://data.unhcr.org/syrianrefugees/regional.php>

²⁵ See <http://www.worldbank.org/en/topic/poverty/brief/global-poverty-line-faq> The WFP calculates a Minimum Food Expenditure Basket based on 2,100kcal per day. It states that, in Lebanon, a minimum amount of US\$37 per person per month is required to purchase the required food items. The financial support the WFP is able to provide refugees falls far short of its own calculation of the minimum refugees require each month to buy food.

²⁶ Exceptions are made for refugees that meet UNHCR's vulnerability criteria who have 90% of their costs covered, while victims of torture and sexual and gender based violence have 100% of their costs covered. For more information see UNHCR, *Guidelines to Referral Health Care in Lebanon*, January 2014, available at: <https://data.unhcr.org/syrianrefugees/download.php?id=8944> (accessed 7 September 2016)

²⁷ Category one is for tourism, shopping, business, landlords, and tenants; category two is for studying; category three is for transiting to a third country; category four is for those displaced; category five for medical treatment; category six for an embassy appointment; and category seven for those entering with a pledge of responsibility. The circular issued by the Directorate General of General Security was amended on 13 January, 3 February and 23 February 2015, the latter of which is available in Arabic at: www.general-security.gov.lb/getattachment/e1e76fe0-181e-4fe7-a19c-9b175759ad49/Rules.pdf.aspx?chset=f247bae1-d485-42fa-8a33-079df973a536 (accessed 28 April 2014)

²⁸ Amnesty International, *Pushed to the edge, Syrian refugees face increased restrictions in Lebanon* (Index: MDE 24/1785/2015), available at: <https://www.amnesty.org/en/documents/mde24/1785/2015/en/>

²⁹ Announcement made by the Ministry of Social Affairs at a workshop at the London School of Economics and Political Science, Middle East Centre, entitled *The Long-term Challenges of Forced Migration: Local and Regional Perspectives from Lebanon, Jordan and Iraq*, 16 June 2016. This was confirmed to Amnesty International in a meeting with the Ministry of Social Affairs in Beirut, Lebanon, on 21 July 2016.

³⁰ UNHCR, *Syria Regional Refugee Response*, Inter-agency Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/documents.php?page=1&view=grid&Country%5B%5D=107>

³¹ Amnesty International, *Living on the margins: Syrian refugees in Jordan struggle to access health care* (Index: MDE 16/3628/2016), available at: <https://www.amnesty.org/en/documents/mde16/3628/2016/en/>

the Jordanian poverty line.³² This has been compounded by a reduction in the amount of UN assistance provided. For example, fluctuations in funding available to the World Food Programme (WFP) have undermined the availability of food aid. In April 2016 the WFP introduced a two-tier approach to providing food vouchers: those considered “extremely vulnerable” receive US\$28 per person per month, and those considered “vulnerable” receive just US\$14 per person per month, approximately 50% below the WFP food basket value of US\$28.20.³³ As of 15 July 2016, only 45% of the UN’s funding requirements for Jordan had been met.³⁴

In February 2016, ahead of the “Supporting Syria and the region” donor conference in London,³⁵ King Abdullah of Jordan announced that the country had reached “boiling point” and was unable to continue to support a further influx of Syrian refugees.³⁶ On 21 June 2016, Jordan sealed its entire border with Syria after a suicide attack killed seven border guards. This has had dire consequences for more than 75,000 Syrian refugees stranded in a desert area at the Jordan-Syria border known as the “berm”.

Refugees began gathering at two border crossings at the berm –

Rukban and Hadalat – in October 2015 and the numbers have increased steadily since then. Jordan previously allowed humanitarian agencies to provide assistance to the refugees at the berm but following the attack and the complete sealing of the border, only one food aid delivery was made, in early August.³⁷ Lack of access to regular supplies of water, food, health care and other assistance has led to a number of deaths in this area.



↑ A little girl cleans. Zaatari refugee camp, North Eastern Jordan, November 2014 © Amnesty International (Photo: Richard Burton)

TURKEY ³⁸

At the end of 2015 Turkey hosted some 2.5 million refugees. That number has risen during 2016 and the country now hosts more than 3 million of the world’s asylum-seekers and refugees. The majority of them – about 2.7 million – are from Syria, but the country is also host to approximately 400,000 non-Syrian asylum-seekers and refugees – mainly Iraqis and Afghans as well as significant numbers of Iranians, Somalis and Palestinians.³⁹ Despite its broadly welcoming attitude towards refugees, such large numbers have inevitably placed a considerable strain both on Turkey’s nascent asylum system and its capacity to meet refugees’ basic needs.

³² Assessment Framework and UNCHR Jordan, *Jordan Refugee Response- Vulnerability Assessment Framework, Baseline Survey*, May 2015, available at: <http://reliefweb.int/report/jordan/jordan-refugee-response-vulnerability-assessment-framework-baseline-survey-may-2015>

³³ WFP Jordan, *Situation Report #12*, 30 August 2016, available at: <http://data.unhcr.org/syrianrefugees/documents.php?page=1&view=grid&Country%5B%5D=107>

³⁴ UNHCR, Syria Regional Refugee Response, Inter-agency Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/documents.php?page=1&view=grid&Country%5B%5D=107>

³⁵ <https://www.supportingsyria2016.com/>

³⁶ BBC, *Syria conflict: Jordanians 'at boiling point' over refugees*, 2 February 2016, available at: <http://www.bbc.co.uk/news/world-middle-east-35462698>

³⁷ Amnesty International, *Syria-Jordan border: 75,000 refugees trapped in desert no man's land in dire conditions*, 15 September 2016, available at: <https://www.amnesty.org/en/latest/news/2016/09/syria-jordan-border-75000-refugees-trapped-in-desert-no-mans-land-in-dire-conditions/>

³⁸ Amnesty International, *Europe's Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey* (Index: EUR 44/3022/2015), available at <https://www.amnesty.org/en/documents/eur44/3825/2016/en/>; Amnesty International, *Turkey's many shades of fear*, 15 August 2016: <https://www.amnesty.org/en/latest/news/2016/08/turkeys-many-shades-of-fear/>; UNHCR, Information sharing portal, Syria Regional Refugee Response: <http://data.unhcr.org/syrianrefugees/country.php?id=224>

³⁹ UNHCR, *Syria Regional Refugee Response, Turkey*, 5 May 2016, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=224>; Turkish officials stated in meetings with NGOs in late 2015 that the number of refugees and asylum-seekers in Turkey, including those with “humanitarian residence permits,” was approximately 400,000; 8 European Commission, EU-Turkey Joint Action Plan – Third Implementation Report, 4 March 2016, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementationpackage/docs/implementation_report_20160304_eu-turkey_joint_action_plan_en.pdf, p. 6.

During 2014 and 2015 nearly a million people moved from Turkey to the European Union (EU) via sea and land.⁴⁰ Faced with no reasonable prospect of reaching the EU through safe and regular channels, people risked their lives on irregular journeys by land or sea from Turkey to Greece. Hundreds drowned attempting the sea voyage.⁴¹ Towards the end of 2015 a number of EU member states began negotiating a migration control deal with Turkey. These talks culminated in March 2016 in what has become known as the EU-Turkey Deal.

Under the terms of the agreement: “All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey.”⁴² In exchange, the EU promised to: a) resettle one Syrian refugee from Turkey to the EU for each Syrian refugee returned from Greece to Turkey, up to a maximum of 72,000 people; b) provide up to €6 billion (about US\$6.7 billion) for a “Facility for Refugees in Turkey”; c) grant visa-free travel for Turkish nationals; and d) revive the stalled negotiations for Turkey to accede to the EU.⁴³

The justification for the EU-Turkey Deal is that Turkey is a safe place to which asylum-seekers and refugees can be returned. However, Amnesty International’s research in 2016 and 2016 demonstrates that it is not. Turkey has violated the principle of *non-refoulement* – the prohibition on the transfer of individuals to countries where they face a risk of serious human rights violations – by sending people back to Afghanistan, Iraq and Syria, where they were clearly at risk. In addition, Turkey does not provide effective protection to the asylum-seekers and refugees on its territory, and its capacity to support the large number of refugees and asylum-seekers is severely limited.⁴⁴ The human rights situation in the country has deteriorated as the government responded to the failed coup on 15 July 2016 by declaring a state of emergency and launching an unprecedented crackdown on freedoms of expression, assembly, and association. Nonetheless, Greece is still expected to return people to Turkey under the EU-Turkey Deal.

AFGHAN REFUGEES IN PAKISTAN AND IRAN

Currently an estimated 2.7 million Afghans are refugees, a reduction on numbers in the early 2000s. Between 2002 and 2015, more than 5.8 million Afghan refugees were returned to Afghanistan, with the vast majority arriving between 2002 and 2008.⁴⁵ UNHCR reports that these people can experience significant difficulties in rebuilding their lives in Afghanistan.⁴⁶ The numbers of voluntary returns dropped dramatically in 2014 and 2015. Moreover, the Afghan refugee population is once again growing as people flee the country in the face of an intensifying conflict as the Taliban and other armed groups continue their deliberate attacks on civilians and civilian objects. In 2015 some 178,000 Afghans undertook hazardous journeys to Europe. This is quadruple the number of people who undertook the same journey the year before.⁴⁷

As of 2015, most of the world’s Afghan refugees lived in Pakistan (1.6 million) and Iran (951,100).⁴⁸ In both countries, the majority of the refugee population is second and third generation.

Pakistan is not a signatory to the 1951 Refugee Convention, and the legal status of the 1.6 million Afghan refugees registered with UNHCR in Pakistan is insecure. This uncertainty has encouraged police harassment, threats and extortion, particularly since the Taliban’s December 2014 attack on a Peshawar

⁴⁰ During 2015, over 800,000 refugees and migrants arrived via the Aegean Sea from Turkey into Greece; a further 34,000 crossed from Turkey into Bulgaria and Greece by land: UNHCR, *Over one million sea arrivals reach Europe in 2015*, 30 December 2015, <http://www.unhcr.org/uk/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>. In 2014 around 40,000 people arrived by sea in Greece; UNHCR, *So close, yet so far from safety*, December 2014, <http://www.unhcr.org/542c07e39.pdf>

⁴¹ See: <http://data.unhcr.org/mediterranean/download.php?id=1911>

⁴² European Commission - Fact Sheet, 19 March 2016, available at: http://europa.eu/rapid/press-release_MEMO-16-963_en.htm

⁴³ European Commission - Fact Sheet, 19 March 2016, available at: http://europa.eu/rapid/press-release_MEMO-16-963_en.htm

⁴⁴ Amnesty International, *No safe refuge: Asylum-seekers and refugees denied effective protection in Turkey* (Index: EUR 44/3825/2016), available at: <https://www.amnesty.org/en/documents/eur44/3825/2016/en/>

⁴⁵ UNHCR, *High-level Segment on the Afghan Refugee Situation 6-7 October 2015*, available at: <http://www.unhcr.org/562a22979.pdf>

⁴⁶ UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016, available at: <http://unhcr.org.ua/attachments/article/330/Afghanistan%20EGs%20-%2019%20April%202016.pdf>

⁴⁷ Amnesty International, *Afghanistan: Number of people internally displaced by conflict doubled to 1.2 million in just three years*, 31 May 2016: <https://www.amnesty.org/en/latest/news/2016/05/afghanistan-internally-displaced/>

⁴⁸ Amnesty International, *Afghanistan: Number of people internally displaced by conflict doubled to 1.2 million in just three years*, 31 May 2016: <https://www.amnesty.org/en/latest/news/2016/05/afghanistan-internally-displaced/>; UNHCR Global Trends, *Forced Displacement in 2015*: <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf>

school in Pakistan. On 29 June 2016, the Pakistani authorities extended registered refugees' Proof of Residency cards, but only until the end of the year. In addition to those refugees who are registered with UNHCR, the Pakistani authorities estimate that another 1 million unregistered Afghan refugees live in the country.

Iran is a state party to the 1951 Refugee Convention, but the rights of its nearly 1 million registered Afghan refugees are precarious. The government estimates that a further 1.5 to 2 million undocumented Afghans live in Iran. In 2016, evidence emerged that Iran's Revolutionary Guards Corps has recruited thousands of unregistered Afghans to fight pro-Syrian government militias, in some cases by offering financial compensation and legal residence status, and in others by offering forcible conscription.⁴⁹

SOMALI REFUGEES IN KENYA

The East and Horn region of Africa hosts the largest number of refugees in sub-Saharan Africa. Many countries, including South Sudan, Sudan and Ethiopia, simultaneously produce and host refugees. Ethiopia hosts the largest number of refugees and asylum-seekers at over 740,000,⁵⁰ followed by Kenya and Uganda which are each host to between 500,000 and 600,000 refugees.⁵¹ All of these countries have seen increases in their refugee populations in 2016, due in part to conflict in South Sudan (see below).

Kenya is home to the two largest refugee camps in the world: Dadaab hosts more than 300,000 people, mostly from Somalia; and Kakuma hosts over 150,000 from a wide range of countries including South Sudan, Sudan, Burundi, Ethiopia and the DRC.⁵² Some refugees have been hosted by Kenya for over two decades with no prospect of returning to their countries and with limited humanitarian support or options for



Somali refugees waiting for their return flight from Kenya to Mogadishu, August 2016 © Amnesty International

livelihoods or other durable solutions available to them. International support to Kenya as a refugee host country has been limited. Only relatively few refugees are resettled from Kenya to other countries, of which the USA offers to resettle the largest number. In 2015 fewer than 8,000 refugees were resettled.⁵³ As of July 2016 UNHCR's funding appeal for Kenya was just 28% funded.⁵⁴

On 10 May 2016 the Kenyan government announced that it would be closing Dadaab refugee camp, citing national security concerns and the need for the international community to collectively take responsibility for the refugees which Kenya is hosting.⁵⁵ The predominantly Somali refugee population in Dadaab is now being pushed to return to Somalia despite the ongoing conflict in that

⁴⁹ UNHCR, *Regional Plan, Building Resilience and Solutions for Afghan Refugees in South-West Asia*, 1 July 2016–31 December 2017, available at: <http://reporting.unhcr.org/sites/default/files/UNHCR%20Regional%20Plan%20-%20Building%20Resilience%20%26%20Solutions%20Afghan%20Refugees%20in%20SWA%20JUL16-31DEC17.pdf>; Human Rights Watch (HRW), *Pakistan: Renewed Threats to Afghan Refugees*, 1 July 2016: <https://www.hrw.org/news/2016/07/01/pakistan-renewed-threats-afghan-refugees>; HRW, *Iran: Afghan Refugees and Migrants Face Abuse*, 20 November 2013: <https://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>; HRW, *Iran Sending Thousands of Afghans to Fight in Syria*, 29 January 2016: <https://www.hrw.org/news/2016/01/29/iran-sending-thousands-afghans-fight-syria>

⁵⁰ UNHCR, UNHCR Ethiopia Infographics, June 2016, available in *Refugees in the Horn of Africa: Somali Displacement Crisis*, available at: <http://data.unhcr.org/horn-of-africa/country.php?id=65>

⁵¹ For Kenya see UNHCR, Kenya Factsheet, July 2016, available at: <http://data.unhcr.org/horn-of-africa/country.php?id=110> and for Uganda see: UNHCR, Uganda Monthly Refugee Statistics Update 31 July 2016, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/UGA_REFInfo-Graph_July2016.pdf

⁵² UNHCR, Kenya Factsheet, July 2016, available at: <http://data.unhcr.org/horn-of-africa/country.php?id=110>

⁵³ UNHCR, Resettlement Statistical Database Portal, accessed 26 September 2016: <http://www.unhcr.org/uk/statistics/unhcrstats/573b8a4b4/resettlement-statistical-database-portal.html>

⁵⁴ UNHCR, Kenya Factsheet, July 2016, available at: <http://data.unhcr.org/horn-of-africa/country.php?id=110>

⁵⁵ The Kenyan government's statement is available at: <https://www.facebook.com/InteriorMinistryKenya/photos/pcb.1124964620900337/1124964390900360/?type=3&theater>

country and despite the terms of a Tripartite Agreement signed by the Government of Kenya, the Government of Somalia and UNHCR in 2013 which provides for voluntary returns of Somali refugees in “conditions of safety and dignity”.⁵⁶

Somalia is experiencing ongoing conflict and instability. Fighting between government forces and the African Union Mission in Somalia (AMISOM) on one hand, and clan-militias and Al-Shabaab on the other, has resulted in gross human rights violations carried out against the civilian population. Many people continue to flee from the country as a result.⁵⁷

Amnesty International visited Dadaab refugee camp in August 2016 and interviewed dozens of Somali refugees. They included people who had returned to Somalia in 2015 under a “voluntary repatriation pilot project” and who had since come back to Dadaab due to lack of security and services in Somalia. With respect to the current “voluntary” return process which UNHCR is supporting, Amnesty International found that refugees living in Dadaab are facing pressure to return to Somalia in contravention of the Tripartite Agreement and international law.⁵⁸ Push factors include statements by government officials about the planned closure of the camp in the media, and statements by the Kenyan authorities advising people to take the return package offered to them while it is available and indicating that if they do not go “voluntarily” they may be forced out at the end of November with no support provided.

The authorities and members of the Tripartite Agreement have not made clear what will happen to Somalis who do not return to Somalia. A statement by the signatories to the Tripartite Agreement on 25 June 2016 said they were committed to reducing the population of Dadaab camp by 150,000 before the end of 2016, including through “voluntary returns to Somalia, relocation of non-Somali refugees, the de-registration of Kenyan citizens who registered as refugees, and a population verification exercise”.⁵⁹ In July 2016 UNHCR issued a supplementary appeal asking for US\$115.4 million until the end of the year to support their operations in Kenya and Somalia following the decision by the Kenyan government to close Dadaab. The appeal accounts for the return of 50,000 Somali refugees from Kenya by the end of 2016.⁶⁰ As of 5 August 2016, a total of 20,180 Somali refugees had returned to Somalia from Dadaab.⁶¹ These statements, which are inconsistent with each other, raise serious questions about what is actually planned for Somali refugees in Dadaab; how numerical targets can be achieved in a manner compatible with voluntary returns; and how closure of Dadaab can be consistent with reducing the population by half.

ESCAPING ERITREA

Each year tens of thousands of people flee Eritrea, a tiny country in the Horn of Africa in which there is no ongoing armed conflict.⁶² According to UNHCR, of the 129,114 people arriving from North Africa to Italy by boat between January and September 2016, 13% were from Eritrea.⁶³

A predominant factor in asylum applications made by Eritreans is indefinite conscription into National Service. This system, established by law in 1995, requires every adult Eritrean to undertake an 18-month period of National Service. However, in practice, conscription has been extended indefinitely for a significant proportion of conscripts. Amnesty International has interviewed people who have been conscripted for more than 10 or 15 years before fleeing the country to seek asylum. Many conscripts are assigned to a wide range of civilian roles, including agricultural work, construction, teaching and the civil service. Numerous state

⁵⁶ Tripartite Agreement available at: www.refworld.org/pdfid/5285e0294.pdf

⁵⁷ UNHCR, *Position on Returns to Southern and Central Somalia (Update I)*, May 2016, available at: <http://www.refworld.org/docid/573de9fe4.html>

⁵⁸ Amnesty International has previously found that negative push factors, such as police abuse and harassment, were resulting in constructive refoulement of Somali refugees back to Somalia. However, the closure of Dadaab would mean unprecedented returns of Somali refugees to Somalia. See: Amnesty International, *Somalis are scapegoats in Kenya's anti-terror crackdown* (Index: AFR 52/003/2014), available at: <https://www.amnesty.org/en/documents/AFR52/003/2014/en/>; and Somalia: No place like home: returns and relocations of Somalia's displaced (Index: AFR 52/002/2014), available at: <https://www.amnesty.org/en/documents/AFR52/001/2014/en/>

⁵⁹ UNHCR, *Joint Communiqué: Ministerial Tripartite Commission for Voluntary Repatriation of Somali Refugees from Kenya to Somalia*, 25 June 2016, available at: <http://www.unhcr.org/uk/news/press/2016/6/576ea0474/joint-communique-ministerial-tripartite-commission-voluntary-repatriation.html>

⁶⁰ UNHCR, *Somali Situation Supplementary Appeal, July-December 2016*, available at: <http://data.unhcr.org/horn-of-africa/country.php?id=110>

⁶¹ UNHCR, *Weekly Update: Voluntary Repatriation of Somali Refugees from Kenya*, 5 August 2016, available at: <http://data.unhcr.org/horn-of-africa/country.php?id=110>

⁶² Amnesty International, *Eritrea: Just deserters - why indefinite national service in Eritrea has created a generation of refugees: revised edition* (Index: AFR 64/4794/2016). Available at: <https://www.amnesty.org/en/documents/af64/4794/2016/en/>

⁶³ UNHCR, *Refugees/Migrants Emergency Response – Mediterranean*. Available at: <http://data.unhcr.org/mediterranean/country.php?id=105>

institutions and functions are staffed by conscripts. The system amounts to forced labour, in violation of international law.⁶⁴

In recent years, the authorities in several countries where Eritreans have claimed asylum have tried to refute the notion that those who flee National Service have valid grounds for claiming international protection. In 2014 and 2015 some countries, including the UK and Denmark, claimed that there has been an improvement in the experience of National Service conscripts and other Eritreans, to the point where those fleeing no longer have grounds for asylum.⁶⁵ However, Amnesty International research found that there have been no discernible changes in National Service practices as of November 2015. Conscription into National Service continues to be extended indefinitely and conscripts continue to be deployed in a range of civilian as well as military roles.

Conscripts are unable to enjoy family life because they are often deployed far from home. Leave is limited and arbitrarily granted. Conscripts do not earn enough for their basic needs such as adequate food, housing and essential services. The system increasingly impacts on children, who often drop out of school early to avoid conscription and to earn money for the family. Multiple family members – siblings, husbands and wives, and even parents and children – are conscripted at the same time and geographically separated. Those attempting to evade or desert conscription are often caught in round-ups and held for months in arbitrary detention as punishment before being required to complete National Service. Those caught trying to leave Eritrea without authorization face a similar fate.

ETHIOPIA: OPEN TO REFUGEES BUT LIMITED SUPPORT

Ethiopia hosts the largest number of refugees in Africa. There are approximately 740,000 refugees in the country, mostly from Eritrea and South Sudan, and but also from Somalia, Sudan and Yemen.⁶⁶ Most refugees live in one of 25 camps run by UNHCR and the government; some live in urban areas, particularly around the capital, Addis Abba. Ethiopia has allowed refugees to enter but does not allow them to work and they cannot obtain permanent residency. Resettlement to another country is the only durable solution for the vast majority, according to UNHCR.

Most refugees in Ethiopia lack adequate access to food, shelter and basic services. For example, only 7% of school-age refugee children are enrolled in secondary education.⁶⁷ In 2015, Ethiopia was hit by a devastating drought, affecting 80% of the areas hosting refugees.

A substantial number of Eritrean refugees move on from Ethiopia, partly due to their inability to meet basic needs, and also to the fact that they cannot work or secure residency. Some two-thirds of the Eritrean refugee population left Ethiopia during 2015, many with the aim of reaching Europe.

FLEEING POLITICAL INSTABILITY IN BURUNDI

Burundi has been in a state of political crisis since President Nkurunziza's decision to stand for a third term in April 2015, which many saw as unconstitutional. Since then, hundreds of people have been killed. The worst violence erupted on 11 December 2015 when, following coordinated attacks on three military installations by unidentified armed men, security forces carried out cordon-and-search operations in perceived opposition neighbourhoods of the capital, Bujumbura, and killed dozens of people before allegedly burying some of them in mass graves.⁶⁸ In 2016 the human rights situation continued to deteriorate and as of writing there has been no accountability for horrific acts of violence.

⁶⁴ Amnesty International, *Eritrea: Just deserters - why indefinite national service in Eritrea has created a generation of refugees: revised edition* (Index: AFR 64/4794/2016). Available at: <https://www.amnesty.org/en/documents/afr64/4794/2016/en/>

⁶⁵ See UK Home Office, *Country Information and Guidance - Eritrea: National (incl. Military) Service*, 11 March 2015, available at: <http://www.refworld.org/docid/552779c34.html>; Danish Immigration Service, *Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return*, August and October 2014, available at: <https://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>; Martin Plaut, 'Eritrean migrants face new asylum battle in EU', *BBC*, 10 July 2015, <http://www.bbc.co.uk/news/world-europe-33446423>

⁶⁶ UNHCR, Operations in Ethiopia: http://reporting.unhcr.org/node/5738#_ga=1.50308898.508291969.1472307750

⁶⁷ 'Needs and Response' section: UNHCR, Operations in Ethiopia: http://reporting.unhcr.org/node/5738#_ga=1.50308898.508291969.1472307750

⁶⁸ Amnesty International, *Burundi: Suspected mass graves of victims of 11 December violence* (Index: AFR 16/3337/2016), available at: <https://www.amnesty.org/en/documents/afr16/3337/2016/en/>

Over 300,000 people have fled the country, most of them to refugee camps in neighbouring Rwanda and Tanzania.⁶⁹ The situation in these camps is difficult, with limited resources available. Only 37% of the Burundi Regional Refugee Response Plan 2016 has been funded to date.⁷⁰

People trying to flee Burundi have been beaten, had money extorted and been sent back by members of the ruling party youth wing, the Imbonerakure. As a result, many Burundian refugees leave the country with no, or very few, possessions – either deliberately, in order not to attract attention, or because their belongings have been taken.



Burundian refugee children playing in the Mtendeli refugee camp, Tanzania, 2016 ©Amnesty International

There is a lack of effective protection mechanisms in the refugee camps in Tanzania. In 2016 numerous Burundian refugees told Amnesty International that they were afraid because of the camps' physical proximity to Burundi and because they had seen members of the Imbonerakure, in the camps.⁷¹ The situation in Burundi remains volatile and the refugee population is likely to increase further.

SOUTH SUDAN

In South Sudan's short history the country has been significantly affected by conflict and displacement of people. In December 2013 fighting erupted in the capital, Juba, after President Salva Kiir accused the then Vice-President Riek Machar of plotting a coup. The situation descended into a brutal internal armed conflict, and the number of refugees fleeing South Sudan has soared from 115,013 in December 2013, to 1 million as of 16 September 2016.⁷² Between 8 July and 28 August 2016 alone, a total of 95,331 refugees fled South Sudan due to renewed fighting in Juba between government opposition forces; refugees cited rape, forced recruitment and looting as the main reasons for fleeing.⁷³ Many more people are internally displaced within South Sudan and may be trying to leave. In July 2016 Amnesty International received reports of South Sudanese, especially men, being deliberately blocked by National Security Service officers from leaving the country, including being prevented from boarding flights to Entebbe, Uganda, in violation of their right to leave their own country.⁷⁴

The majority of those leaving South Sudan have fled to Uganda, which as of September 2016 hosted 373,626 South Sudanese refugees.⁷⁵ Other countries in the region, including Kenya, Sudan, Ethiopia, Central African Republic and the DRC, are also hosting large numbers.⁷⁶ Only 20% of UNHCR's funding requirements requested for the South Sudan refugee crisis had been met as of 28 August 2016.⁷⁷

South Sudan is also host to around 250,000 refugees who have fled the conflict in Sudan's South Kordofan and Blue Nile states.⁷⁸ The majority live in refugee camps and settlements in South Sudan's volatile Upper

⁶⁹ As of 27 September 2016. UNHCR, Burundi Situation, Information Sharing Portal, available at: <http://data.unhcr.org/burundi/regional.php>

⁷⁰ UN OCHA, Financial tracking service, Burundi crisis 2016: https://fts.unocha.org/pageloader.aspx?page=special-rrp_burundi.

⁷¹ Amnesty International interviews, June 2016, in Nyaragusu, Nduta, and Mtendeli refugee camps in Kibondo, Tanzania.

⁷² UNHCR, South Sudan Situation, Information Sharing Portal, available at: <http://data.unhcr.org/SouthSudan/regional.php>, and UNHCR, The number of South Sudanese refugees reaches 1 million mark, 16 September 2016, available at: <http://www.unhcr.org/news/briefing/2016/9/57dbb5124/number-south-sudanese-refugees-reaches-1-million-mark.html>

⁷³ UNHCR, South Sudan Situation: Regional Emergency Update, 22-28 August 2016, available at: <http://data.unhcr.org/SouthSudan/regional.php>

⁷⁴ Amnesty International, *South Sudan: Security Forces deliberately preventing people from leaving the country*, 14 July 2016, available at: <http://www.amnestyusa.org/news/press-releases/south-sudan-security-forces-deliberately-preventing-people-from-leaving-the-country>

⁷⁵ UNHCR, *The number of South Sudanese refugees reaches 1 million mark*, 16 September 2016, available at: <http://www.unhcr.org/news/briefing/2016/9/57dbb5124/number-south-sudanese-refugees-reaches-1-million-mark.html>

⁷⁶ UNHCR, South Sudan Situation, Information Sharing Portal, available at: <http://data.unhcr.org/SouthSudan/regional.php>

⁷⁷ UNHCR, South Sudan Situation: Regional Emergency Update, 22-28 August 2016, available at: <http://data.unhcr.org/SouthSudan/regional.php>

⁷⁸ UNHCR, Operations, South Sudan: <http://reporting.unhcr.org/node/2553>

Nile and Unity States⁷⁹ with limited access to humanitarian assistance. Nearly 90% of those arriving in South Sudan from South Kordofan are woman and children with unaccompanied and separated minors representing 10% of the new arrivals from January to August 2016.⁸⁰ The main reasons reported for fleeing the two areas in Sudan are lack of food, aerial bombardments and ground attacks due to ongoing conflict between the Government of Sudan and armed opposition groups.

CONFLICT IN NORTH-EASTERN NIGERIA

The conflict in northern Nigeria has resulted in a major humanitarian crisis in the region. Ongoing fighting between Boko Haram and the Nigerian military continues to drive people from their homes.⁸¹ According to UNHCR, over two million people are currently displaced with some 190,000 refugees in neighbouring Cameroon, Chad and Niger. People in remote communities in the north-east of Nigeria have been fleeing widespread and indiscriminate attacks on their villages and towns by Boko Haram fighters.

Several camps for displaced people have been created around the region. Amnesty International has received reports of inadequate living conditions in the camps, with insufficient access to food, water, and shelter, leading to malnutrition and deaths. Women living in camps have reported protection concerns, including sexual and gender-based violence.

The Nigerian government is urging people to return claiming that the security situation in the communities is now improved. However, the so-called safe and secured areas are only guaranteed in the major headquarter towns and not across all communities. Infrastructure including housing is also not in place.

ROHINGYA REFUGEES AND FAILURES OF PROTECTION IN SOUTHEAST ASIA

The UN has called the Rohingya, an ethnic and religious minority living in Myanmar, one of the most persecuted minority groups in the world. Over 1 million Rohingya live in Myanmar's Rakhine State in the west of the country. Myanmar's 1982 Citizenship Act limits access to full citizenship to certain groups on the basis of their ethnicity, meaning that the vast majority of Rohingyas are ineligible for full citizenship. Former governments have denied even the existence of the Rohingya – insisting on referring to them as “Bengalis”, a term that implies that they are migrants from neighbouring Bangladesh.

For several decades, discrimination, violence and human rights abuse by state and non-state actors have led hundreds of thousands of Rohingya to leave the country and to seek refuge elsewhere.⁸² The situation of the Rohingya has continued to deteriorate as a result of state measures to deepen their exclusion. For example, in 2015 the Myanmar authorities revoked all temporary registration cards (known as “white cards”), a move that prevented former holders of these cards – many of them Rohingya – from voting in the November 2015 election.⁸³



↑ A boat crammed with some 350 people, believed to be from Myanmar or Bangladesh, including Rohingya, found drifting off the coast of Thailand and Malaysia in May 2015. They had been at sea for “many days”, possibly more than two months © Thapanee letsrichai

⁷⁹ The government of South Sudan is currently dividing the two states into smaller administrative divisions though these have not been recognized by the international community.

⁸⁰ UNHCR, South Sudan, August 2016, available at: <http://data.unhcr.org/SouthSudan/country.php?id=251>

⁸¹ UNHCR, Nigeria Situation Regional Refugee Response Plan: <http://reporting.unhcr.org/node/12587>

⁸² Human Rights Watch, *The Rohingya Muslims, Ending a Cycle of Exodus? Human Rights Watch, Vol. 8, No. 9 (C)*, September 1996, available at: <https://www.hrw.org/legacy/summaries/s.burma969.html>

⁸³ Amnesty International, *Myanmar: Briefing to the UN Committee on the elimination of discrimination against women 64th Session* (Index: ASA 16/4240/2016). Available at: <https://www.amnesty.org/en/documents/asa16/4240/2016/en/>

The dire situation in Myanmar has pushed tens of thousands of Rohingya to flee the country, usually by boat. Since 2014, UNHCR has estimated that 94,000 refugees and migrants have left from Rakhine State and its border areas with Bangladesh.⁸⁴ During their journeys out of Myanmar and Bangladesh, thousands have fallen prey to the abusive and extortionate practices of people smugglers and human traffickers.⁸⁵ Some have been kidnapped and held for ransom, raped and suffered other severe physical abuse. Many have gone missing or died during their journeys at sea, or while being held in human trafficking camps in Thailand and Malaysia.⁸⁶ From January 2014 to mid-2015, UNHCR recorded 1,100 deaths at sea, although the exact number is likely to be much higher.⁸⁷

In South and Southeast Asia, the largest concentration of Rohingya refugees is in Bangladesh and Malaysia, and to a lesser extent Thailand and Indonesia. In Bangladesh, 31,759 UNHCR-registered refugees live in the official camps of Nayapara and Kutupalong. Unofficially, there are an estimated 200,000 Rohingya refugees in Bangladesh,⁸⁸ many living in dire conditions with minimal access to basic services and humanitarian assistance.

Malaysia is a major hub for refugee status determination and the administration of resettlement programmes, although the government firmly denies it has a responsibility to protect refugees. There are currently 53,629 UNHCR-registered Rohingya refugees and asylum-seekers in Malaysia. The UNHCR-registered refugee population -- and up to 100,000 additional undocumented Rohingya asylum-seekers -- are scattered throughout several Malaysian cities and towns in low-cost and substandard housing conditions.

Much smaller numbers of Rohingya refugees and asylum-seekers are hosted by Thailand and Indonesia, which are traditionally used as transit points for Rohingya refugees making their way to Malaysia, Australia or New Zealand.

The Rohingya suffer from the weak context of refugee protection in Southeast Asia. The primary countries receiving Rohingya refugees are not parties to the 1951 Refugee Convention, nor do they have a specific legal framework to grant protection or legal stay for refugees and asylum-seekers. This has meant that Rohingya refugees and asylum-seekers consistently live in fear of arrest, detention, prosecution and in some cases *refoulement*.⁸⁹ Since 2013, Thailand has detained an estimated 3,000 Rohingya.⁹⁰ Malaysia has arrested and detained 7,930 Rohingya refugees and asylum-seekers within the last year alone.⁹¹

In May 2015 some 5,000 refugees and migrants from Myanmar and Bangladesh were abandoned by people smugglers in the Andaman Sea. Rather than come to their aid, the governments of Indonesia, Thailand and Malaysia initially refused disembarkation and deliberately pushed them back from their territorial waters.⁹² These actions were in clear violation of international legal obligations related to rescue at sea and received widespread international condemnation.

At the regional level, some efforts have been made to address weaknesses in the protection of refugees and migrants. In several meetings in 2015, governments of countries in the Association of Southeast Asian Nations (ASEAN) put forward recommendations on improving search and rescue capacities and mechanisms and facilitating more safe and legal migration pathways. The Bali Process – the regional forum for discussing migration issues – has improved dialogue and regional coordination on the protection of refugees and migrants.

⁸⁴ OCHA, *Humanitarian Needs Overview*, OCHA, November 2015. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2016.pdf

⁸⁵ UNHCR, *Mixed Maritime Movements in South-East Asia in 2015*, February 2016.

⁸⁶ UNHCR, *Mixed Maritime Movements in South-East Asia in 2015*, February 2016.

⁸⁷ UNHCR, *Mixed Maritime Movements April-June 2015*, available at: <http://www.unhcr.org/554c6a746.html>

⁸⁸ Al Jazeera, *No Respite for Rohingya in Bangladesh*, 16 January 2014. Available at: <http://www.aljazeera.com/indepth/features/2014/01/no-respite-rohingya-bangladesh-201411675944519957.html>

⁸⁹ UNHCR, *Beyond Detention: A Global Strategy to Support Governments to End the Detention of Asylum-seekers and refugees 2014-2019*, August 2016.

⁹⁰ ECHO, *The Rohingya Crisis: ECHO Factsheet*, ECHO, May 2016

⁹¹ ECHO, *The Rohingya Crisis: ECHO Factsheet*, ECHO, May 2016

⁹² Amnesty International, *Deadly journeys at sea: The refugee and trafficking crisis in Southeast Asia* (Index: ASA 21/2574/2015).

PEOPLE-SMUGGLING AND TRAFFICKING EXPLAINED

Trafficking and smuggling are both transnational crimes, prohibited by the UN Convention Against Transnational Organized Crime (Transnational Crime Convention). Trafficking and smuggling are covered by two different protocols to the Convention and – although sometimes difficult to distinguish in practice – are defined as distinct phenomena.⁹³

As defined in Article 3 of the Trafficking Protocol, “trafficking in persons” consists of:

- (a) The action of: recruitment, transportation, transfer, harbouring or receipt of persons;
- (b) By means of: the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
- (c) The purpose of exploitation, which include, at a minimum: the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁹⁴

Under the Trafficking Protocol, states parties are obliged to criminalize human trafficking and establish comprehensive measures to prevent and combat it, as well as to protect people from re-victimization⁹⁵. The Protocol also requires states parties to “consider implementing measures to provide for the physical, psychological and social recovery of victims.”⁹⁶

People smuggling, on the other hand, is understood as a consensual transaction. The Smuggling Protocol defines the practice as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national.”⁹⁷ Those fleeing conflict and persecution in different parts of the world often resort to paying people smugglers to cross borders irregularly, when they cannot find any legal route to reach safe countries.⁹⁸ Scholars have recognized that “most asylum-seekers require smugglers at some, if not all, stages of their journey.”⁹⁹

The Smuggling Protocol obliges states to prevent and combat people-smuggling while protecting the rights of smuggled persons.¹⁰⁰ Smuggling is not in and of itself a human rights abuse, though it may involve abuses. The UN Office on Drugs and Crime recognizes that trafficking and smuggling can overlap and that the distinctions between the two are often subtle. The key legal criteria for distinguishing smuggling from trafficking is that smuggling involves consent even when undertaken in dangerous or degrading conditions, and is not for the purpose of exploitation.¹⁰¹ Neither trafficked persons nor smuggled persons are criminals.

⁹³ Protocol Against the Smuggling of Migrants by Land, Sea and Air, G.A. Res. 55/25, annex III, U.N. GAOR, 55th Sess., Supp. No. 49, at 65, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force 28 January 2004 [Smuggling Protocol]; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/55/49 (Vol. I) (2001), entered into force 25 December 2003 [Trafficking Protocol].

⁹⁴ UN Office on Drugs and Crime, *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocol Thereto*, 2004, p. 268.

⁹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/55/49 (Vol. I) (2001), entered into force 25 December 2003, Arts. 5, 9.

⁹⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/55/49 (Vol. I) (2001), entered into force 25 December 2003, Art. 6(3).

⁹⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/55/49 (Vol. I) (2001), entered into force 25 December 2003, Art. 3.

⁹⁸ In the context of the Mediterranean refugee crisis, for instance, Amnesty International considers that the large majority of people using boats to reach Europe are smuggled. See Amnesty International, *Libya is Full of Cruelty: Stories of Abduction, Sexual Violence and Abuse from Migrants and Refugees* (Index: MDE 19/1578/2015), available at <https://www.amnesty.org/en/documents/mde19/1578/2015/en/>, p.12.

⁹⁹ Sharon Pickering, *Transnational Crime and Refugee Protection, Social Justice Vol. 34, No. 2* (2007) available at: http://www.socialjusticejournal.org/archive/108_34_2/108_05Pickering.pdf, p. 53.

¹⁰⁰ Protocol Against the Smuggling of Migrants by Land, Sea and Air, G.A. Res. 55/25, annex III, U.N. GAOR, 55th Sess., Supp. No. 49, at 65, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force 28 January 2004, Art. 2

¹⁰¹ UN Office on Drugs and Crime, *Migrant Smuggling FAQs*, available at: https://www.unodc.org/unodc/en/human-trafficking/faqs/migrant-smuggling.html#Overlaps_and_differences.

PALESTINIAN REFUGEES

Just over 5 million of the world's refugees are Palestinians. They are the largest refugee population in the world and have been so for more than half a century.¹⁰² The majority live in Jordan, Lebanon, Syria, the Gaza Strip and the West Bank.

UNHCR does not work directly with most Palestinian refugees, who fall under the mandate of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).¹⁰³

Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, have a right to return in line with international law.¹⁰⁴ However, they have virtually no prospect in the foreseeable future of being allowed to return to the lands and homes they left in what is now Israel and the Occupied Palestinian Territories (OPT). In Middle Eastern countries where the majority of Palestinian refugees are hosted, they are considered stateless or have only precarious resident status and their perspective of local integration is slim.

Resettlement to other countries would help alleviate the plight of Palestinian refugees who cannot find protection in the host country. It should be seen as a temporary solution which does not jeopardize their right to return when conditions allow.

The difficulties facing Palestinian refugees in the main host countries in the Middle East have been exacerbated in situations where they are caught up in conflicts, as in the Occupied Palestinian Territories, Syria and Iraq.



Established in 1950, Balata Refugee Camp is home to thousands of Palestinian refugees, located near Nablus in the Northern part of the West Bank. Image from 2015 © Jeremy Robson

¹⁰² Palestinian refugees fled their homes in what is now Israel between late 1947 and the first half of 1949 to escape the violence linked to the creation of the state of Israel and the Arab-Israeli war of 1948; others became refugees in 1967 when Israel occupied territory, including in Gaza and the West Bank.

¹⁰³ UNRWA was created in 1949 to provide assistance to these refugees and their descendants in Jordan, Lebanon, Syria, the Gaza Strip and the West Bank, including East Jerusalem. Palestinian refugees cannot obtain recognition or assistance from UNHCR in UNRWA's areas of operation. However, Palestinian refugees in other Middle Eastern and North African countries, such as Iraq, fall under the mandate of UNHCR.

¹⁰⁴ Amnesty International, *Israel and the Occupied Territories / Palestinian Authority – The Right to Return: The Case of the Palestinians* (Index: MDE 15/013/2001) available at: <https://www.amnesty.org/en/documents/MDE15/013/2001/en/>

PALESTINIAN REFUGEES IN THE OCCUPIED PALESTINIAN TERRITORIES

More than 2 million Palestinians living in the Occupied Palestinian Territories are registered as refugees with UNRWA: nearly 775,000 in the West Bank, and 1.26 million in the Gaza Strip. Israel's nearly 10-year-long blockade of the Gaza Strip – as well as Egypt's closure of the Rafah border crossing, and destruction of cross-border tunnels – has badly affected refugees there, crippling the economy and leading to one of the highest unemployment rates in the world, consistently above 40%. Repeated armed conflicts between Israel and Palestinian armed groups in Gaza have seen many civilians, the majority of them refugees, killed in Israeli air strikes and shelling, and injured thousands of others. Some of the attacks were war crimes. In the West Bank, Israeli forces frequently raid refugee camps and communities to arrest residents and demolish homes. Excessive and unjustified force is commonly used during the raids, and refugees are frequently injured and killed.

PALESTINIAN REFUGEES FROM SYRIA

Prior to the crisis, which began in 2011, more than 520,000 Palestinian refugees were registered with UNRWA in Syria as a result of multiple waves of displacement dating back to 1947.¹⁰⁵ Since 2011, however, more than half that number have been displaced, both internally (280,000) and to other countries, as a result of attacks over a number of refugee camps and neighbourhoods where Palestinian refugees live. These include the siege of Yarmouk an area in the suburbs of Damascus, home to 180,000 Palestinian refugees and several hundred Syrians. Of those who have left Syria, around 42,000 have fled to Lebanon, more than 17,000 to Jordan and 50,000 to countries outside the area covered by UNRWA.¹⁰⁶

Since the start of the conflict in Syria, Palestinian refugees from Syria have faced difficulties entering Lebanon. As more and more people have fled Syria, Lebanon has imposed restrictions at the border with several impacting Palestinians specifically or coming into force for Palestinians sooner than other refugees from Syria.

Most of the Palestinians from Syria currently in Jordan arrived prior to early 2012, when the Jordanian authorities began blocking their entry into the country. Hundreds, if not thousands, of Palestinians from Syria have been denied access to Jordan since 2012. The authorities officially announced the policy of denying access to Palestinians from Syria in January 2013.

PALESTINIAN REFUGEES LONG-TERM RESIDENTS OF LEBANON¹⁰⁷

Prior to the Syrian conflict and refugee crisis, there were around 450,000 registered Palestinian refugees in Lebanon.¹⁰⁸ Just over half of Lebanon's long-term Palestinian refugee population lives in 12 refugee camps; others live in informal gatherings and in towns and cities across the country. UNRWA provides some services at the refugee camps, but conditions are generally poor and the camps are dilapidated and overcrowded. The poor living conditions have been exacerbated by the influx of refugees from Syria (including both Palestinians and some Syrian refugees) who have moved into the camps.

Although most of the Palestinian refugees who are long-term residents of Lebanon have lived there all their lives, they cannot acquire Lebanese nationality and many remain stateless. Because they are not formally nationals of another state, they are prevented from enjoying their rights on equal footing - not only with Lebanese nationals, but also with other foreign residents in Lebanon.¹⁰⁹

Additionally, Palestinian refugees are subject to discriminatory laws and regulations that deny them the rights to inherit property or access free public education, and that prevent them from working in 20 professions.

¹⁰⁵ Figure as of 1 January 2011, source: UNRWA, *Where we work: Syria*, <http://www.unrwa.org/where-we-work/syria>

¹⁰⁶ UNRWA, *Syria regional crisis: 2016 emergency appeal*, p1-2 http://www.unrwa.org/sites/default/files/2016_syria_emergency_appeal.pdf

¹⁰⁷ Amnesty International, *Lebanon: Submission to the UN Committee on the Elimination of All Forms of Racial Discrimination, 90th Session, 2-26 August 2016* (Index: MDE 18/4435/2016).

¹⁰⁸ UNRWA, *Statistics 2010*, p5, <http://www.unrwa.org/resources/reports/statistics-2010>

¹⁰⁹ This is the case for areas of law in which Lebanon applies the principle of reciprocity. For example: the right to work is granted to nationals of states which grant Lebanese citizens the right to work in their countries. As Palestinians are stateless, this provision does not apply to them and they are not allowed to work.

PALESTINIAN REFUGEES LONG-TERM-RESIDENTS OF IRAQ¹¹⁰

Palestinian refugees in Iraq have been suffering, like other civilians in the country, from an extremely precarious security situation. This is characterized by war crimes, crimes against humanity and ethnic cleansing¹¹¹ committed by the armed group calling itself the Islamic State (IS); and by abuses committed by the government-backed predominately Shi'a militias and government forces, targeting Arab Sunnis, in apparent revenge for crimes committed by IS.¹¹² Many Palestinian refugees have been forced to flee their homes in Iraq, reducing their numbers from an estimated 30,000 before 2003 to an estimated 12,000 in 2014. Many others have joined the country's some 3.4 million internally displaced people, who live in dire conditions.¹¹³

Palestinian refugees in Baghdad continue to report human rights violations and abuses, such as arbitrary detention, kidnappings and threats. Many of the Palestinians who were living in and around the city of Mosul had to flee to the Kurdistan Region of Iraq (KRI) following the IS takeover of large parts of northwest Iraq between December 2013 and June 2014. Since the summer of 2014, access to the KRI has become increasingly difficult. As a result of the difficulties in obtaining and renewing identity and residency documents, Palestinian refugees in the KRI often do not have regular residency papers and are thus not allowed to work. Even the few who do have temporary residency permits in the KRG are mostly unable to find work because they do not speak Kurdish and they are competing with hundreds of thousands of Iraqi Arabs who fled IS-controlled areas and are now sheltering in the KRI.

LIBYA: ABUSE OF REFUGEES IN TRANSIT

Saleh, aged 20, from Eritrea, entered Libya in October 2015 and was immediately taken to a storage hangar in Bani Walid run by traffickers. During the 10 days he was held there, he witnessed the death by electrocution of a man who was unable to pay the traffickers. "They said that if anyone else couldn't pay, their fate would be the same," he said.

Amnesty International interview, 15 May 2016, Cara Bari in Puglia, Italy

Hundreds of thousands of refugees and migrants - mostly from Sub-Saharan Africa - travel to Libya fleeing war, persecution or extreme poverty, often in the hope of settling in Europe. The International Organization for Migration (IOM) has identified 276,957 migrants in Libya, but believes there are between 700,000 and 1 million migrants currently in the country.¹¹⁴ According to UNHCR, there are around 37,500 registered refugees and asylum-seekers in Libya, half of whom are Syrians.¹¹⁵

Despite the formation of a UN-backed Government of National Accord, fighting continues in parts of Libya, including in Benghazi, Derna and Sirte. Amid the lawlessness and violence that continue to plague the

¹¹⁰ This section is based on several research missions, interviews and desk research conducted by Amnesty International between August 2014 and August 2016.

¹¹¹ Amnesty International, *Ethnic cleansing on historic scale: The Islamic State's systematic targeting of minorities in Northern Iraq* (Index: MDE 14/011/2014), <https://www.amnesty.org/en/documents/mde14/011/2014/en/>

¹¹² Amnesty International, *Absolute impunity: Militia reign in Iraq* (Index: MDE 14/015/2014): <https://www.amnesty.org/en/documents/MDE14/015/2014/en/>; *Iraq: Authorities must rein in forces amid allegations of torture and deaths in custody*, 8 June 2016, <https://www.amnesty.org/en/latest/news/2016/06/iraq-authorities-must-rein-in-forces-amid-allegations-of-torture-and-deaths-in-custody/>

¹¹³ Amnesty International, *Iraqis who fled IS rule face harrowing future*, 19 August 2016: <https://www.amnesty.org/en/latest/news/2016/08/iraqis-who-fled-is-rule-face-harrowing-future/>; *Iraq: Dire winter conditions expose shocking gaps in humanitarian assistance for thousands displaced*, 19 December 2014: <https://www.amnesty.org/en/latest/news/2014/12/iraq-dire-winter-conditions-expose-shocking-gaps-humanitarian-assistance-thousands-displaced/>

¹¹⁴ IOM, *Libya Brief*, available at: <https://www.iom.int/countries/libya>.

¹¹⁵ UNHCR, *Libya Operations*: <http://reporting.unhcr.org/node/12003>

country, a lucrative people-smuggling business has been established along routes running from southern Libya to the Mediterranean coast in the north, from where boats bound for Europe depart.

Amnesty International has spoken to scores of refugees and migrants in Italy in 2016 who described facing abuse at every stage of the journey from their arrival in Libya until they reached the Mediterranean coast. The abuses included abductions, extortion, sexual violence, killings, torture and religious persecution by people smugglers, traffickers, organized criminal gangs and armed groups. Some had lived in Libya for years but wanted to escape because of harassment or abuse by local gangs, police or armed groups. Women whom Amnesty International interviewed said rape was so commonplace along the smuggling routes that they took contraceptive pills before travelling.¹¹⁶

Refugees and migrants have reported that people-smugglers hold them captive to extort a ransom from their families. They are kept in deplorable and often squalid conditions, deprived of food and water and repeatedly beaten, harassed and insulted.

Testimonies gathered in May 2016 also reveal shocking abuses by the Libyan coastguard and at immigration detention centres in Libya. Refugees and migrants have described shootings and beatings while being picked up by the coastguard as well as further torture and other ill-treatment at detention centres. Refugees and migrants intercepted while attempting the journey towards Italy are routinely taken to immigration detention centres in Libya. Since 2011, Amnesty International has collected scores of testimonies from former detainees, including men, women and unaccompanied children, detailing terrible conditions, violence and sexual abuse at such centres across Libya.¹¹⁷ The latest evidence gathered shows that abuses continue unabated.¹¹⁸

The centres are run by the Department to Combat Irregular Migration (DCIM) which nominally falls under the control of Libya's Ministry of Interior, but in practice many are run by members of armed groups. Libya's internationally-backed Government of National Accord is yet to gain effective control of these centres. Libyan law criminalizes entering, exiting and staying in Libya irregularly and allows for the indefinite detention of foreign nationals for the purpose of deportation. Detainees are often held in centres for months without access to their families, lawyers or judges, and are unable to challenge their detention or access protection given the lack of any national asylum law or system in Libya. Deportations are carried out without any safeguards or assessment of individual claims.

FLEEING VIOLENCE IN CENTRAL AMERICA'S NORTHERN TRIANGLE

After a notable drop in violence in Central America in the 1990s, in the last decade activity by gangs (known as maras) and organized crime have made the so-called Northern Triangle (El Salvador, Honduras and Guatemala) one of the most dangerous regions in the world.¹¹⁹ This "new reality" has significantly changed the push factors affecting migration flows in the Central America-Mexico-US corridor. The soaring violence in the Northern Triangle has caused rising numbers of people to flee north, not just to seek a better quality of life, but to save their lives. Many of these Central Americans have legitimate reasons to seek international

¹¹⁶ Amnesty International spoke to 90 refugees and migrants in Puglia and Sicily, Italy, in May 2016 and collected 16 accounts of sexual violence from survivors and eyewitnesses. Amnesty International, *Refugees and migrants fleeing sexual violence, abuse and exploitation in Libya*, 1 July 2016, available at: <https://www.amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/>

¹¹⁷ Amnesty International, *Libya: Scapegoats of fear: Rights of refugees, asylum-seekers and migrants abused in Libya*, (Index: MDE 19/007/2013), available at: <https://www.amnesty.org/en/documents/mde19/007/2013/en/> and Amnesty International, *'Libya is Full of Cruelty': Stories of abduction, sexual violence and abuse from refugees and migrants* (Index: MDE 19/1578/2015), available at: <https://www.amnesty.org/en/documents/mde19/1578/2015/en/>

¹¹⁸ Amnesty International spoke to 90 refugees and migrants in Puglia and Sicily, Italy, in May 2016 including at least 20 who spoke of violations at the hands of the Libyan coastguard or torture and ill-treatment in immigration detention centres including being beaten on a daily basis using wooden sticks, hoses, electric cables and rifles as well as subjecting them to electric shocks. Several people said they had witnessed refugees or migrants dying in detention, either shot dead or beaten to death by the guards. Amnesty International, *EU risks fuelling horrific abuse of refugees and migrants in Libya*, 14 June 2016, available at: <https://www.amnesty.org/en/latest/news/2016/06/eu-risks-fuelling-horrific-abuse-of-refugees-and-migrants-in-libya/>

¹¹⁹ See UN Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013: Trends, Contexts, Data*, 10 April 2014, www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf, p. 33. Note, Honduras' Police Statistics System (SEPOL) cites the same number of homicides but puts the rate as 85-83. [https://www.sepol.hn/artisistem/images/sepol-images/files/PDF/HISTORICO%20DE%20TASA%20ANUAL%20DE%20HOMICIDIOS%20POR%20CADA%20100,000%20HABITANTES%20POR%20A%c3%91OS%20\(DATOS%20PRELIMINARES\).pdf](https://www.sepol.hn/artisistem/images/sepol-images/files/PDF/HISTORICO%20DE%20TASA%20ANUAL%20DE%20HOMICIDIOS%20POR%20CADA%20100,000%20HABITANTES%20POR%20A%c3%91OS%20(DATOS%20PRELIMINARES).pdf)

protection. However, all of the countries to which they flee, and among them particularly the US and Mexico, have routinely failed to offer them such protection.

The Northern Triangle states have frequently sought to minimize the link between violence in their jurisdictions and emigration, and continue to represent migration as being driven by factors such as people seeking economic opportunities and family reunification. But skyrocketing asylum applications made around the world by citizens of the Northern Triangle indicate a very real shift in factors affecting people's decision to move: the number of asylum-seekers that presented new applications from El Salvador, Guatemala and Honduras increased from 8,052 persons in 2010 to 56,097 persons in 2015, an increase of 597% over five years.¹²⁰

The number of people fleeing the Northern Triangle countries and seeking protection is now at levels not seen since the era of the region's armed conflicts during the 1980s. Moreover, the desperate situation has been reflected in the changing demographics of people making the journey: there are more women, young people, children (both travelling alone and in family units) and LGBTI people, often fleeing contexts of violence where they are particularly at risk.

Changing political approaches to immigration in North America have significantly altered the experience of those moving north. One of the most dramatic changes is the fact that most of the Central Americans being deported back to their countries of origin are increasingly being deported from Mexico before reaching the US.

The unwillingness of the Northern Triangle governments to acknowledge how significantly violence has changed the reasons why people move has a serious impact at what has increasingly become part of the journey: the forced return. Although deportations back to the Northern Triangle have been a reality for as long as there has been migration in the region, people who are forcibly returned to their home countries after fleeing violence face risks upon return that are quite different to those who left the country seeking economic opportunities. In May 2016, the Inter-American Commission on Human Rights issued protection measures that called on the US to halt any efforts to deport a Salvadoran woman and her daughter, as it could put their lives and personal integrity at risk.¹²¹ The woman and her daughter had sought asylum in the US claiming to have been victims of rape and threats of violence by gang members, but their asylum application had been rejected.

In its research in all three countries, Amnesty International found that states' efforts to protect their returned citizens appeared to end the moment they walked out of the reception centres and that no effective protection mechanisms were in place. The consequence for people who fled violence in the first place is that they may be at greater risk of violence on return. In many countries, authorities relied on civil society organizations to fill the void and provide the most crucial services to follow up on deportees' protection needs.

¹²⁰ UNHCR, Population Statistics, Asylum-Seekers, available at popstats.unhcr.org/en/asylum_seekers

¹²¹ Inter-American Commission on Human Rights, Resolution 30/2016, Precautionary Measure no. 297-16, Matter of E.G.S. and A.E.S.G., regarding the United States of America, 11 May 2016, www.oas.org/es/cidh/decisiones/pdf/2016/MC297-16-Es.pdf

2. KEEPING REFUGEES OUT

AUSTRALIA AND PACIFIC

The government of Australia has been at the forefront of dismantling global standards for refugee protection. The country's resettlement of refugees (9,400 people arrived in 2015) can in no way compensate for its longstanding punitive approach to people seeking asylum, which is arguably precipitating a global "race to the bottom" in international standards and practice.¹²²

Australia's "Operation Sovereign Borders" is the country's military-led border control operation. It began in late 2013 and involves a number of agencies which include the Australian Federal Police, Australian Defence Force, Australian Border Force and Department of Immigration and Border Protection. The mandate of Operation Sovereign Borders is to stop anyone – including asylum-seekers and refugees – from reaching Australia irregularly by boat. In operations that are called "pushbacks" or "turnbacks," Australian officials intercept boats of asylum-seekers and prevent them from landing in Australia. The Australian authorities have confirmed 28 such operations occurred between 2013 and mid-2016.¹²³ In mid-2015, Australian officials demonstrated the shocking lengths to which they would go to prevent these landings, with Amnesty International uncovering compelling evidence that officials participated in a transnational crime by paying boat crews tens of thousands of dollars to return asylum-seekers to Indonesia.¹²⁴

In cases of those seeking asylum who do reach Australian territory irregularly by boat, the authorities continue to impose a policy of mandatory offshore detention in Australian-run facilities in the Republic of Nauru or on Manus Island in Papua New Guinea. Between 2012 and 2014, Amnesty International research revealed the serious human rights violations committed as part of this policy, including arbitrary and indefinite detention in appalling conditions.¹²⁵ In 2016, the policy of mandatory offshore detention continued to have a devastating effect on the physical and mental health of detainees, leading to several deaths,¹²⁶

¹²² UNHCR, *Global Trends, Forced Displacement in 2015*: <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf>

¹²³ ABC News, *Election 2016: Peter Dutton, Malcolm Turnbull confirm Vietnam asylum seeker boat turn-back*, 22 June 2016, available at: <http://www.abc.net.au/news/2016-06-22/dutton-turnbull-confirm-vietnam-asylum-seeker-boat-turn-back/7532368>.

¹²⁴ Amnesty International, *Australia: By Hook or by Crook - Australia's abuse of Asylum-seekers at sea* (Index ASA 12/2576/2015), 28 October 2015: <https://www.amnesty.org/en/documents/asa12/2576/2015/en/>

¹²⁵ Amnesty International, *This is still breaking people: Update on human rights violations at Australia's asylum-seeker processing centre on Manus Island, Papua New Guinea* (Index: ASA 12/002/2014), available at <https://www.amnesty.org/en/documents/asa12/002/2014/en/>; *This is breaking people: Human rights violations at Australia's asylum-seeker processing centre on Manus Island, Papua New Guinea* (Index: ASA 12/002/2013), available at <https://www.amnesty.org/en/documents/ASA12/002/2013/en/>; *Nauru Camp a Human Rights Catastrophe with No End in Sight*, 23 November 2012, available at <https://www.amnesty.org/en/documents/ASA42/002/2012/en/>

¹²⁶ Reza Berati died after violence erupted at the Manus Island detention centre on 18 February 2014. See http://www.aph.gov.au/~media/Committees/Senate/committee/legcon_ctte/Manus_Island/Report/report.pdf, p. 101. Hamid Kehazaei died on 5 September 2014 after contracting septicemia on Manus Island.

suicides,¹²⁷ suicide attempts, self-harm such as self-immolation,¹²⁸ hunger strikes, violence and depression.

In April 2016, the Supreme Court of Papua New Guinea found the detention of asylum-seekers to be “illegal and unconstitutional.”¹²⁹ The Australian authorities eventually confirmed the centres would be closed, but provided no clear timelines and simultaneously asserted that the detainees could never enter Australia.¹³⁰ As of May 2016, 847 people were detained in Papua New Guinea. Fewer than 20 refugees have been allowed to move from Manus Island with the permission of the Papua New Guinean government.¹³¹

An Amnesty International researcher visited Nauru in July 2016 and found that the 1,200 women, men and children living there suffer severe abuse, inhumane treatment and neglect. By forcibly transferring refugees and people seeking asylum to Nauru, detaining them for prolonged periods in inhumane conditions, denying them appropriate medical care, and in other ways structuring its operations so that many experience a serious degradation of their mental health, the Australian government has violated the rights to be free from torture and other ill-treatment and from arbitrary detention, as well as other fundamental protections.¹³²

Secrecy is a key plank in the government of Australia’s punitive edifice of “border protection.” In July 2015 the government introduced the Border Force Act, which provides prison sentences for government staff and contractors, including health and child welfare professionals who speak out about human rights abuses in immigration detention.¹³³ Despite this legislation, dozens of people have risked criminal prosecution in order to shed light on the serious and at times irreparable harm caused to detainees.¹³⁴

SEARCH AND RESCUE AND SAFETY AT SEA

States’ sovereignty extends into the sea although their prerogatives and obligations vary according to the areas of maritime jurisdiction. The 1982 UN Convention on the Law of the Sea (UNCLOS) codifies the structure of maritime territory and the rights and obligations of states. According to the UNCLOS, a state has full sovereignty and jurisdiction over its territorial waters, which may extend up to 12 nautical miles from its shore.¹³⁵ A state can exercise more limited control over areas of sea that are contiguous to its territorial waters (contiguous zone), up to 24 miles, such as action to prevent infringement of its customs, fiscal, immigration or sanitary laws.¹³⁶

Beyond these areas, the maritime area is called “high seas”. According to the law of the sea, the high seas are free for all states and reserved for peaceful purposes.¹³⁷ The sea, including the high seas, is further divided in areas of competence of different states to ensure the provision of Search and Rescue (SAR) services.

It is a commonly accepted and longstanding maritime tradition that shipmasters have an obligation to render assistance to those in distress at sea, regardless of their nationality, status or the circumstances in which they are found. The integrity of the maritime SAR system depends upon it. This obligation is accepted as customary international law and has been codified in the international law of the sea.

¹²⁷ The Guardian, *Refugee who set himself alight on Nauru dies in hospital*, 29 April 2016: <https://www.theguardian.com/australia-news/2016/apr/29/refugee-who-set-himself-alight-on-nauru-dies-of-injuries-in-hospital>

¹²⁸ The Guardian, *Self-immolation: desperate protests against Australia’s detention regime*, 3 May 2016: <https://www.theguardian.com/australia-news/2016/may/03/asylum-seekers-set-themselves-alight-nauru>

¹²⁹ See: *Belden Narmal Namah v Papua New Guinea* (SC1497), The Supreme Court of Justice, 2013: https://uploads.guim.co.uk/2016/04/26/PNG_SC_judgement.pdf

¹³⁰ The Guardian, *Australia confirms Manus Island immigration detention centre will close*, 17 August 2016: https://www.theguardian.com/australia-news/2016/aug/17/manus-island-detention-centre-to-close-australia-and-papua-new-guinea-agree?CMP=Share_iOSApp_Other

¹³¹ ABC, *Fewer than 20 refugees resettled in PNG from Manus Island centre*, 18 August 2016: <http://www.abc.net.au/news/2016-08-18/fewer-than-20-refugees-resettled-in-png-from-manus/7762912>

¹³² Amnesty International, *Australia: Appalling abuse, neglect of refugees on Nauru*, 2 August 2016: <https://www.amnesty.org/en/latest/news/2016/08/australia-abuse-neglect-of-refugees-on-nauru/> - also see The Guardian, *The Nauru files*: <https://www.theguardian.com/news/series/nauru-files>

¹³³ Amnesty International, *Annual Report 2015/2016*, Australia country page: <https://www.amnesty.org/en/countries/asia-and-the-pacific/australia/report-australia/>

¹³⁴ The Guardian, *Offshore detention whistleblower loses job after condemning ‘atrocities’ of camps*, 21 June 2016: <https://www.theguardian.com/australia-news/2016/jun/21/offshore-detention-whistleblower-loses-job-after-condemning-atrocities-of-camps>; The Guardian, *More than 100 Nauru and Manus staff call for centres to close*, 16 August 2016 <https://www.theguardian.com/australia-news/2016/aug/17/more-than-100-former-nauru-and-manus-staff-call-for-centres-to-close>

¹³⁵ UN General Assembly, *Convention on the Law of the Sea*, 10 December 1982, Arts. 2, 3, 4 and 8

¹³⁶ UN General Assembly, *Convention on the Law of the Sea*, 10 December 1982, Art. 33

¹³⁷ UN General Assembly, *Convention on the Law of the Sea*, 10 December 1982, Arts. 86-90

The SAR Convention, which aims to create an international maritime search and rescue system, requires states to ensure that there are sufficient search and rescue regions established in each sea area; that these are contiguous and as far as possible not overlapping; and that they are established by agreement among the parties concerned

The 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and SAR Conventions also require states parties to co-ordinate and co-operate to ensure that masters of ships providing assistance by embarking people in distress at sea are released from their obligations with minimum further deviation from the ship's intended voyage; and arrange disembarkation as soon as reasonably practicable. They also oblige masters who have embarked persons in distress at sea to treat them with humanity, within the capabilities of the ship.

The IMO Maritime Safety Committee has published Guidelines on the Treatment of Persons Rescued at Sea. These guidelines state that the government responsible for the SAR region in which survivors were recovered is responsible for providing a place of safety or ensuring that such a place of safety is provided.¹³⁸ States that rescue or accept the disembarkation of rescued migrants and refugees are also faced with the longer-term cost and responsibility of meeting their needs.

EUROPEAN UNION

In the face of the worst displacement crises in generations, the European Union (EU), the richest political bloc in the world, has actively sought to prevent asylum-seekers and refugees from accessing its territory. In what have been dubbed “Fortress Europe” policies, the EU has erected fences at land borders, deployed ever-larger numbers of border guards, and struck deals with neighbouring countries to keep people out.

For more than a decade the EU's approach to preventing people arriving irregularly by sea or land has been to push them back and try to close off routes, frequently resulting in serious human rights violations and people's lives being put at risk. During the past ten years an increasing number of people began departing North Africa by boat trying to reach Europe. The majority of these journeys involved people departing from Libya aiming to reach Italy. Organized by people smugglers, they frequently involved putting large numbers of refugees and migrants on unseaworthy boats, without adequate safety equipment, food or water and sometimes without adequate fuel to complete the crossing. While thousands of people did reach Italy, thousands lost their lives at sea.¹³⁹ In October 2013 Italy established a search and rescue operation called Mare Nostrum, following public outrage over shipwrecks near the island of Lampedusa in which hundreds of people – including many children – drowned. At the end of 2014, Italy and the EU decided to end Mare Nostrum. The EU replaced it with a much smaller operation called Triton. Operation Triton mainly focuses on patrolling borders close to land, rather than saving lives in the open sea and had fewer resources than Mare Nostrum. As a result, finding and rescuing people fell mostly to coastguards and commercial ships. The result was catastrophic and thousands more people drowned.¹⁴⁰



Informal camps for refugees and migrants that have emerged outside the Hungarian transit zones (facilities for submitting asylum applications) at the international border crossings between Hungary and Serbia, August 2016 © Amnesty International

¹³⁸ IMO, *Guidelines on the Treatment of Persons Rescued at Sea*, Resolution MSC.167(78): [http://www.imo.org/en/OurWork/Facilitation/Documents/MS.167%20\(78\).pdf](http://www.imo.org/en/OurWork/Facilitation/Documents/MS.167%20(78).pdf)

¹³⁹ Gabriele Del Grande, *Fortress Europe Blog*, <http://fortresseurope.blogspot.fr/p/la-strage.html>

¹⁴⁰ Amnesty International, *The global refugee crisis: Conspiracy of neglect* (Index: POL 40/1796/2015), available at: <http://www.amnesty.org.au/resources/activist/POL4017962015ENGLISH.PDF>

When more than 1,000 refugees and migrants died in a series of incidents off the Libyan coast over one weekend in mid-April 2015, EU leaders finally agreed to expand Operation Triton and a number of countries, including the UK and Germany, dispatched additional naval vessels to the region. The results were positive: according to the International Organization for Migration, death rates along the central Mediterranean route declined by 9% compared to 2014.¹⁴¹

More than 1 million refugees and migrants reached Europe by sea in 2015, with almost 4,000 feared drowned.

International Organisation for Migration¹⁴²

In stark contrast to the actions of EU governments, thousands of individual volunteers tried to help refugees and migrants arriving by sea. They, alongside non-governmental organizations, saved lives, offered food and shelter and provided the support that EU states were failed or refused to supply.

The vast majority of people attempting to reach Europe by sea come from countries in which there is armed conflict, such as Syria, or systemic human rights violations, such as Eritrea.¹⁴³ The Mediterranean is only one route that refugees and asylum-seekers use to try and reach Europe. Since the start of the Syrian crisis, hundreds of thousands of refugees and asylum-seekers have tried to reach the EU using a range of other routes, including overland via Turkey into Bulgaria and via Turkey across the Aegean Sea to Greece.

In 2015, some 800,000 people, overwhelmingly refugees fleeing conflict or persecution in Syria, Afghanistan, Eritrea, Somalia and Iraq, made the dangerous crossing from Turkey to Greece.¹⁴⁴ In the face of logistical and humanitarian challenges presented by such large numbers, Greece's already weak reception system failed – hundreds of thousands of refugees and asylum-seekers left the country and marched on through the Balkans, most of them aiming to reach Germany.

Balkan countries alternated between closing their borders and simply ushering refugees and asylum-seekers through. Border guards used tear gas and batons to beat back crowds. Thousands of people were forced to sleep rough in freezing conditions, as authorities along the route struggled to provide adequate shelter. Hungary led the way in refusing to engage with pan-European solutions to the refugee crisis. Having seen a sharp increase in arriving refugees and asylum-seekers at the start of the year, Hungary turned its back on collective efforts and decided to seal itself off. It constructed over 200km of fencing along its borders with Serbia and Croatia and adopted legislation rendering it almost impossible for refugees and asylum-seekers entering via Serbia to claim asylum.

REFUGEES AND ASYLUM-SEEKERS IN EU COUNTRIES

Some 563,000 people applied for asylum in the EU in 2014. This figure almost doubled to 1.26 million in 2015, an increase attributable to the higher numbers of applicants from Syria, Afghanistan and Iraq reaching Europe.¹⁴⁵

The population of the EU is just over 510 million.¹⁴⁶ The population of Lebanon was approximately 4.5 million in 2013 yet the country currently hosts 1.5 million refugees, primarily from Syria.

In the face of hundreds of thousands of asylum-seekers and refugees undertaking journeys fraught with danger to try to reach safety, the EU and its member states have singularly failed to come up with a coherent, humane and rights-respecting response. Only Germany showed leadership commensurate with

¹⁴¹ International Organization for Migration, *Over 3,770 Migrants Have Died Trying to Cross the Mediterranean to Europe in 2015*, 31 December 2015: <https://www.iom.int/news/over-3770-migrants-have-died-trying-cross-mediterranean-europe-2015>

¹⁴² Data available: <https://missingmigrants.iom.int/mediterranean>; IOM, *Irregular Migrant, Refugee Arrivals in Europe Top One Million in 2015*, 22 December 2015, available at: www.iom.int/news/irregular-migrant-refugee-arrivals-europe-top-one-million-2015-iom

¹⁴³ UNHCR, *Refugees/Migrants Emergency Response - Mediterranean*: <http://data.unhcr.org/mediterranean/regional.php>

¹⁴⁴ UNHCR, *Over one million sea arrivals reach Europe in 2015*, 30 December 2015: <http://www.unhcr.org/uk/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

¹⁴⁵ Eurostat Asylum statistics, data extracted on 2 March 2016 and 20 April 2016: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

¹⁴⁶ Eurostat Population and population change statistics, data extracted in July 2016: http://ec.europa.eu/eurostat/statistics-explained/index.php/Population_and_population_change_statistics

the scale of the challenge. European leaders overwhelmingly chose to listen to vocal anti-immigrant sentiment and concerns over the perceived loss of national sovereignty and security threats. As a result, the only policies they could agree on were measures to strengthen “Fortress Europe”.

EU leaders have also utterly failed to address the issue of why people are driven to make such terrible journeys. Refugees have to get to Europe in order to claim asylum. They must obtain visas to travel by ordinary lawful routes, yet there are no visas available for those seeking asylum. Rather than expand safe and legal options for those seeking asylum to reach Europe, the EU and its member states started looking to countries of origin and, particularly, transit to restrict the flow of refugees and migrants. Political “solutions” (such as the disastrous and illegal EU-Turkey deal; see above) are now the focus for the EU and member states, who have been negotiating deals with countries such as Libya and Sudan. The outsourcing of the EU migration controls is becoming a dangerous transactional game in which countries are paid to keep people out of the EU and the human cost is ignored.

THE EU: DEALING IN MISERY AND ABUSE

In 2016, the EU announced that it was giving the Sudanese government €155 million for measures aimed at reducing irregular migration.¹⁴⁷ This aid was given within the framework of the EU-Horn of Africa Migration Route Initiative (known as the Khartoum Process).

According to Sudanese media the Sudanese authorities have tasked Rapid Support Forces (RSF) with implementation of aspects of migration control linked to the Khartoum Process.¹⁴⁸ The RSF was established in 2013 to fight in support of Sudan’s national armed forces in their counter-insurgency operations. It has a reputation for serious human rights violations in Darfur, Kordofan and Khartoum. In 2015 Human Rights Watch reported that the RSF has killed, raped and tortured civilians in scores of villages in an organized, deliberate, and systematic way.¹⁴⁹

A senior RSF Commander who has spoken publicly about the role of the RSF in control of irregular migration, has been linked to the irregular forces sometimes called ‘Janjaweed’ who were responsible for widespread and systematic killings, forced displacements and sexual violence in Darfur from 2003 onwards, which eventually led to the president’s genocide indictment.¹⁵⁰

The RSF has reported intercepting hundreds of “irregular migrants”, including 600 it claims were Ethiopian, but there is little or no information on their subsequent treatment.¹⁵¹ Amnesty International considered that refugees and migrants intercepted by the RSF, or any other Sudanese security forces, face serious risks of human rights violations. The history of abuse by the RSF and other Sudanese forces has not been addressed by the Sudan authorities and ongoing violations by security forces and groups such as the RSF strongly suggest these abuses are condoned.

While the EU may not fund Sudan’s security forces directly, the EU cannot evade the fact that action by Sudan to curb irregular migration carries an extremely high risk of human rights violations being perpetrated against refugees and migrants. The EU’s partnership with Sudan is providing both funding and legitimacy to a context in which abuse of the rights of refugees and migrants is highly likely.

The EU-Sudan deal is one of several EU has, or is, negotiating in Africa to prevent migrants and refugees reaching its territory.¹⁵² In June the EU announced plans to extend Operation Sophia, its anti-smuggling

¹⁴⁷ Neven Mimica (European Union Commissioner for International Cooperation and Development), ‘EU and Sudan to strengthen dialogue and cooperation’, *Sudan Tribune*, 6 April 2016, available at www.sudantribune.com/spip.php?article58546

¹⁴⁸ Sudan Tribune, *Sudan’s RSF militia arrests 600 illegal migrants near Libyan and Egyptian border*, 31 July 2016: <http://sudantribune.com/spip.php?article59779>.

¹⁴⁹ Human Rights Watch, *“Men With No Mercy”: Rapid Support Forces Attacks against Civilians in Darfur*, Sudan, 9 September 2015: <https://www.hrw.org/report/2015/09/09/men-no-mercy/rapid-support-forces-attacks-against-civilians-darfur-sudan>

¹⁵⁰ Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), UN Security Council document S/2015/31, 19 January 2015, pages 14-15

¹⁵¹ Dabanga, *Sudanese force arrests ‘300 illegal immigrants’ near Libya*, 5 July 2016: <https://www.dabangasudan.org/en/all-news/article/sudanese-force-arrests-300-illegal-immigrants-near-libya>; Sudan Tribune, *Sudan’s RSF militia arrests 600 illegal migrants near Libyan and Egyptian border*, 31 July 2016: <http://sudantribune.com/spip.php?article59779>

¹⁵² On 7 June 2016, the European Commission published a Communication, calling for the establishment of migration “compacts” between the EU and a range of countries in Africa, Asia and the Middle East. It lists the 16 priority countries as Afghanistan, Algeria, Bangladesh, Ethiopia, Eritrea, Ghana, Ivory Coast, Mali, Morocco, Niger, Nigeria, Pakistan, Senegal, Somalia, Sudan, and Tunisia. European Commission, Communication from the Commission to the

naval mission in the Central Mediterranean, for a further year and to train, build up the capacity of and share information with the Libyan coastguard following a request by the new Libyan government. However, testimonies gathered by Amnesty International during visits to Sicily and Puglia in May 2016 reveal shocking abuses by the Libyan coastguard and at immigration detention centres in Libya.¹⁵³ The Libyan coastguard intercepts and takes thousands of people to detention centres where they suffer torture and other abuses.

US AND MEXICO

In 2014, the Obama administration was overwhelmed by a humanitarian crisis when more than 68,000 unaccompanied children arrived on the US southern border by September 2014 alone, mostly from the Northern Triangle countries of Central America.¹⁵⁴ The number of families arriving from the Northern Triangle also increased in alarming numbers.

The spike in arrivals was accompanied by Mexico's new immigration enforcement programme, known as the Southern Border Plan. Announced by Mexican President Enrique Peña Nieto on 7 July 2014,¹⁵⁵ the Plan is ostensibly aimed at ensuring safety for migrants crossing over Mexico's southern border with Guatemala and Belize, including strengthened security and infrastructure. In fact, the implementation of the Plan has had negative consequences on the ability of Central Americans in need of international protection to seek and receive asylum. To date, public information on the Southern Border Plan has been limited to general announcements and speeches without any transparency or monitoring mechanisms detailed in public documents.¹⁵⁶

The Plan has been widely criticized for its harsh approach that significantly increases the involvement of police and military in enforcement operations¹⁵⁷ that are primarily focused on apprehending refugees and migrants and returning them to their countries of origin. In June 2015 the Inter-American Commission on Human Rights expressed its concern regarding an increase in reports of human rights violations along Mexico's southern border in the wake of the implementation of the Plan.¹⁵⁸ Furthermore, the Plan has forced refugees and migrants to choose more precarious routes in their transit through Mexico, putting them at greater risk of kidnappings, extortion, sexual assault and killings during the journey.

The rollout of the Southern Border Plan saw a marked increase in the number of Central American migrants apprehended and deported by Mexican authorities, contrasting with a decline in apprehensions by US authorities. In 2015, 198,141 "irregular migrants" were apprehended and detained by the Mexican migration authorities, an increase of more than 50% compared to 2014.¹⁵⁹ The vast majority of these were Central Americans, and 98% of Central Americans detained by Mexican authorities were sent to their countries of origin in 2015.¹⁶⁰ In contrast, the US Department of Homeland Security reported that

European Parliament, the European Council, the Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration, June 2016, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf

¹⁵³ Amnesty International, *EU Risks Fuelling Horrific Abuse of Refugees and Migrants in Libya*, 14 June 2016: <https://www.amnesty.org/en/latest/news/2016/06/eu-risks-fuelling-horrific-abuse-of-refugees-and-migrants-in-libya/>

¹⁵⁴ According to US Border Control figures, 68,541 "Unaccompanied Alien Children" were apprehended on the US Southwest border in Fiscal Year 2014 (Oct1, 2013 to Sept 30, 2014): See figures at: <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2014> as at 24 August 2016

¹⁵⁵ Presidency of Mexico Press Release, 7 July 2014: *Pone en marcha el Presidente Enrique Peña Nieto el Programa Frontera Sur*, available at: <http://www.gob.mx/presidencia/prensa/pone-en-marcha-el-presidente-enrique-pena-nieto-el-programa-frontera-sur>

¹⁵⁶ The only official public document that exists is a public decree in the Official Gazette on 8 July 2014 creating a new unit within the Ministry of the Interior in relation to Mexico's southern border. Available at: http://www.dof.gob.mx/nota_detalle.php?codigo=5351463&fecha=08/07/2014.

¹⁵⁷ See Graphic 1: "Participation of Security and Justice Agencies in Migration Enforcement Operations" in *An Uncertain Path: Justice for Crimes and Human Rights Violations against Migrants and Refugees in Mexico*, Washington Office on Latin America (WOLA) et al., November 2015, page 11.

¹⁵⁸ Inter-American Human Rights Commission IACHR Expresses Concern over Mexico's Southern Border Plan, 10 June 2015, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2015/065.asp>. In addition, the Plan has resulted in alarming discrimination based on ethnic origin. On a number of occasions Mexican Indigenous people have been detained by migration authorities and accused of being Guatemalan, and in some cases have even been subjected to torture and ill treatment. At least one young man of Indigenous origin has been tortured to "confess" that he was Guatemalan, according to forensic doctors from Mexico City's ombudsman office who examined him. These abuses not only violate the principle of non-discrimination, yet also violate the constitutional right of every Mexican to transit freely throughout the country. The National Human Rights Commission has documented some of these cases. See National Human Rights Commission, Recommendation 58/2015, available from http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2015/Rec_2015_058.pdf

¹⁵⁹ See figures from the Mexican Ministry of the Interior: *Foreigners apprehended and returned in 2015*: http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_alojados_y_devueltos_2015, Cuadro 3.1.1, accessed 24 August 2016. Figures for In 2014 show that 127,149 in 2014 migrants were detained or apprehended by the National Institute of Migration: http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_alojados_y_devueltos_2014, cuadro 3.1.1 accessed 24 August 2014

¹⁶⁰ In 2015, 179,618 migrants from Central America were apprehended and detained (see figures in Cuadro 3.1.1. at: http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_alojados_y_devueltos_2015) and 176,726 were returned to their countries of origin either

apprehensions of individuals from countries other than Mexico, predominantly from Central America, decreased by 68% in fiscal year 2015 compared to fiscal year 2014.¹⁶¹ The figures for 2016 show that the flow of Central Americans to both the US and Mexico borders remains steady and that the flow of Central Americans to the US has picked up once again.¹⁶²

There is evidence to suggest that the US has been instrumental in shaping Mexico's crackdown on its southern border. Since 2008 Mexico has received security assistance from the US by way of the US\$2.5 billion aid package known as the Merida Initiative. Since 2013, this package has begun to offer direct support to Mexico's southern border, including the establishment of 12 naval bases on the Mexico-Guatemala border and three 100-mile security cordons along Mexico's southern borders with Guatemala and Belize. There are plans to direct US\$75 million to enforcement on Mexico's southern border.¹⁶³

Despite the fact that UNHCR and many civil society organizations have called for urgent action in relation to people fleeing violence in Central America in need of international protection,¹⁶⁴ screening for possible asylum claims is inadequate from the US and Mexican governments, both of whom deport Central Americans without properly informing them of their rights to seek international protection. In 2015, the US granted only approximately 4% all asylum applications lodged by people from Guatemala, Honduras and El Salvador in immigration courts.¹⁶⁵ Fewer than 1% of Central Americans formally seek asylum in Mexico¹⁶⁶ and the Commission on Refugees granted refugee status to approximately 27% of claimants in 2015; in the first four months of 2016 this rate rose to 37%.¹⁶⁷

“People arrive hungry, people arrive naked. Without their shoes, sick. And no one cares.”

Testimony of a nun who runs a shelter in Tapachula in southern Mexico which every day receives dozens of people fleeing violence from El Salvador, Honduras and Guatemala.

The policies of the US and Mexico are in theory designed to protect migrants, yet in practice serve as fast-track approaches to apprehend and deport foreigners entering both countries, without ensuring that those in need of asylum can claim it and obtain it. Both are falling short of their international obligations to those who present grounds for international protection. The Mexican government in particular is failing to comply with its own national law, which adheres to regional standards such as the Cartagena Declaration of 1984, an international instrument generally accepted by bodies such as UNHCR, which calls for refugee status to people fleeing generalized violence in their countries, such as those from Central America's Northern Triangle.¹⁶⁸

through deportation or “assisted return.” See figures in Cuadro 3.2.1. at http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_alojados_y_devueltos_2015, accessed on 24 August 2016.

¹⁶¹ US Department of Homeland Security, “DHS Releases End of Fiscal Year 2015 Statistics”, available at: <https://www.dhs.gov/news/2015/12/22/dhs-releases-end-fiscal-year-2015-statistics>, accessed on 25 August 2016.

¹⁶² Latest figures from the US Border Patrol as of July 2016 show that Fiscal Year 2016 has recorded a higher number of apprehensions at the southern border in comparison to 2015. See figures here: <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>, accessed 24 August 2016

¹⁶³ US Congressional Research Service, US – Mexico Security Cooperation: The Mérida Initiative and Beyond, February 22, 2016, available at <https://www.fas.org/sgp/crs/row/R41349.pdf> page 15

¹⁶⁴ United Nations High Commissioner for Refugees, “UNHCR calls for urgent action as Central America asylum claims soar”, 5 April 2016, available at: <http://www.unhcr.org/news/latest/2016/4/5703ab396/unhcr-calls-urgent-action-central-america-asylum-claims-soar.html>

¹⁶⁵ In 2015, 10,469 asylum claims were received from nationals of El Salvador, and only 303 were granted. 6,898 were received from nationals of Guatemala and only 369 were granted. 8,332 claims were received from nationals of Honduras and only 307 were granted. See US Department of Justice Asylum Statistics FY 2015, available at: <https://www.justice.gov/eoir/file/asylum-statistics/download>

¹⁶⁶ UNHCR: “Mexico, Ficha de Datos”, July 2016, available at: http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Mexico/Mexico_hoja_informativa_Julio_2016_ESP.pdf?view=1

¹⁶⁷ See Mexican Commission on Refugees (COMAR): Statistics 2015 and 2016: available at: http://www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS_2013_A_04-2016_act.pdf

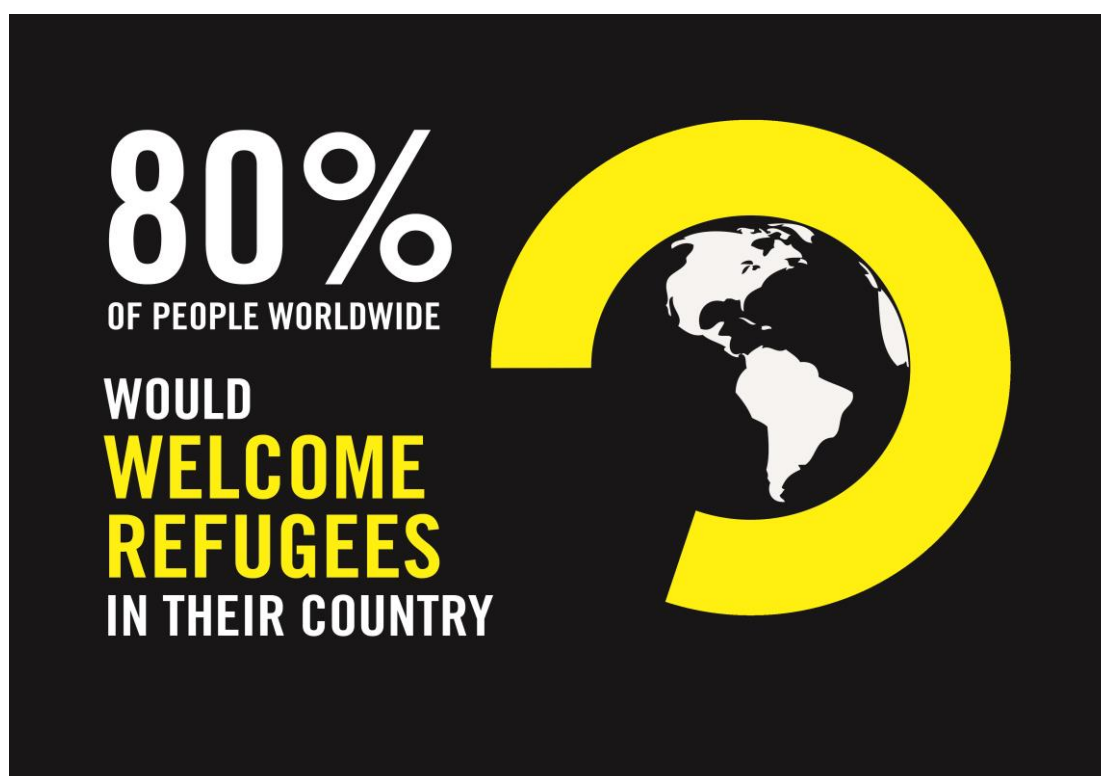
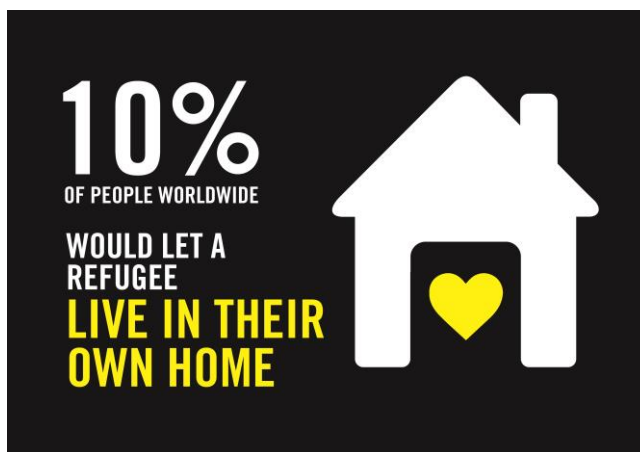
¹⁶⁸ See for example: UNHCR: “Interpretation of the widened definition of refugee contained in the Cartagena Declaration on Refugees, 1984” (Original in Spanish): available at: <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9651.pdf?view=1>

REFUGEES WELCOME SURVEY

The Refugees Welcome Index is based on a global survey of more than 27,000 people commissioned by Amnesty International and carried out by the internationally renowned strategy consultancy GlobeScan. The survey asked: “how closely would you personally accept people fleeing war or persecution?”¹⁶⁹

The results show that people are willing to go to astonishing lengths to make refugees welcome:

- Globally, one person in 10 would take refugees into their home. The number rises to 46% in China, 29% in the UK and 20% in Greece, but was as low as 1% in Russia and Indonesia.
- Globally, 32% said they would accept refugees in their neighbourhood, 47% in their city/town/village and 80% in their country.
- Globally, only 17% said they would refuse refugees entry to their country. Only in one country, Russia, did more than a third of people say they would deny them access (61%).



¹⁶⁹ Refugees Welcome Survey 2016 - The Results, available at: <https://www.amnesty.org/en/latest/news/2016/05/refugees-welcome-survey-results-2016/>

3. RESETTLEMENT AND FUNDING

The international community can share responsibility for supporting the global refugee population in two significant ways: by resettling vulnerable refugees, and by ensuring that UN appeals for funding are met. Neither is happening.

WHO HAS RESETTLED REFUGEES: 2015 DATA

In 2015, the main resettlement countries were: USA, 52,583 refugees resettled; Canada, 10,236; Australia, 5,211; Norway, 2,220; Germany, 2,097; Sweden, 1,808; and the UK, 1,768.

The following countries each resettled between two and 1,000 refugees: Albania, Austria, Belarus, Belgium, Brazil, Denmark, Finland, France, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Romania, Spain and Switzerland.¹⁷⁰

FAILING EVEN THE MOST VULNERABLE REFUGEES

More than 1 million refugees are considered by the UN Refugee agency, UNHCR, to be vulnerable and urgently in need of resettlement to other countries. In human rights terms, this means that their lives, safety or other human rights are at risk in the country where they initially sought refuge. Vulnerable refugees include survivors of violence and torture; those with serious medical needs; women and girls at risk of gender-based violence; people discriminated against due to their sexual orientation or gender identity; and unaccompanied children.

The transfer of vulnerable refugees from their host country to another country that has agreed to admit them is known as “resettlement”. This process is normally coordinated by UNHCR, which selects recognized refugees based on their vulnerability and submits their cases to countries that have offered resettlement places.

Only around 30 countries offer resettlement places for vulnerable refugees, and the number of places offered (known as “resettlement places”) annually falls far short of the needs identified by UNHCR.

As noted above, more than 1 million vulnerable refugees are in need of resettlement. Yet the annual number of resettlement places offered is around 100,000,¹⁷¹ less than one tenth of the requirement.

¹⁷⁰ UNHCR Resettlement Statistical Database Portal, <http://www.unhcr.org/statistics/unhcrstats/573b8a4b4/resettlement-statistical-database-portal.html>

¹⁷¹ UNHCR Global Trends, Forced Displacement in 2015, p.3: <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>

In September 2016 President Obama hosted a Leaders' Summit which increased pledges from 18 countries to admit 360,000 refugees globally.¹⁷² However, neither the US nor the countries that offered resettlement published full details, and – at the time of writing – it was unclear whether the 360,000 places offered covered one or more years.



↑ *Shahid (second left) who is eight years old, and Douaa (far right) who is four years old, were injured when a rocket exploded at their house in Syria. Douaa lost her leg straight away, while Shahid's leg was badly damaged but Hasan wanted to try and save it by getting treatment in Jordan. The family's papers were destroyed in their home in Syria and they came to Jordan on 14 April 2013. They rely on NGOs and handouts from generous individuals in order to get the treatment needed for the two girls © Amnesty International*

REFUGEES WELCOME: CANADA¹⁷³ In early September 2015 the body of three-year-old Alan Kurdi washed ashore on a Turkish beach. His family had relatives in Canada, a country they had eventually hoped to reach, which lent local significance to the tragedy of his death. The country's election campaign – then in full swing – shifted focus to the global refugee crisis. Following the defeat of Prime Minister Stephen Harper and the election of Justin Trudeau's Liberal government in October 2015, Canada's approach to the global refugee crisis underwent a rapid transformation. In less than one year – between November 2015 and August 2016 – Canada resettled nearly 30,000 Syrian refugees. Just over half of those people were sponsored by the Canadian government, and nearly 11,000 others arrived through private sponsorship arrangements. As of late August 2016, an additional 18,000 Syrians' applications were being processed – mainly in Lebanon, Jordan and Turkey. Canada's response to the Syrian crisis thus far shows that with leadership and vision, states can resettle large numbers of refugees in a timely manner.

¹⁷² The White House, *Remarks by President Obama at Leaders' Summit on Refugees*, 20 September 2016, <https://www.whitehouse.gov/the-press-office/2016/09/20/remarks-president-obama-leaders-summit-refugees>; *Fact Sheet on the Leaders' Summit on Refugees*, 20 September 2016, <https://www.whitehouse.gov/the-press-office/2016/09/20/fact-sheet-leaders-summit-refugees>

¹⁷³ The Guardian, *Stories of 2015: how Alan Kurdi's death changed the world*, 31 December 2015: <https://www.theguardian.com/world/2015/dec/31/alan-kurdi-death-canada-refugee-policy-syria-boy-beach-turkey-photo>; The Government of Canada, #WelcomeRefugees: Canada resettles Syrian refugees, accessed 24 September 2016: <http://www.cic.gc.ca/english/refugees/welcome/>; The Government of Canada, #WelcomeRefugees: Key figures, accessed 24 September 2016: <http://www.cic.gc.ca/english/refugees/welcome/milestones.asp>

UNDER-FUNDING OF HUMANITARIAN APPEALS

In 2015, the breadth and scale of humanitarian crises across the world have put the global humanitarian system under immense pressure. Of all appeals for humanitarian funding in 2016 (for refugees as well as other crises, including natural disasters), the UN reported that only 40% of the required US\$19.48 billion had been covered.¹⁷⁴ Humanitarian appeals to address refugee emergencies are consistently, and often severely, underfunded. Certain complex refugee emergencies require an integrated response by several UN agencies, coordinated by UNHCR. Nearly three-quarters of the way through 2016, none of the appeals for these Regional Response Plans had been even 50% funded. For example:¹⁷⁵

- Burundi: 37% funded
- South Sudan: 20% funded
- Syria: 48% funded

UNHCR, which has been tasked by the international community with overseeing the implementation of the Refugee Convention, also has inadequate funding to undertake its regular programming. In 2016 UNHCR stated that:

“Never before has UNHCR had to manage its programmed operations with such a high funding gap between approved budgetary requirements and funds received. The humanitarian system at large is faced with a critical financial dilemma: while the numbers of people forcibly displaced across the world continue to rise, the funds available for humanitarian aid are not keeping up with the rapidly expanding needs.”¹⁷⁶

The largest donor to UNHCR in absolute terms is the USA, followed by the EU.¹⁷⁷ However, in per capita terms Norway is the most generous and the USA ranks only 8th.

Governmental donors to UNHCR – contributions per capita in US\$¹⁷⁸

Rank	Donor	Funding per capita in US\$
1	Norway	18
2	Luxembourg	17
3	Sweden	11
4	Denmark	10
5	Iceland	7
6	Monaco	6
7	Switzerland	4
8	USA	4
9	Liechtenstein	4
10	Finland	4

¹⁷⁴ UN Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service. See: <https://fts.unocha.org/>, accessed 27 September 2016.

¹⁷⁵ UNOCHA, Humanitarian Response Plan(s) 2016, Summary of requirements and funding as at 23 September 2016. See: [https://fts.unocha.org/reports/daily/ocha_R21_Y2016_asof__23_August_2016_\(17_55\).pdf](https://fts.unocha.org/reports/daily/ocha_R21_Y2016_asof__23_August_2016_(17_55).pdf)

¹⁷⁶ UNHCR Global Appeal 2016–2017, Needs and Funding Requirements. See: <http://www.unhcr.org/564da0e20.pdf>

¹⁷⁷ UNHCR Donor Profiles. See: <http://reporting.unhcr.org/donor-profiles>

¹⁷⁸ UNHCR Donor Profiles. See: <http://reporting.unhcr.org/donor-profiles>

4. AMNESTY INTERNATIONAL'S PROPOSALS FOR RESPONSIBILITY SHARING

Efforts to address the global refugee crisis have failed to address even a small fraction of the actual needs. Moreover, they are often based on measures to ensure that the wealthiest countries face the least disruption. Many of the world's wealthiest countries have devoted significant resources to ensuring that refugee populations remain in less wealthy countries - shirking rather than sharing responsibility.

The total refugee population of 21 million is just 0.3% of the population of the planet. Amnesty International believes that it is possible, if states will share the responsibility, to ensure that these people who have had to flee their homes and countries, through no fault of their own, can rebuild their lives in safety elsewhere.

Amnesty International is campaigning for much greater responsibility-sharing amongst states and for greater protection of the rights of refugees around the world. The concept of responsibility-sharing is rooted in international human rights and refugee law. States have obligations to assist each other to host refugees, and obligations to seek, and provide, international cooperation and assistance to ensure that refugees can enjoy international protection.¹⁷⁹ The following sections set out Amnesty International's proposals.

INCREASE THE NUMBER OF RESETTLEMENT PLACES

States have undertaken to work towards a Global Compact on refugees by 2018. This Compact must include a means to overcome the ad hoc nature of resettlement. But refugees cannot wait until then, and so Amnesty International is calling for individual states to show leadership and significantly increase the number of resettlement places available globally.

States that currently run resettlement programmes should look to increase the number of refugee resettlement places they offer annually. States that do not have a resettlement programme should establish

¹⁷⁹ First reflected in the Preamble to the 1951 Refugee Convention, the principle of responsibility-sharing was then included in the 1967 UN General Assembly Declaration on Territorial Asylum and the 1969 OAU Convention on Specific Aspects of Refugee Problem in Africa. See also Art.2.1, International Covenant on Economic, Social and Cultural Rights.

one. All states offering resettlement should consider the number of people in need according to UNHCR, which presently stands at approximately 1.2 million, and consider how their offer of places looks against this number.

A STARK INEQUALITY

Country	Population size, millions	Land mass	GDP per capita, USD	Refugees from Syria to date
LEBANON	4.5	10,000 km ²	10K	1.1 million
NEW ZEALAND	4.5	268,000 km ²	42K	250 ¹⁸⁰
IRELAND	4.6	70,000 km ²	50K	758 ¹⁸¹

Data on population size and GDP are from 2013 to enable comparability.

The populations of Lebanon, New Zealand and Ireland are almost exactly the same. But Lebanon is infinitely smaller than both countries, and has a much smaller economy. There are 1.1 million refugees from Syria in Lebanon.

OPEN UP MORE SAFE AND LEGAL ROUTES FOR REFUGEES

Only refugees who meet specific vulnerability criteria are eligible for resettlement and they make up less than one tenth of the global refugee population. While fully meeting resettlement needs is a vital first step, this will not alleviate the plight of refugees living in completely unsustainable situations, in countries that have large refugee populations. Fully meeting resettlement needs will not relieve the pressure on countries hosting hundreds of thousands of refugees. More is needed.

Countries should open up more safe and legal routes for refugees so they can seek asylum without having to cross dangerous seas in overcrowded boats or walk hundreds of miles carrying their children and all their belongings. Instead of handing over their life savings to smugglers, they could spend their money on starting a new life.

Many refugees do not have all the documents necessary to get a normal travel visa. The vast majority of those arriving in Europe in 2015, for example, risked death in coming by sea. They did this because there are very few ways to cross a border without the correct travel documents. Opening up more safe routes to sanctuary is critical. That means giving refugees visas – for example, by giving refugees a humanitarian visa, countries can allow people to travel safely and apply for asylum when they arrive. Family reunification is a process that enables people to reunite with relatives who are already in a country. States can offer a range of such safe and legal routes for refugees.

Keeping refugees out is not a solution. People will continue to try and leave countries where they cannot rebuild their lives and try to get to places where they can. And if they have no option they will use people smugglers and dangerous routes. Fences, pushbacks and punitive policies such as those of Australia and some EU member states do nothing to solve the problems facing refugees, and involve an acceptance by states of systemic human rights violations and abuse as a policy tool. Not only is this illegal, it should be

¹⁸⁰ On 7 September 2015 the Government of New Zealand announced New Zealand will welcome 750 Syrian refugees in response to the ongoing conflict in Syria. According to the government: "Of the 750 places, 600 will be by way of a special emergency intake above New Zealand's annual quota, and 150 places will be offered within the quota. There will be 150 dedicated places within the existing 2015/16 annual quota of 750. On top of this another 100 will be taken this financial year, and a further 500 over the next two financial years (2016/17 and 2017/18)." Source: New Zealand Department of Immigration at: <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/supporting-refugees-and-asylum-seekers/refugee-and-protection-unit/new-zealand-refugee-quota-programme>.

¹⁸¹ Prior to September 2015 Ireland resettled 238 refugees from Syria. Ireland has agreed to accept approximately 4,000 persons in total under resettlement and relocation programmes by the end of 2017. Responding to a question in the Dáil, a government representative explained: "Of the 4,000 people committed to under the September 2015 Government decision, 2,622 are to be taken in under the EU relocation scheme from Italy and Greece and 780 (520 of whom will arrive by the end of 2016 and 260 in 2017) from Lebanon under the refugee resettlement programme." See: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/resettlement-pqs-en>. Some of the refugees taken under the EU relocation programme will be from Syria but the figure presented in the table reflects those taken under UNHCR resettlement only by end of 2016.

unconscionable. The solutions to the refugee crisis the world is facing must be solutions for refugees at least as much as for states.

DEVELOP A MECHANISM TO SHARE RESPONSIBILITY

Amnesty International believes that states' respective contributions to refugee responsibility-sharing should be far more equitable, based on an objectively defined capacity of the state to host and assist refugees. However, this is not happening. While a small number of countries host millions of refugees, many countries provide nothing at all. Responsibility-sharing will never be a reality until there is a proper basis and structure to guide states on what their fair share of responsibility looks like.

Amnesty International is proposing a fundamental reform to the way in which states share responsibility. Our proposals are simple: introduce a system that uses relevant, objective criteria to show each state what their fair share looks like. Then use these criteria to address critical dimensions of the current global refugee crisis. Our proposal focuses on two key dimensions of the global refugee problem: resettlement of vulnerable refugees and alleviating pressure on host states that receive very large numbers.

WHICH CRITERIA?

States' respective contributions to refugee responsibility-sharing should be proportionate to an objectively defined capacity to host and support refugees. National wealth (for example, GDP or GNI¹⁸²), population size and unemployment rates are all factors that affect a country's ability to host and integrate refugees. While states might add to or modify these criteria, and assign different weighting to each one, they should focus on agreeing a relatively small number of relevant, broadly applicable, common-sense criteria that enable responsibility-sharing.

ENSURING THAT ALL VULNERABLE REFUGEES ARE OFFERED RESETTLEMENT PLACES

All countries should accept a proportion of the global vulnerable refugee population, with each country's share based on objective criteria that reflect the country's capacity to host refugees.

As noted above, the number of resettlement places offered annually is far fewer than the number of vulnerable refugees UNHCR identifies as in need of resettlement. Amnesty International is calling for a system which will achieve full resettlement of all refugees who meet UNHCR's vulnerability criteria. This requires expanding the number of countries that offer resettlement programmes and establishing an agreed process amongst those countries whereby each is required to accept a certain number of the total refugees in need of resettlement annually, with that number based on objective criteria.

The system should respect existing safeguards and take account of the specific vulnerability of each refugee, which could require that they are resettled in countries that can offer appropriate support. For example, LGBTI individuals may need to be resettled to countries where their sexual orientation and gender identity would not expose them to risks.

This new system would end the piecemeal and highly unpredictable nature of the current resettlement process. It puts the needs of vulnerable refugees at the centre of the process. The present system does not match resettlement places to resettlement needs. Amnesty International's proposal does. Whatever the legitimate needs of the vulnerable refugees, the international community would meet them in a timely manner, based on established and fair criteria.

ALLEVIATING PRESSURE ON HOST STATES

A new global refugee transfer mechanism to transfer refugees from countries where the refugee population has reached a certain threshold

¹⁸² Gross domestic product (GDP) is a monetary measure of the value of all final goods and services produced in a period (quarterly or yearly). Nominal GDP estimates are commonly used to determine the economic performance of a whole country or region, and to make international comparisons. The gross national income (GNI) is the total domestic and foreign output claimed by residents of a country, consisting of gross domestic product (GDP) plus factor incomes earned by foreign residents, minus income earned in the domestic economy by non-residents.

In situations of large movements of refugees, even full resettlement of all vulnerable people is not sufficient to ensure both the rights of refugees and an equitable sharing of the responsibility among states to protect and assist refugees. Amnesty International is proposing an additional global mechanism to address these specific contexts. This mechanism would be triggered only if a country receiving refugees reaches a certain threshold of refugee arrivals. The threshold would be defined using objective independently verifiable criteria, such as population and wealth.

Other states, starting with those with the greatest relative capacity to host refugees, would then be asked to take a share of the refugees from the host state, again according to objective criteria. Because the system would only be triggered in acute contexts, this system would not only share responsibility but do so in a way that assured states that they would receive relatively low numbers of refugees.

Only countries of first asylum would ever be hosting close to 100% of their capacity – but this would be defined in relation to their actual capacity to host refugees, not simply (as is the case today) by how many people happen to arrive. By alleviating acute situations in countries of first asylum, there would be less incentive for people to try to leave those countries and enter other countries irregularly and unsafely.

Resettlement and redistribution- two different mechanisms

“Resettlement” in UN refugee terminology refers to resettlement of refugees who meet UNHCR’s vulnerability criteria. It is a distinct concept. Therefore Amnesty International uses “resettlement” only in relation to refugees who meet the UNHCR vulnerability criteria. We would use different language when speaking about other contexts, such as refugees moving from one country of asylum to another.

Amnesty International’s proposals for a new mechanism for resettling vulnerable refugees and a new global transfer mechanism for acute situations are two distinct and different proposals. The first is about a much more effective means of resettling vulnerable refugees. The second proposal would be triggered only in certain contexts where a country hosting refugees received large numbers, beyond those it could reasonably manage.

WHAT DOES A “FAIR SHARE” OF RESETTLEMENT LOOK LIKE? ONE EXAMPLE.

The richest countries in the world need to take a fair share of the current population of vulnerable refugees. Using the criteria of population size, national wealth and unemployment rate, a fair share for New Zealand¹⁸³ would be 3,466. This figure is not large, and when contrasted against the 1.1 million UNHCR-mandate refugees in Lebanon, a country with the same population as New Zealand, even less so.

GUARANTEED FULL, FLEXIBLE AND PREDICTABLE FUNDING FOR REFUGEE PROTECTION AND MEANINGFUL FINANCIAL SUPPORT TO COUNTRIES HOSTING LARGE NUMBERS OF REFUGEES

Amnesty International is calling on states to increase their contributions to UN inter-agency humanitarian appeals for refugee crisis situations, and to publish annually the amounts they commit and disburse.

In the case of countries hosting large refugee populations, states should also provide bilateral assistance – both financial and technical support, depending on the host country’s needs – to enable the host state to provide support to refugees and asylum-seekers, including ensuring access to adequate shelter, food, health care and education. The extent of such bilateral assistance should also be published annually.

Although a flexible approach to responsibility-sharing may allow states to contribute in different ways to a common response, financial support to the countries hosting large numbers of refugees and asylum-seekers in times of crisis should not be considered as a substitute for, or come at the expense of, programmes to accept people in need of protection, such as: contributions to resettlement; accepting the transfer of

¹⁸³ This figure was calculated using a weighting formula, and dividing 1.2 million (the estimated number of vulnerable refugees) amongst 48 countries with the highest GDP and population over 1 million. Wealthy countries with a population lower than 1 million were excluded.

refugees from countries that have exceeded their ability to cope; or the admission of asylum-seekers at the border. Wealthy countries cannot avoid taking their share of the responsibility for hosting and assisting refugees by paying other countries to do so (“responsibility-shifting”).

PROTECTING THE RIGHTS OF REFUGEES

Amnesty International is campaigning for the systems that protect the rights of refugees to be made stronger.

PUT IN PLACE SYSTEMS AND PROCESSES THAT GUARANTEE ACCESS TO FAIR AND EFFICIENT ASYLUM PROCESSES

Refugee status determination (RSD), whether carried out by state authorities or UNHCR, must ensure that individuals who are in need of international protection are recognized as such and given the protection to which they are entitled. RSD must be fair, timely and respect the dignity of the individual. People seeking asylum should not be detained while their applications are processed.

ENSURE EFFECTIVE PROTECTION FOR THE RIGHTS OF REFUGEES AND ASYLUM-SEEKERS

Amnesty International is calling for all countries to put in place measures to protect refugees, including those countries through which refugees transit. This includes action to investigate and prosecute those who commit crimes against refugees and asylum-seekers and action to combat discrimination and xenophobia.

ENABLE REFUGEES TO ENJOY THEIR RIGHTS AND MEET THEIR BASIC NEEDS

A major challenge to enabling refugees and asylum-seekers to enjoy their rights (adequate shelter, food, water, access to health care and education), is the lack of financial resources in the country of first asylum. This is why Amnesty International’s first and central recommendations are on responsibility-sharing. Responsibility-sharing is essential to ensure the realization of the rights of all refugees and asylum-seekers.

However, while acknowledging that some countries face resource challenges, this does not absolve those countries of their obligations under international law to ensure at least minimum essential levels of housing, food, water, sanitation, health and other rights for refugees. States need to put in place plans to move from emergency support to enabling refugees to live with dignity and integrate fully in the host countries. This can include enabling refugees and asylum-seekers to live within host communities and seek employment.

ENSURE EFFECTIVE SEARCH AND RESCUE

States must adhere to their obligations under international law to cooperate in Search and Rescue (SAR) operations, and prevent loss of life at sea. Border or immigration control measures cannot take precedence over SAR. Ensuring the safety and dignity of those rescued, including crew, must be the immediate consideration once individuals are rescued at sea.

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TACKLING THE

GLOBAL REFUGEE CRISIS

FROM SHIRKING TO SHARING RESPONSIBILITY

There are 193 countries in the world and 21 million refugees. Almost half of these refugees – 12 million people – are living in just 10 of these 193 countries. This is inherently unsustainable. Countries hosting such high numbers of refugees cannot provide for them.

The problem is not the number of refugees but that the vast majority are hosted in low- and middle-income countries. Many refugees are living in grinding poverty without access to basic services and without hope for the future. Not surprisingly, many are desperate to move elsewhere. And some are willing to risk dangerous journeys to try and find a better life.

Many of the world's wealthiest nations host the fewest and do the least. It is not simply a matter of sending aid money. Rich countries cannot pay to keep people "over there". The consequence of failing to share responsibility for hosting refugees is that people who have fled war are now enduring dehumanizing living conditions and dying of entirely treatable diseases. In any event, humanitarian appeals to support major refugee crises are consistently, and severely, underfunded.

If all – or most – countries were to take a fair share of responsibility for hosting refugees then no one country would be overwhelmed and the lives of refugees would be significantly improved. Amnesty International is calling for all countries to put in places refugee resettlement programmes and to increase safe and legal routes for refugees to enter the country. Currently only around 30 countries offer any kind of refugee resettlement. Amnesty International is calling for this number to at least double. Many countries that do offer resettlement only offer a few hundred places per year and Amnesty International is calling on these states to significantly increase their annual resettlement figure.

In order to end the ad-hoc and unpredictable nature of refugee transfer the organization is also proposing that countries agree a specific system for responsibility sharing, based on the use of reasonable criteria such as national wealth, population size and unemployment rate – common-sense criteria which acknowledge that people arriving as refugees will, at first, have an impact on the local population and resources.

The global refugee crisis is growing. It is a crisis that can be managed, and fair sharing of responsibility globally is the most effective means of managing it.