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CENTRE

# ***Human rights and protection of migrants in the context of the current Mediterranean crisis***

**EMN Educational Seminar**

***«Irregular Migration – Borders and Human Rights»***

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# Human rights and protection of migrants

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- **The «migration crisis»**
- **A «protection crisis» not a «migration crisis»**
- **Failure of protection derives from conceptualisation and underlying political agendas of Europe's migration policies**

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## Human rights and protection of migrants

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- 1. The crises of migration and protection - global perspectives on drivers/dynamics of displacement**
- 2. Europe's migration policy framework**
- 3. Data on migration flows – the crisis in figures**
- 4. Europe – Protection space or protection denied?**
- 5. «Securitisation of migration» in European policy making**

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# Human rights and protection of migrants

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## Three axioms:

- **protection under enormous stress globally**
- **states have a legitimate interest to control their borders and regulate entry**
- **all migrants have the right to protection**

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# 1. Migration and protection crises: global perspectives

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## *Voluntary* International migration

- 232 million people
- post-industrial countries attract 70% of global migrants

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# 1. Migration and protection crises: global perspectives

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## *involuntary migration – forced displacement*

- indiscriminate patterns of violence, conflict and persecution, mostly intrastate
- risk drivers – poverty, water scarcity, food insecurity, drought, environmental degradation, famine and natural disasters
- episodic violence recurring and multiple displacement
- forcibly displaced communities and mobility
- majority of forcibly displaced people - refugees and IDPs - in protracted displacement: 56 million, 85% of globally displaced people

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# 1. Migration and protection crises: global perspectives

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- protection regime focused on defined legal and normative categories - 1951 Geneva Refugee Convention and 1998 Guiding Principles
- most undocumented/irregular migrants in mixed migration fall outside these two protection labels
- continuum of displaced populations, not discrete categories
- so called «migration crisis» across the Mediterranean typifies these conditions

.....conceptual and operational questions about the meaning and praxis of protection

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## 2. Europe's migration policy framework

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- **Single European Act 1986, Maastricht Treaty on European Union 1993, Schengen Agreement 1985**
- **borderless Europe - implications for immigration and asylum policy**
- **'hi-jacked' by asylum seeking - reactive migration policy**
- **First Pillar status and Treaty of Amsterdam 1997 expose deep political divisions**

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## 2. Europe's migration policy framework

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- *Global Approach to Migration and Mobility [GAMM] 2005* a «migrant-centred approach»
- communitarian convergence or entrenched sovereign state interests?
- *CEAS/post-Stockholm Agenda* - little that is «common» or a «system»
- *GAMM* - «Fortress Europe» migrant push-back and extra-territorial processing

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### 3. Data on Migration Flows – the crisis in figures

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#### EU population 500 million

- Regular migration: 1.2 million [0.25% EU population]
- Undocumented migration: 1.9-3.8 million [0.38%-0.76% EU pop]
- 450,000 asylum seekers [0.09% EU population]  
136,000 protection status [0.027% EU population]
- 2015: 240,000 undocumented migrants  
[0.048% EU pop]  
- 150,000 (70%) from Syria, Eritrea, Somalia, Afghanistan

...*Crisis?*...

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## 4. Europe – Protection space or protection denied ?

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### 1. GAMM

- «managerial turn» in protection not a strengthening of normative conditions of protection

### 2. Protecting Europe's borders - *non-entrée* regime

- EU cannot contain irregular mixed flows
- regular migration and resettlement insufficient
- many have plausible claim for refugee status/humanitarian protection
- control accentuates life-threatening risks of smuggling
- limiting access - progressive reduction in quality of protection
- deep rifts between EUMSs on handling «crisis» -  
*Mare Nostrum Operation Triton*
- «downstream» blockages

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## **4. Europe – Protection space or protection denied ?**

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### **3. Re-bordering Europe**

- «debordering and rebordering»
- Mobility Partnerships, Re-admission Agreements

### **4. Protection within Europe – CEAS**

- efficient asylum system not the same as effective protection
- reduces the quality of protection space
- lack of consistency and coherence
- failure of harmonisation and burden - negative impacts on quality of protection
- wider context of migration policy ignored

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## 5. Securitising migration Europe's dominant agenda

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### «human security and migration»

- migrants, refugees, asylum seekers portrayed as vectors of existential threat to Europe
- securitisation highlights contradictory dynamics in Europe's migration policies
- diminishing scope of humanitarian protection
- seeking protection increasingly compels irregular entry
- culture of disbelief -, «illegal migrant», «bogus asylum seeker»
- irregular entry not criminal *per se*: criminality an ascribed identity
- managing EU migration driven by «securitising» national populations against «fear of the other» not by the right to protection
- «migrant-as-security-threat» - institutionalisation of response and political discourse reinforce securitisation of migration at expense of rights and protection

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## 5. Securitising migration Europe's dominant agenda

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- EU - freedom, security, and justice subordinated to just one interest «security» – not freedom, justice [and rights] for migrants
- Europe's «migration crisis» - a «constructed crisis» originating in failure of migration policies as a whole
- «migration crisis» masks profound crisis in protection for migrants

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# Human rights and protection of migrants

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**Thank you!**

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