

THE GLOBAL REFUGEE CRISIS:

A CONSPIRACY OF
NEGLECT

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CONTENTS

Executive Summary	5
Syria's refugees: A crisis beyond borders	9
The consequences of reduced humanitarian assistance: Case studies from Lebanon and Jordan	10
Tightening borders in the region	12
No alternatives: death on the way to Europe.....	17
Libya.....	17
The EU's Response in the Mediterranean	19
Refugee Crises in Sub-Saharan Africa	24
Humanitarian crisis in South East Asia.....	26
The refugee crisis: a shared responsibility.....	31
Recommendations	32
Appendix: Resettlement.....	33

4 The Global Refugee Crisis:
A Conspiracy of Neglect

EXECUTIVE SUMMARY

In the past two years, the world has witnessed a growing refugee crisis.

In 2013, for the first time since World War II, the number of those forcibly displaced from their homes exceeded 50 million. Millions more have since been displaced as a result of conflict and crises around the globe.

More than half of Syria's population is displaced. Some four million women, men and children have fled the country and are refugees, making this one of the biggest refugee crises in history. The vast majority - 95% - are living in the countries neighbouring Syria. In one country - Lebanon - Syrian refugees now account for one in every five people.

Despite the huge influx of refugees, the host countries have received almost no meaningful international support. The UN's humanitarian appeal for Syrian refugees was only 23% funded as of the 3 June 2015. Calls by the UN for the international community to resettle refugees from Syria have largely fallen on deaf ears. The total number of places offered to refugees from Syria is less than 90,000, only 2.2% of the refugees in the main host countries.

It is clear that the situation in Syria will not allow refugees to go home any time soon. However, Syria's neighbours are at breaking point – and some have resorted to deeply troubling measures, including denying desperate people entry to their countries and pushing people back into the conflict.

While Syria is the world's biggest refugee crisis, it is by no means the only one. In Africa people fleeing conflict and persecution in countries like South Sudan, the Central African Republic (CAR), Nigeria and Burundi, have added hundreds of thousands to the long-standing refugee populations from countries such as Somalia, Ethiopia, Sudan and the Democratic Republic of Congo (DRC). There are an estimated three million refugees in sub-Saharan Africa. Kenya is home to Dadaab - the world's largest refugee camp, set up in 1991.

Yet, the refugee situations in African countries receive little or no global attention - in 2013, less than 15,000 refugees from African countries were resettled and UN humanitarian appeals are severely underfunded. The South Sudan regional refugee response plan, for example, is only 11% fulfilled.

While many African countries have opened their borders to those fleeing conflict, too many refugees and migrants have faced discrimination and abuse in host states. The xenophobic attacks that took place in South Africa in April 2015, for example, left thousands of refugees and migrants displaced in that country.

In an effort to escape desperate situations refugees and migrants risk their lives – one of the starkest examples is the perilous boat journeys in the Mediterranean from North Africa to Europe. In 2014 and the first three months of 2015, the largest number of people recorded attempting to cross the Mediterranean by boat to reach Southern Europe were Syrians.

In April 2015, more than 1,000 people died in the space of ten days while attempting to cross the Mediterranean. As of 31 May 2015, the number of people who drowned making the boat journey from North Africa stood at 1,865, compared to 425 deaths recorded during the same period in 2014. The dramatic increase in the number of lives lost in the Mediterranean in 2015 is partly due to the decision by Italy and the European Union (EU) to end the Italian navy operation Mare Nostrum at the end of 2014 and replace it with a much more limited EU operation.

In South East Asia in May 2015 the world witnessed harrowing scenes as fishing boats crammed with refugees and migrants from Myanmar and Bangladesh were pushed back to sea by Thailand, Malaysia and Indonesia. Desperate children, men and women were left without food, water and medical care for a week, before the Philippines and later Indonesia and Malaysia offered to take them in.

The Mediterranean and South East Asia crises exposed governments' willingness to ignore legal obligations and humanitarian imperatives. In situations where lives were known to be at risk and states had the means to save them, they chose not to act for political reasons. The lives lost were not a result of a violent conflict or an unavoidable natural disaster – most were entirely preventable deaths.

In both Europe and South East Asia, people smugglers and human traffickers have – rightly – been blamed for sending thousands to their deaths. Effectively combatting the criminals who prey on desperate people is vital, but it does not absolve governments of their responsibility to provide refugees with protection. The global refugee crisis cannot be re-cast as a trafficking and smuggling issue by governments desperate to deflect attention from their failures.

The global refugee crisis may be fuelled by conflict and persecution but it is compounded by the neglect of the international community in the face of this human suffering. In the aftermath of World War II, the international community came together to create the United Nations Refugee Convention to protect people from being returned to countries where they risked persecution and human rights abuses. The Refugee Convention has been an important mechanism, providing a framework for the protection of tens of millions of people.

The Refugee Convention also established the principle of responsibility and burden-sharing - the idea that the international community must work together to address refugee crises so that no one country, or a small number of countries, has to cope by themselves. This fundamental principle is now being ignored, with devastating consequences: the international refugee protection system is broken.

- 86% of the world's refugees are in developing countries. Some of these countries host hundreds of thousands of people. Turkey, Lebanon and Pakistan each host more than one million refugees. There is a clearly disproportionate burden on a small number of countries;
- Nearly one million refugees need resettlement or other forms of humanitarian admission – whereby the most vulnerable refugees in a country are offered residency in another country where they would receive better assistance. Yet, global annual resettlement commitments are less than a tenth of this number;
- Although 145 countries have ratified the Refugee Convention, there are regions of the

world in which very few countries have ratified the treaty, including most of the Middle East, South Asia and South East Asia. In these countries refugees generally enjoy limited rights and in some cases can't even be legally recognized as refugees;

- Xenophobic and racist discourse has been normalised in many countries, with certain media outlets and politicians blaming refugees and migrants for economic and social problems.

The global refugee crisis will not be solved unless the international community recognizes that it is a global problem and deals with it as such. Refugees are - by definition – people who no longer enjoy the protection of their state because that state will not or cannot protect them. They are people who have fled armed conflict, persecution, violence and grave human rights abuses.

This briefing paper looks at the global refugee crisis – from Lebanon to Kenya, the Andaman Sea to the Mediterranean Sea. It calls for a global response to what has become one of the defining challenges of the 21st century. The current approaches to the world's many refugee crises are failing – and the toll in lives lost and lives blighted is far higher than many armed conflicts. A paradigm shift is needed: Amnesty International is setting out a proposal to significantly reinvigorate the system for refugee protection and burden sharing amongst states.

Amnesty International believes that a paradigm shift on refugee protection must include eight key actions by the international community:

- **An international summit** on the global refugee crisis focused on increasing international responsibility and burden sharing;
- **Global ratification of the Refugee Convention;**
- **Develop robust domestic refugee systems:** states must have fair domestic procedures to assess refugee claims and must guarantee fundamental rights and access to services, such as education and healthcare, to refugees;
- **An absolute commitment to saving lives first:** states must prioritise saving people in distress over implementing immigration policies. In situations where people are in danger of death, including – but not limited to – people attempting sea crossings, states should invest in search and rescue operations and immediately come to the rescue of people in distress. This imperative should never be trumped by any border control objectives;
- **Combat trafficking:** states must take effective action to investigate and prosecute trafficking gangs. States should offer protection and assistance to victims of trafficking and ensure they have access to refugee status determination procedures and/or resettlement opportunities;
- **Fulfil all resettlement needs identified by UNHCR:** nearly one million resettlement and humanitarian admission places are required for refugees who need resettlement and this number will increase every year. Amnesty International estimates that, 300,000 annual resettlement and humanitarian admission places will be needed every year over the next five years;
- **Combat xenophobia:** governments must refrain from engaging in xenophobia themselves, for example by implying or directly claiming asylum-seekers and migrants are to blame for economic and social problems. Governments must also have effective policies to address xenophobic violence;

8 The Global Refugee Crisis:
A Conspiracy of Neglect

- **Establish a global refugee fund:** such a fund should fulfil all UN humanitarian appeals for refugee crises. This fund should also provide meaningful financial support to countries hosting large numbers of refugees to help them provide services to refugees and their host communities. This should be additional to existing development aid.

SYRIA'S REFUGEES: A CRISIS BEYOND BORDERS

*“I wish to leave Lebanon because one of [my] brothers is dead and I don’t know about the other two. I can’t go back to Syria... I will probably get arrested in Lebanon. We ran away from death in Syria to slowly die in Lebanon,” Sameer, aged 41, a Syrian refugee who lives in an informal tented settlement in Bekaa, Lebanon.*¹

The situation in Syria is, in the words of António Guterres, the UN High Commissioner for Refugees “the most dramatic humanitarian crisis the world has faced in a very long time.”² Excluding Palestinian refugees,³ Syrians are the largest refugee population in the world.⁴ There are currently over four million refugees from Syria,⁵ 95% of whom are living in just five

¹ Interviewed by Amnesty International in Bekaa, Lebanon, 26 March 2015. His name has been changed in order to protect his identity.

² Remarks by António Guterres, United Nations High Commissioner for Refugees, *Conference on the Syrian Refugee Situation – Supporting Stability in the Region, Berlin*, 28 October 2014, available at: www.unhcr.org/544fb4189.html (accessed 24 May 2015)

³ There is a separate legal regime for “Palestine refugees” of which there are five million people registered with the UN Relief and Works Agency for Palestine Refugees (UNRWA), which provides them with assistance and protection.

⁴ See Remarks by António Guterres, United Nations High Commissioner for Refugees, *Conference on the Syrian Refugee Situation – Supporting Stability in the Region, Berlin*, 28 October 2014, available at: www.unhcr.org/544fb4189.html (accessed 24 May 2015)

⁵ There are 3,977,211 registered refugees in the five main host countries, source: <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 24 May 2015), in addition to over 59,000 Palestinian refugees from Syria in Lebanon and Jordan, source: www.unrwa.org/syria-crisis#Syria-Crisis-

host countries: Turkey, Lebanon, Jordan, Iraq and Egypt.

Yet the international community's response to the crisis remains dismal: only 23% of the UN humanitarian appeal for Syria's refugees was funded as of 3 June 2015.⁶ As a result of this funding shortage, aid agencies have repeatedly had to reduce financial assistance to refugees. In addition, the international community has offered only a relatively small number of resettlement and humanitarian admission places to Syria's most vulnerable refugees; this number stands at just 87,442, or 2.2% of Syrians registered with UNHCR in the main host countries.⁷ UNHCR estimated in 2014 that 378,684 people in the five main host countries were in need of resettlement.⁸

The failure of the international community to adequately fund the humanitarian needs of Syrian refugees or to support the main host countries through resettlement programmes has left Syria's neighbours unable to cope and has had a devastating effect on people fleeing the conflict. All the main host countries have imposed severe restrictions on the entry of people fleeing the conflict in Syria – in many cases these restrictions have all but ended the ability of people to escape the ongoing crisis in Syria.

THE CONSEQUENCES OF REDUCED HUMANITARIAN ASSISTANCE: CASE STUDIES FROM LEBANON AND JORDAN

Lebanon hosts over 1.2 million refugees from Syria.⁹ **Jordan** hosts 627,287 Syrian refugees¹⁰ in addition to 13,800 Palestinian refugees from Syria.¹¹ Both countries are struggling to cope with these numbers.¹²

and-Palestine-refugees (accessed 24 May 2015)

⁶ Known as the 2015 Regional Refugee and Resilience Plan (3RP). For more information about funding, see <https://fts.unocha.org/pageloader.aspx?page=special-syriancrisis> (accessed 24 May 2015)

⁷ UNHCR, *Resettlement and other forms of humanitarian admission for Syrian refugees*, 13 May 2015, available at: www.unhcr.org/52b2febafc5.html (accessed 24 May 2015)

⁸ UNHCR, *Innovative Solutions Strategies in the Syria Situation*, Annual Tripartite Consultations on Resettlement, Geneva, 25 June 2014.

⁹ The number of Syrian refugees registered with UNHCR in Lebanon as of 7 May 2015 was 1,183,327. UNHCR, *Syrian Regional Response, Inter-agency Sharing Portal*, updated 7 May 2015, available at: <http://data.unhcr.org/syrianrefugees/regional.php>. In addition Lebanon hosts over 53,070 Palestinian refugees from Syria; data available at: www.unrwa.org/prs-lebanon (both accessed 1 June 2015)

¹⁰ UNHCR, *Syrian Regional Response, Inter-agency Sharing Portal*, updated 21 May 2015, available at: <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 24 May 2015)

¹¹ UNRWA, *PRS in Jordan*, available at: www.unrwa.org/prs-jordan (accessed 3 June 2015)

¹² Amnesty International, *An International Failure: The Syrian Refugee Crisis*, 13 December 2013, available at: www.amnesty.org/en/library/asset/ACT34/001/2013/en/8a376b76-d031-48a6-9588-ed9aee651d52/act340012013en.pdf (accessed 3 June 2015)

In the first quarter of 2015, the World Food Programme (WFP) had to reduce its food assistance by an average of 30% across the main host countries.¹³ In Lebanon this has meant that over 900,000 refugees who are considered vulnerable according to criteria set out by international humanitarian agencies receive just US\$19 per month. Previously they received US\$27 per month.¹⁴ According to UNHCR, families in Lebanon reported that they were reducing the frequency and portions of their meals in order to cope.¹⁵

WFP financial assistance to refugees has also been slashed in Jordan due to funding shortfalls. In March 2015, WFP reduced the level of assistance to refugees in urban areas – where the majority of Syria’s refugees in Jordan live.¹⁶ Fewer people receive assistance and those who do receive a reduced amount of only US\$14 a month, which amounts to just US\$0.46 per day.¹⁷

WFP found that over 80% of Syrian refugees were living below the Jordanian poverty line and using negative coping mechanisms including reduced food consumption and engaging in employment in “high risk” jobs.¹⁸ A quarter of parents who plan to remain in urban areas said they were considering taking their children out of school to help the family.

¹³ 3RP, *Regional Quarterly Update – March 2015: Food Security*, available at:

<http://data.unhcr.org/syrianrefugees/download.php?id=8865> (accessed 7 June 2015)

¹⁴ Lebanon Crisis Response, *Targeted assistance for Syrian Refugees, Beirut, Lebanon*, February 2015; and UNHCR, *Refugees from Syria: Lebanon*, March 2015, p.6, available at:

<http://reliefweb.int/report/lebanon/refugees-syria-lebanon-march-2015> (accessed 27 April 2015)

¹⁵ Inter-agency Coordination Lebanon, *Food Security Sector - Quarterly Dashboard (Jan - Mar 2015)*, 31 March 2015, available at: <http://reliefweb.int/report/lebanon/food-security-sector-quarterly-dashboard-inter-agency-coordination-lebanon-jan-mar> (accessed 27 May 2015)

¹⁶ Vulnerability 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> (accessed 27 May 2015)

¹⁷ World Food Programme, *Syria Crisis Response- situation update Jan-March 2015*, April 2015,

available at: <http://documents.wfp.org/stellent/groups/public/documents/ep/wfp273846.pdf> (accessed 27 May 2015)

¹⁸ In total 72% were found to have specifically adopted emergency coping strategies to meet food needs.

See: Vulnerability 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> (accessed 27 May 2015)

WFP expects a rise in the number of refugees resorting to negative coping strategies, including increased borrowing from neighbours and family, working excessive hours, begging and criminality.¹⁹

TIGHTENING BORDER CONTROLS IN THE REGION

"We cannot ask these countries to keep their borders open and to close other borders... So it is also absolutely essential that borders are open to Syrians everywhere, that more legal avenues are created for people to come to Europe."

António Guterres, UN High Commissioner for Refugees.²⁰

Ongoing fighting, widespread destruction of property and restrictions on humanitarian access has left an estimated 7.6 million people internally displaced in Syria.²¹ However the number of refugees registered on average on a monthly basis by UNHCR in Syria's neighbouring countries and Egypt has steadily decreased over the past two years.²² Although all of Syria's neighbours initially allowed refugees to enter their countries with relatively few restrictions, as the conflict has progressed and the number of refugees has risen, Syria's neighbours have severely restricted access to their territories for those attempting to flee the conflict.

Jordan has imposed increasing restrictions on access to Syrians attempting to enter the country through both official and informal border crossings since 2012. Certain categories of individuals have not been allowed into Jordan as a general rule since 2012. These include Palestinian refugees from Syria; unaccompanied men who cannot prove they have family ties in Jordan; and people without identity documents.²³

In September 2012 the official border crossing between Ramtha in Jordan and Dera'a in Syria was closed. Until mid-2013, Jordan allowed Syrian refugees to enter through its western and eastern informal border crossings – it then closed its informal western border points, which are closer to populated areas of Jordan and Syria.²⁴ In May 2014, Jordan began

¹⁹ World Food Programme, *Syria Crisis Response- situation update Jan-March 2015*, April 2015, available at: <http://documents.wfp.org/stellent/groups/public/documents/ep/wfp273846.pdf> (accessed 27 May 2015)

²⁰ Interviewed at the World Economic Forum Conference, 23 May 2015. See: Karin Laub, *AP Interview, Top UN Official says Europe must open borders*, available at: <http://news.yahoo.com/ap-interview-top-un-official-says-europe-must-110935860.html> (accessed 25 May 2015)

²¹ UN OCHA, *Syria*, as of April 2015, available at: www.unocha.org/syria (accessed 24 May 2015)

²² In 2013, 758,969 Syrian refugees were registered with UNHCR in the five main host countries between January and May; while between January and May 2015, 260,618 Syrians were registered. See: UNHCR, *Syrian Regional Response, Inter-agency Sharing Portal*, updated 21 May 2015, available at: <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 24 May 2015)

²³ Amnesty International, *Growing restrictions, tough conditions: The plight of those fleeing Syria to Jordan*, 31 October 2013, available at: www.amnesty.org/en/documents/mde16/003/2013/en/ (accessed 1 June 2015)

²⁴ Exceptions for entry have been made for war-wounded Syrians and other exceptional cases. For more

refusing to allow Syrians to arrive at its international airport unless they had a Jordanian residency permit or met a limited number of special exceptions.²⁵

Jordan has not provided any official reason for closing its borders. In March 2015 at the Third International Pledging Conference for Syria, Jordan's Prime Minister stated that Jordan's capacity to respond to Syria's refugees had been exceeded.²⁶

Lebanon closed its borders to would-be Syrian refugees from 5 January 2015 when the Lebanese authorities issued new guidelines whereby Syrian nationals are required to fulfil certain criteria under one of seven categories in order to enter.²⁷ While there is a category for the 'displaced' it only applies to what are termed "exceptional" humanitarian cases as determined by the Lebanese Ministry of Social Affairs.²⁸ Since these criteria were imposed there has been a significant drop in registration of Syrian refugees – in the first three months of 2015 UNHCR registered 80% fewer Syrian refugees, compared to the same period in 2014.²⁹ In May, the Lebanese authorities told UNHCR to suspend registration of Syrian

information see: Amnesty International, *Growing restrictions, tough conditions: The plight of those fleeing Syria to Jordan*, 31 October 2013, available at:

www.amnesty.org/en/documents/mde16/003/2013/en/ (accessed 1 June 2015); and Human Rights Watch, *Jordan: Syrians block stranded in the desert*, 3 June 2015, available at: www.hrw.org/news/2015/06/03/jordan-syrians-blocked-stranded-desert (accessed 7 June 2015)

²⁵ For more information see: Amnesty International, *Growing restrictions, tough conditions: The plight of those fleeing Syria to Jordan*, 31 October 2013, available at:

www.amnesty.org/en/documents/mde16/003/2013/en/ (accessed 1 June 2015); and Human Rights Watch, *Jordan: Syrians block stranded in the desert*, 3 June 2015, available at: www.hrw.org/news/2015/06/03/jordan-syrians-blocked-stranded-desert (accessed 7 June 2015)

²⁶ JORISS, *Third International Pledging Conference for Syria. Remarks by H.E. Dr. Abdullah Ensour, Prime Minister. Kuwait City, 31 March 2015*, posted 1 April 2015, available at: www.jrpsc.org/press-releases/2015/4/1/third-international-humanitarian-pledging-conference-for-syria-remarks-by-he-dr-abdullah-ensour-prime-minister-kuwait-city-31-march-2015 (accessed 7 June 2015)

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 meeting with a representative of the Ministry of Social Affairs, Beirut, 26 March 2015.

²⁹ UNHCR, *Syrian refugees in Lebanon, Snapshot*, January-March 2015, available at:

<http://reliefweb.int/report/lebanon/syrian-refugees-lebanon-snapshot-january-march-2015> (accessed 28 April 2015)

refugees altogether.³⁰

Iraq hosts 248,367 Syrian refugees, the majority of whom are in the semi-autonomous Kurdistan Region of Iraq (KRI).³¹ The ongoing conflicts in both Iraq and Syria, and the presence of the armed group that calls itself the Islamic State (IS) in some of the border areas between the two countries has meant that large parts of the Syria-Iraq border have been unsafe for those fleeing Syria.

In the KRI, which borders with Syria, the authorities have periodically opened these borders, allowing in refugees from Syria. However, from March 2015, the Ibrahim Khalil border in KRI was closed to new arrivals from Syria.³² Furthermore, Syrians arriving from what the KRI government defines as 'non-conflict zones' in Syria are only granted a 15-day visa.³³

In addition, Amnesty International received information from agencies working with Syrian refugees that some Syrians who were allowed to enter KRI were forcibly returned to Syria by the KRI authorities.³⁴ On 22 May the IS (in Syria) seized the last Syrian government controlled border crossing between Iraq and Syria, in al Tanf.³⁵

Turkey hosts the largest number of refugees from Syria with over 1.7 million.³⁶ While Turkey maintained an 'open-door' policy in the early stages of the Syria conflict, since 2012 the Turkish authorities has closed almost all of its border gates with Syria, citing security concerns.³⁷ Only a small number of exceptional cases, including emergency humanitarian

³⁰ Inter-agency Coordination Lebanon, *Protection Monthly Dashboard*, April 2015, available at: https://data.unhcr.org/syrianrefugees/working_group.php?Page=Country&LocationId=122&Id=25 (accessed 2 June 2015)

³¹ UNHCR, *Syrian Regional Response, Inter-agency Sharing Portal*, updated 31 May 2015, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=103> (accessed 2 June 2015)

³² 3RP Protection, *Iraq Monthly Update*, March 2015, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/1.IRQ3RPMarch2015ProtectionDashboard.pdf> (accessed 25 May 2015)

³³ 3RP Protection, *Iraq Monthly Update*, March 2015, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/1.IRQ3RPMarch2015ProtectionDashboard.pdf> (accessed 25 May 2015)

³⁴ Testimony collected in KRI, November-December 2013; and information shared with Amnesty International by agencies working with refugees, December 2014.

³⁵ BBC News, *Islamic State 'seizes key Syria-Iraq border crossing'*, 22 May 2015, available at: www.bbc.co.uk/news/world-middle-east-32840508 (accessed 1 June 2015)

³⁶ UNHCR, *Syrian Regional Response, Inter-agency Sharing Portal*, updated 4 May 2015, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=224> (accessed 25 May 2015)

³⁷ Ceylan Yeginsu and Karam Shoumali, *Turkey Moves to Close All Gates at Border with Syria*, *The New York Times*, 29 March 2015, available at: www.nytimes.com/2015/03/30/world/europe/turkey-moves-to-close-all-gates-at-border-with-syria.html?ref=world&_r=3 (accessed 25 May 2015)

cases, are allowed official entry.

Since the border closures, in practice, the vast majority of refugees seeking safety in Turkey have had to use difficult and dangerous irregular crossing points, often with the help of smugglers.³⁸ In November 2014, Amnesty International reported on the serious violations faced by refugees attempting to enter Turkey, including the use of live ammunition by border guards killing dozens.³⁹

In September/October 2014, Turkey opened its borders to a mass influx of more than 200,000 Kurdish Syrian refugees who were fleeing fighting in the Kobani area.⁴⁰ However, this was discontinued from late October 2014.

Egypt hosts 134,329 Syrian refugees;⁴¹ in addition, Egypt hosts at least 6,000 Palestinian refugees from Syria. The Egyptian authorities have barred both UNHCR and the specialist agency, UNRWA,⁴² from registering these Palestinian refugees.⁴³ In 2013, the authorities imposed a visa regime and security requirements, which have all but stopped Syrian refugees arriving in Egypt because the majority do not have the necessary documents to obtain visas.⁴⁴

Many refugees in Egypt have attempted to cross irregularly by boat to Europe. In the past two years, hundreds of refugees have been detained for months at a time after the Egyptian

³⁸ Isabel Hunter and Danya Chudacoff, *Turkey introduces tough new border policies for Syrians*, IRIN, 14 January 2015, available at: www.irinnews.org/report/101007/turkey-introduces-tough-new-border-policies-for-syrians (accessed 25 May 2015)

³⁹ Amnesty International, *Surviving to Struggle: Refugees from Syria in Turkey*, November 2014, available at: www.amnesty.org/en/documents/EUR44/017/2014/en/ (accessed 25 May 2015)

⁴⁰ 3RP Regional Refugee and Resilience Plan 2015-16, *Turkey*, available at: www.3rpsyriacrisis.org/wp-content/uploads/2015/01/3RP-Report-Turkey-A4-low-res.pdf (accessed 25 May 2015)

⁴¹ UNHCR, *Syrian Regional Response, Inter-agency Sharing Portal*, updated 6 May 2015, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=8> (accessed 26 May 2015)

⁴² The United Nations Relief and Works Agency for Palestine Refugees. "Following the 1948 Arab-Israeli conflict, UNRWA was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2017." UNRWA, *Who We Are*, available at: www.unrwa.org/who-we-are (accessed 27 May 2015)

⁴³ UNHCR, *Note on Syrians in Egypt*, 31 January 2013, available at: www.irinnews.org/pdf/note_on_syrians.pdf (accessed 26 May 2015); ACAPS, *Palestinians from Syria-Syria Needs Analysis Project*, March 2014, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/palestinians_from_syria_march_2014.pdf (accessed 26 May 2015)

⁴⁴ 3RP Regional Refugee and Resilience Plan 2015-16, *Egypt*, available at: www.3rpsyriacrisis.org/wp-content/uploads/2015/01/3RP-Report-EGYPT-A4-low-res.pdf (accessed 26 May 2015)

authorities found them attempting to leave by boat to Europe.⁴⁵ For example, between January and mid-September 2014, 1,000 Syrian nationals faced arrest and detention.⁴⁶ Furthermore, according to information available to Amnesty International, the Egyptian authorities have deported at least 180 Syrians to Lebanon and Turkey since the beginning of 2014, and deported at least 13 refugees from back to Syria, in violation of Egypt's international obligations.

The lack of options available to Syria's refugees is one of the factors driving people to attempt the sea voyage across the Mediterranean to seek a better life in Europe.

Although media reports have regularly characterised those making the journey from North Africa to Europe as migrants, many are in fact refugees, fleeing not only armed conflict in their home state, but dire deprivation and, in some cases, serious human rights violations in the states to which they initially escaped. In 2014 and the first three months of 2015, Syrians were the largest nationality to risk their lives and cross the Mediterranean by boat to reach Southern Europe.⁴⁷

⁴⁵ UN, *Bring "Mediterranean mass murderers" to justice – UN Human Rights Chief*, 19 September 2014, available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15069&LangID=E (accessed 26 May 2014)

⁴⁶ 3RP Regional Refugee and Resilience Plan 2015-16, *Egypt*, available at: www.3rpsyriacrisis.org/wp-content/uploads/2015/01/3RP-Report-EGYPT-A4-low-res.pdf (accessed 26 May 2015)

⁴⁷ UNHCR, *Syrians in Southern Europe, UNHCR Regional Update*, March 2015, available at: www.unhcr.it/sites/53a161110b80eeaac7000002/assets/55277a920b80ee7fef003a31/Syrians_in_Southern_Europe_-_External_factsheet_-_2015.pdf (accessed 24 May 2015)

NO ALTERNATIVES: DEATH ON THE WAY TO EUROPE

“Until now I hear the voices of children and women screaming in the water. I see the moment when the boat flipped over in front of my eyes. It was very difficult,” Mahmoud (name changed) a Syrian man, aged 20 from Aleppo.⁴⁸

LIBYA

In April 2015 two boats carrying refugees and migrants from Libya to Europe sank in the Mediterranean Sea with a combined death toll of over 1,200 people.⁴⁹ Those on board the boats were nationals of several countries including Eritrea, Syria, Somalia, Mali and Senegal. In one incident, survivors said there were 850 people on board – only 28 of whom survived the shipwreck.⁵⁰

Libya is a country in North Africa from which the majority of boats carrying migrants and refugees to Europe depart. In 2014, approximately 219,000 refugees and migrants crossed the Mediterranean,⁵¹ of whom some 141,000⁵² made the sea crossing from Libya to Italy. As

⁴⁸ Interviewed by Amnesty International in Sicily, Italy, 9 August 2014.

⁴⁹ Amnesty International, *Mediterranean crisis: Rising death toll prompts Europe to act*, 20 April 2015, available at: www.amnesty.org/en/articles/news/2015/04/saving-lives-in-the-mediterranean-must-be-european-governments-priority/ (accessed 26 May 2015)

⁵⁰ UNHCR, *UNHCR welcomes EU Mediterranean plans, but says more needs to be done*, 21 April 2015, available at: www.unhcr.org/553623109.html (accessed 26 May 2015)

⁵¹ UNHCR, *Latest deaths on Mediterranean highlight urgent need for increased rescue capacity*, 15 April 2015, available at: www.unhcr.org/552e603f9.html (accessed 26 May 2015)

⁵² United Nations Support Mission in Libya, *The situation of migrants in transit through Libya en route to Europe - Briefing Note 08 May 2015*, available at: <http://unsmil.unmissions.org/Default.aspx?ctl=Details&tabid=3543&mid=6187&ItemID=2078339> (accessed 26 May 2015)

of February 2015, there were 36,984 refugees and asylum seekers registered with UNHCR in Libya; nearly half were Syrian.⁵³ After Syria, the largest refugee populations in Libya are from Palestine and Eritrea.⁵⁴ In addition, some 200,000 migrant workers live in Libya. Foreign nationals in Libya – whether refugees or migrants – face the risk of abductions, arbitrary arrests, exploitation, torture and other ill-treatment at the hands of both state and non-state actors.⁵⁵

Libya does not have a national asylum system or legislation. UNHCR operates in the country without an official agreement with the authorities. As a consequence, refugees and asylum-seekers have little or no protection and are at the mercy of militias who detain them.⁵⁶

In August 2014, Amnesty International conducted interviews with refugees, including refugees from Syria, and migrants in Sicily. Syrian refugees – who were previously in Libya – described an increase in the abduction of Syrians and of other foreign nationals in Libya for purposes of ransom, and a rise in carjacking, physical assaults and theft. Others said that the authorities refused to recognize their official Libyan documents such as residency permits or driver's licenses, mostly to force them to pay bribes. Several refugees described being arbitrarily detained by militias despite having valid residency documents, while others said that militias forced them to pay large amounts of money to have official documents issued.⁵⁷

Refugees also reported fleeing from indiscriminate shelling which has been prevalent in several urban areas in Libya. Others described how the general insecurity and conflict rife in Libya meant they could no longer work and provide for their families or access basic services

⁵³ UNHCR Factsheet, Libya, February 2015, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/4c907ffe9.pdf> (accessed 26 May 2015)

⁵⁴ UNHCR Factsheet, Libya, February 2015, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/4c907ffe9.pdf> (accessed 26 May 2015). The number of refugees and asylum-seekers by country of origin was: Syria (18,710), Palestine (5,300), Eritrea (4,687), Iraq (3,105), Somalia (2,392) and Sudan (2123).

⁵⁵ For an overview of the situation of foreign nationals in Libya see Amnesty International, *'Libya is full of cruelty': Stories of abduction, sexual violence and abuse from migrants and refugees*, May 2015, available at: www.amnesty.org/en/documents/mde19/1578/2015/en (accessed 26 May 2015); and Amnesty International, *Scapegoats of fear, Rights of refugees, Asylum-seekers and Migrants abused in Libya*, 20 June 2013, www.amnesty.org/en/library/asset/MDE19/007/2013/en/5310f0f7-1ff4-4acd-bfd8-e3e2c082d7d3/mde190072013en.pdf (accessed 26 May 2015)

⁵⁶ See Amnesty International, *Scapegoats of fear, Rights of refugees, Asylum-seekers and Migrants abused in Libya*, 20 June 2013, available at: www.amnesty.org/en/library/asset/MDE19/007/2013/en/5310f0f7-1ff4-4acd-bfd8-e3e2c082d7d3/mde190072013en.pdf (accessed 26 May 2015)

⁵⁷ Interviews conducted by Amnesty International in Sicily, Italy in August 2014. Of the interviews that took place, 24 individual and group interviews were with Syrian refugees.

such as medical care or education.⁵⁸

Most of the refugees and migrants interviewed by Amnesty International in Sicily in August 2014, including Syrians, Somalis, and Gambians among others, had taken boats from the Libyan coastal towns of Zuara and Misratah.⁵⁹ They recounted being held for days or weeks in locked rooms or houses prior to departure by boat while the people smugglers gathered larger numbers of people. They described making the Mediterranean crossing on boats that were overcrowded, with no life jackets available unless they had brought their own, and with limited amounts of food and water. In some cases, people reported having their belongings thrown into the sea by the people smugglers in order to make room for even more people on the boat.⁶⁰

Several refugees told Amnesty International that if they had known what the journey would entail, contrary to how it was described to them by the smugglers, they would never have decided to embark on it and risk endangering their families' lives and their own. However, others said that the risks in Libya were such that they felt they had no other choice but to leave by sea.⁶¹

THE EU'S RESPONSE IN THE MEDITERRANEAN

In 2015, Syrians continue to represent the largest nationality attempting the journey to Europe by boat. Between January and April 2015, Syrians accounted for 33% of all arrivals, with Somalis, Afghanis and Eritreans accounting for another 30%.⁶² The Mediterranean is the most dangerous sea route for refugees and migrants.⁶³ With the increase in the number of people attempting to cross the Mediterranean from 2013 onwards,⁶⁴ often on unsafe vessels with minimal or no safety or navigation equipment, drowning and other incidents at sea have become more common. To respond to the deaths of over 500 people in the space of just nine days in October 2013 the Italian government established a humanitarian naval operation called Mare Nostrum.⁶⁵ Within the framework created by Mare Nostrum, in 2014 Italian

⁵⁸ Interviews conducted by Amnesty International in Sicily, Italy in August 2014.

⁵⁹ Amnesty International interview in Sicily, Italy, August 2014. This information was corroborated through a number of interviews with different groups of refugees over a nine months.

⁶⁰ Amnesty International interview in Sicily, Italy, August 2014.

⁶¹ Amnesty International interview in Sicily, Italy, August 2014.

⁶² UNHCR data available at: <https://twitter.com/melissarfleming/status/606047185332006912> (accessed 3 June 2015)

⁶³ UNHCR, Latest deaths on Mediterranean highlight urgent need for increased rescue capacity, 15 April 2015, available at: www.unhcr.org/552e603f9.html (accessed 27 May 2015)

⁶⁴ According to UNHCR, in 2013 total arrivals by sea through the Mediterranean amounted to 22,500 in 2012 and 60,000: UNHCR, *Three boat tragedies in five days on the Mediterranean – scores feared dead*, 26 August 2014, available at: www.unhcr.org/53fc5e491c3.html (accessed 10 June 2015)

⁶⁵ Amnesty International, *Lives adrift: refugees and migrants in peril in the Central Mediterranean*, 2014, available at: www.amnesty.eu/content/assets/Reports/4380_SOS_Europe_SAR_complete_lowres.pdf

authorities rescued over 166,000 people.⁶⁶

However, some EU governments pushed for the Mare Nostrum operation to end, arguing that the rescue operation acted as a “pull-factor” for refugees and migrants. Responding to this pressure, in October 2014, Italy cancelled Mare Nostrum.⁶⁷ Governments did not provide any compelling evidence to support their claim that Mare Nostrum was a “pull-factor”, and the number of people attempting to cross the Mediterranean from North Africa increased after the operation ended (see below).

After Mare Nostrum ended, European governments instructed the EU border agency, Frontex, to set up Operation Triton, whose mandate was primarily to control the EU's border rather than to rescue boats in distress at sea. Crucially, unlike Mare Nostrum, which had an area of operation extending south of the Italian island of Lampedusa for about 100 nautical miles (nm), Triton was limited to 30nm off the Italian and Maltese coasts, far from where the vast majority of boats get into trouble. Furthermore, Triton's budget was a third that of Mare Nostrum, and it had fewer and smaller vessels in comparison.⁶⁸

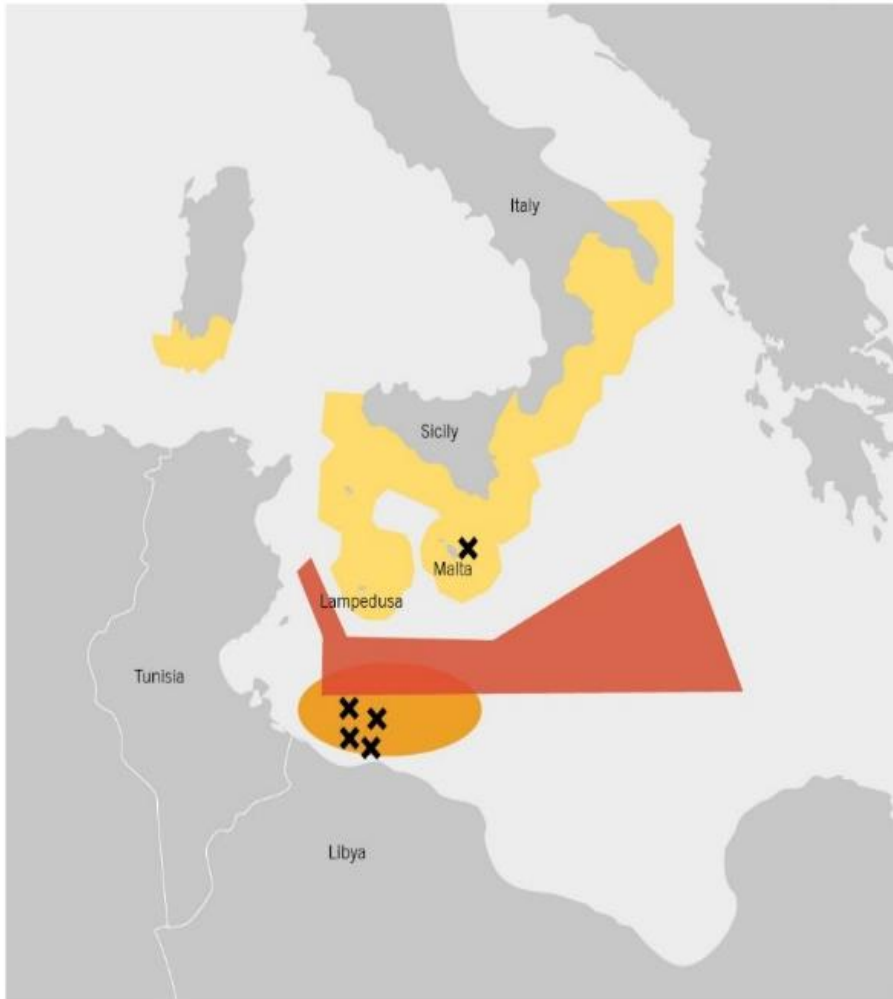
(accessed 10 June 2015)

⁶⁶ Amnesty International, 2015, *Europe's Sinking Shame, the failure to save refugees and migrants at sea*, available at: www.amnesty.eu/content/assets/Reports_and_Briefings_2015/Europes_Sinking_Shame.pdf (accessed on 9 June 2015)

⁶⁷ Amnesty International, *Italy: Ending Mare Nostrum search and rescue operation would put lives at risk*, 17 October 2014, available at: www.amnesty.org/en/articles/news/2014/10/italy-ending-mare-nostrum-search-and-rescue-operation-would-put-lives-risk/ (accessed on 3 June 2015)

⁶⁸ Triton's budget at EUR 2.9m a month is one third of Italy's budget of EUR 9m per month for Mare Nostrum. Amnesty International, *Europe's sinking shame: The failure to save refugees and migrants at sea*, available at www.amnesty.org/en/documents/eur03/1434/2015/en/ (accessed 3 June 2015)

Map showing comparison of operations under Mare Nostrum and Triton, and incidents at sea, prior to the expansion of Triton's operational area



- Area patrolled by Italy's Operation Mare Nostrum during 2013/14
- Area patrolled by Frontex Joint Operation Triton prior to the expansion of its operational area in May 2015
- Indicative area where most of the rescues take place
- ✕ Position of the incidents of 22 January, 8 February, 4 March, 12 April and 18 April 2015

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Between 1 January 2015 to 25 May 2015, 41,470 refugees and migrants reached Italy after crossing the Mediterranean; in the same period in 2014 the figure was 39,101.⁶⁹ The Italian government expects more people to make the crossing to Italy in 2015 compared to 2014.⁷⁰

“...Italy's Mare Nostrum operation has ended, and the EU's Triton initiative is limited both in mandate and in resources. Europe must step up its capacity to save lives, with a robust search and rescue operation in the Central Mediterranean – or thousands more, including many, many Syrians, will perish.”

Antonio Guterres, UN High Commissioner for Refugees, addressing the UN Security Council in February 2015.⁷¹

The decision to end Mare Nostrum at the end of 2014 and replace it with a much more limited operation has contributed to a dramatic increase in the number of lives lost in the Mediterranean. As of 31 May 2015, 1,865 people had died attempting the Mediterranean crossing, compared to 425 through during the same period in 2014.⁷²

For example, on 18 April 2015, around 800 refugees and migrants drowned in a single shipwreck, when a fishing boat capsized and sank on its way from Libya towards Italy. Many of the passengers were below deck, and couldn't get out. Just 28 people survived.⁷³ A week earlier, on 12 April, another boat sunk 80nm off Libya's coast claiming up to 400 lives.⁷⁴

On 27 May 2015, in response to several drowning incidents that led to the deaths of around 1,200 people the previous month, European leaders decided to increase Triton's resources and operational area to the level of Mare Nostrum.⁷⁵ The European Commission also adopted

⁶⁹ Data received by Amnesty International via email from the Italian Ministry of Interior. The Ministry updates its data on arrivals on a weekly basis and shares this via email with contacts.

⁷⁰ Reuters, *Italy says over 900 migrants rescued at sea, one dead*, 21 May 2015, online: <http://af.reuters.com/article/libyaNews/idAFL5N0YC28D20150521>

⁷¹ UNHCR, UN High Commissioner for Refugees Antonio Guterres, *Written text of speech to the UN Security Council*, 26 February 2015, available at: www.unhcr.org/54ef66796.html (accessed 27 May 2015)

⁷² International Organization for Migration data available at: <http://missingmigrants.iom.int/incidents>; and Migration Read All About It, *Mediterranean Update: 101,900 migrant arrivals in Europe in 2015*, available at: <http://weblog.iom.int/mediterranean-flash-report-0> (both accessed on 10 June 2015)

⁷³ International Organization of Migration, *Mediterranean sea crossings continue to climb*, 19 May 2015, available at: www.iom.int/news/mediterranean-sea-crossings-continue-climb (accessed on 10 June 2015)

⁷⁴ Amnesty International, *Europe's Sinking Shame, the failure to save refugees and migrants at sea*, 2015, available at: www.amnesty.eu/content/assets/Reports_and_Briefings_2015/Europes_Sinking_Shame.pdf (accessed on 9 June 2015)

⁷⁵ Amnesty International, *EU moves towards closing search and rescue gap in the Mediterranean*, 27 May 2015, available at: www.amnesty.org/en/articles/news/2015/05/european-union-moves-towards-closing-search-and-rescue-gap-in-the-mediterranean/ (accessed on 9 June 2015)

a proposal to relocate 40,000 refugees from Italy and Greece to other EU countries, and to offer 20,000 resettlement places for refugees from outside the EU, additional to existing resettlement programmes.⁷⁶

These are important steps for preventing the deaths of migrants and refugees in the Mediterranean and increasing burden-sharing within the EU as well as with countries outside the EU. However, these measures do not sufficiently address the need for greater responsibility-sharing for the refugee crisis and will do little to stop people from risking their lives to reach Europe. For example, Syrian refugees faced with reduced humanitarian assistance in the main host countries and no prospect of returning homes in the near future, are likely to continue to attempt to cross the Mediterranean to reach Europe. Without sufficient safe and legal alternative routes for refugees – but also for migrants – people will continue to risk their lives. One such measure is for the EU to increase the number of resettlement places that all EU States offer for refugees. The EU's contribution towards international burden and responsibility-sharing through refugee resettlement remains very weak.

“To reduce the number of people getting on boats in the first place, more legal avenues are needed for Syrians to seek protection in third countries. Several States provide resettlement and humanitarian admission programmes, but the needs far exceed available spaces. We believe one-tenth of the Syrian refugees would require resettlement as the adequate solution for their protection situation. Flexible visa policies, expanded family reunification, academic scholarships and private sponsor schemes must complement these measures.”

Antonio Guterres, UN High Commissioner for Refugees, 26 February 2015.⁷⁷

⁷⁶ European Commission, *European Commission makes progress on Agenda on Migration*, 27 May 2015, available at: http://europa.eu/rapid/press-release_IP-15-5039_en.htm (accessed 9 June 2015)

⁷⁷ UNHCR, UN High Commissioner for Refugees Antonio Guterres, *Written text of speech to the UN Security Council*, 26 February 2015, available at: www.unhcr.org/54ef66796.html (accessed 27 May 2015)

REFUGEE CRISES IN SUB-SAHARAN AFRICA

Some of the most long-standing refugee crises in the world are in Sub-Saharan Africa. Of the top ten countries globally from which people are fleeing as refugees, five are in Sub-Saharan Africa. Four of the top ten refugee-hosting countries are also in Sub-Saharan Africa.⁷⁸ The region is also the location of Dadaab –the world's largest refugee camp, established in Kenya in 1991.⁷⁹

As of mid-2014 Sub-Saharan Africa's refugee population stood at approximately 3.4 million.⁸⁰ The largest and longest-standing refugee population in the region is from Somalia. More than one million people have been forced to become refugees because of conflict and political instability in Somalia over more than two decades.⁸¹

In recent years outbreaks of conflict in countries such as South Sudan and the Central African Republic (CAR) have led to an increase in the number of refugees in the region. Tens of thousands of these new refugees went to countries with already large refugee populations such as Chad, Ethiopia and Kenya.⁸²

The refugee crisis has a significant economic impact on the region: a UNHCR analysis of the size of refugee populations compared to per capita income levels in every country globally found that seven out of the ten countries with the highest ratio of refugees to per capita income level (indicating higher economic impact) were in Sub-Saharan Africa.⁸³ Despite this,

⁷⁸ UNHCR, *UNHCR Mid-year trends 2014*, p.5, available at: <http://unhcr.org/54aa91d89.html> (accessed 28 May 2015)

⁷⁹ UNHCR, *Dadaab – World's biggest refugee camp 20 years old*, 21 February 2012, available at: www.unhcr.org/4f439dbb9.html (accessed 28 May 2015)

⁸⁰ UNHCR, *UNHCR Mid-year trends 2014*, p.22, available at: <http://unhcr.org/54aa91d89.html> (accessed 28 May 2015)

⁸¹ UNHCR, *Regions in the Horn of Africa, Somali Displacement Crisis*, available at: <http://data.unhcr.org/horn-of-africa/regional.php> (accessed 28 May 2015)

⁸² UNHCR, *UNHCR Global Trends 2013*, pp.13, available at: www.unhcr.org/5399a14f9.html (accessed 28 May 2015)

⁸³ The seven countries were Ethiopia (ranked at #1), Chad (#3), Uganda (#4), Kenya (#5), Democratic Republic of Congo (#6), South Sudan (#7), and Cameroon (#8). The analysis measured the number of refugees per \$1 USD of gross domestic product (purchasing power parity) per capita. Source: UNHCR, *UNHCR Mid-year trends 2014*, p.6, available at: <http://unhcr.org/54aa91d89.html> (accessed 28 May 2015)

the international community has given little support to refugees or host countries in the region. In 2013 fewer than 15,000 refugees from African countries were resettled⁸⁴ and UN humanitarian appeals have been severely underfunded.⁸⁵

For example, as a result of the conflict which broke out in South Sudan in December 2013, more than 550,000 people became refugees,⁸⁶ the majority of whom are now in Ethiopia, Sudan, Kenya and Uganda. Only 11% of the UN's South Sudan regional refugee response plan was funded as of 3 June 2015.⁸⁷

The situation in South Sudan also highlights the complex intersecting nature of some of Africa's refugee crises. Despite the volatile situation in South Sudan, and the fact that it is a country from which people are fleeing as refugees, it is also a country of refuge - home to more than 220,000 refugees from Sudan's Southern Kordofan and Blue Nile states. In addition South Sudan also hosts around 30,000 refugees from CAR, Ethiopia and the DRC.⁸⁸ Many of those seeking refuge in South Sudan and elsewhere in the region have been displaced multiple times due to various outbreaks of conflict spanning several decades.

The refugee crises in Sub-Saharan Africa receive little or no attention in regional or global political forums. Many of the host countries in the region have little or no capacity to provide support to refugees, and UN humanitarian operations on the continent are significantly under-resourced. The shortage of funding for refugee appeals is symptomatic of wider failures to look at the root causes of these large-scale and long-term refugee crises or build systems for meaningful burden and responsibility-sharing within the African continent and the wider international community.

⁸⁴ UNHCR, *UNHCR Projected Global Resettlement Needs*, June 2014, available at: www.unhcr.org/543408c4fda.pdf p.56 (accessed 3 June 2015)

⁸⁵ See Financial Tracking Service, *Funding to 2015 response plans*, available at: <https://fts.unocha.org/> (accessed 28 May 2015)

⁸⁶ UNHCR, *South Sudan Situation UNHCR Regional Update, 62*, 18-22 May 2015, available at: <http://data.unhcr.org/SouthSudan/regional.php> (accessed 28 May 2015)

⁸⁷ UN OCHA, *Funding to 2015 response plans*, available at: <https://fts.unocha.org/> (accessed 3 June 2015)

⁸⁸ UNHCR, *2015 UNHCR country operations profile – South Sudan, Overview*, available at: www.unhcr.org/pages/4e43cb466.html (accessed 3 June 2015)

HUMANITARIAN CRISIS IN SOUTH EAST ASIA

In the first quarter of 2015, UNHCR reported that some 25,000 people attempted to cross the Bay of Bengal. This is approximately double the figure for the same period in 2014.⁸⁹ The Bay of Bengal sea route is predominantly used by Muslim Rohingya from Myanmar and Bangladeshi nationals – those on the boats include people fleeing discrimination and violence in Myanmar,⁹⁰ as well as migrants, and victims of human trafficking. The boats land, or attempt to land in Thailand or Malaysia.⁹¹ According to UNHCR, 300 people may have died at sea during this period due to “starvation, dehydration and abuse by boat crews.”⁹²

Arrivals of boats carrying people in desperate conditions at the shores of Malaysia and Indonesia sharply increased in May 2015, gaining global attention when Malaysia, Thailand and Indonesia all refused them permission to land.⁹³ On 11 May, the International Organization for Migration estimated that there were 8,000 people stranded on boats close to Thailand.⁹⁴

⁸⁹ UNHCR, “South East Asia: Irregular Maritime Movements, January-March 2015,” 8 May 2015, available at: www.unhcr.org/554c6a746.html (accessed 27 May 2015)

⁹⁰ Amnesty International, Why are the Rohingya fleeing Myanmar, 28 May 2015, available at: www.amnesty.org/en/articles/news/2015/05/why-are-the-rohingya-fleeing-myanmar/ (accessed 27 May 2015)

⁹¹ UNHCR, *UNHCR report shows sharp increase in sea crossings in Bay of Bengal*, 8 May 2015, available at: www.unhcr.org/554c8adf9.html (accessed 27 May 2015)

⁹² UNHCR, *UNHCR report shows sharp increase in sea crossings in Bay of Bengal*, 8 May 2015, available at: www.unhcr.org/554c8adf9.html (accessed 27 May 2015)

⁹³ See for example: ABC, *Malaysia to follow Indonesia in turning back migrant boats; thousands may face starvation at sea*, 13 May 2015, available at: www.abc.net.au/news/2015-05-13/malaysia-to-turn-back-migrant-boats/6466726; The Japan Times, *Malaysia, Indonesia, Thailand hit for barring boats full of starving migrants*, 15 May 2015, available at: www.japantimes.co.jp/news/2015/05/15/asia-pacific/malaysia-indonesia-thailand-hit-barring-boats-full-starving-migrants/#.VXhpbflVikp and Caroline Davies, *Migrants on boat rescued off Indonesia recall horrific scenes*, The Guardian, 15 May 2015, www.theguardian.com/world/2015/may/15/asian-migrant-crisis-grows-as-700-more-boat-people-rescued-off-indonesia (all accessed 10 June 2015)

⁹⁴ Quoted in BBC News, “‘Thousands’ of Rohingya and Bangladeshi migrants stranded at sea,” 11 May 2015, available at: www.bbc.com/news/world-asia-32686328 (accessed 10 June 2015); Amnesty International, *South East Asia: Immediately step up efforts to rescue thousands at grave risk at sea*, 13 May 2015, available at: www.amnesty.org/en/articles/news/2015/05/south-east-asia-immediately-step-up-efforts-to-rescue-thousands-at-grave-risk-at-sea/

"In the Bay of Bengal, migrants and refugees are fed only white rice and are subjected to violence, including sexual violence. Women are raped. Children are separated from their families and abused. Men are beaten and thrown overboard."

Joint statement by António Guterres, Zeid Ra'ad Al Hussein, William L. Swing, and Peter Sutherland.⁹⁵

According to media reports, several suspected push-back incidents – where boats carrying refugees and migrants were forced out of the territorial waters of several South East Asian countries – occurred in mid-May. On 11 May, the Indonesian navy towed a boat with around 500 people from Myanmar out of Indonesian waters near the coast of North Aceh district after providing them with fuel, food and medical supplies.⁹⁶ On 13 and 14 May, the Malaysian navy turned away two boats carrying some 800 people.⁹⁷

On 14 May, the Thai navy gave relief supplies to a boat found drifting and abandoned by its crew off the southern coast of Thailand, then turned it away. The boat was carrying more than 300 people.⁹⁸

"What do you expect us to do? We have been very nice to the people who broke into our border. We have treated them humanely but they cannot be flooding our shores like this."

Wan Junaidi, Malaysian Deputy Home Minister.⁹⁹

In May, the BBC reported that ten people died aboard a boat stranded in the Andaman Sea (which is southeast of the Bay of Bengal and to the west of Thailand and Malaysia) with no food or water.¹⁰⁰

⁹⁵ Joint statement by António Guterres, UN High Commissioner for Refugees; Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights; William L. Swing, Director-General of the International Organization for Migration; and Peter Sutherland, Special Representative of the UN Secretary-General for International Migration and Development, 19 May 2015, available at: www.unhcr.org/555aee739.html (accessed 10 June 2015)

⁹⁶ Reuters, Indonesian navy assists migrant boat, sends it to Malaysia, 11 May 2015, available at: www.reuters.com/article/2015/05/12/us-asia-migrants-indonesia-idUSKBN0NX08D20150512 (accessed 10 June 2015)

⁹⁷ Aljazeera America, Malaysia official: 'they are not welcome here', 13-14 May 2014, available at: <http://america.aljazeera.com/articles/2015/5/13/malaysia-refuses-boat-with-more-than-500-migrants.html> (accessed 10 June 2015)

⁹⁸ Bangkok Post, *Navy pushes migrants out at sea*, 15 May 2015, available at: www.bangkokpost.com/news/security/561807/navy-pushes-migrants-out-to-sea (accessed 10 June 2015)

⁹⁹ Eileen Ng and Thanyarat Dokson, *Malaysia turns away 800 boat people; Thailand spots 3rd boat*, Associated Press, 14 May 2015, available at: <http://bigstory.ap.org/article/65f27d071b384241b520179e37063d2d/worries-grow-rohingya-bangladeshi-migrants-boats> (accessed 10 June 2015)

¹⁰⁰ BBC, 'Ten deaths' on stranded Myanmar migrant boat, 14 May 2015, available at: www.bbc.co.uk/news/world-asia-32733963 (accessed 10 June 2015)

“On one crowded vessel with a lot of women and children on board, our correspondent saw people drinking their own urine from bottles.”

BBC¹⁰¹

On 20 May, following weeks of what IOM termed “maritime ping-pong”,¹⁰² the foreign ministers of Thailand, Indonesia and Malaysia reached an agreement to respond to the crisis.¹⁰³ Indonesia and Malaysia announced that they would provide “temporary shelter” for up to 7,000 people still at sea.¹⁰⁴ This temporary protection would only last for up to a year, and on condition that the international community would help with repatriation or resettlement of the people.¹⁰⁵

Thailand did not sign on to the commitment to provide temporary shelter; it only promised not to push back boats stranded in its waters, and to provide humanitarian assistance to those aboard. But Thailand will not allow boats to land.¹⁰⁶ Thai authorities have continued to assert that anyone landing will be prosecuted for illegal entry.¹⁰⁷ On 26 May, Thai authorities committed naval and air force resources to patrol the sea and provide humanitarian assistance, including medical treatment, food and water, to boats of refugees and

¹⁰¹ BBC, 'Ten deaths' on stranded Myanmar migrant boat, 14 May 2015, available at: www.bbc.co.uk/news/world-asia-32733963 (accessed 10 June 2015)

¹⁰² Thomas Fuller and Joe Cochrane, *New York Times*, *Rohingya Migrants from Myanmar shunned by Malaysia, are spotted adrift in Andaman sea*, 14 May 2015, available at: www.nytimes.com/2015/05/15/world/asia/burmese-rohingya-bangladeshi-migrants-andaman-sea.html?smid=tw-share&_r=1 (accessed 10 June 2015)

¹⁰³ Joint Statement issued after the Ministerial Meeting on Irregular Movement of People in Southeast Asia, Putrajaya, Malaysia, 20 May 2015, online at www.nytimes.com/interactive/2015/05/20/world/asia/document-malaysia-indonesia-thailand-statement-on-asia-migrants-crisis.html (accessed 10 June 2015)

¹⁰⁴ Reuters, *Malaysia, Indonesia to let 'boat people' come ashore temporarily*, 20 May 2015, available at: www.reuters.com/article/2015/05/20/us-asia-migrants-idUSKBN0050MV20150520 (accessed 10 June 2015)

¹⁰⁵ Reuters, *Malaysia, Indonesia to let 'boat people' come ashore temporarily*, 20 May 2015, available at: www.reuters.com/article/2015/05/20/us-asia-migrants-idUSKBN0050MV20150520 (accessed 10 June 2015)

¹⁰⁶ Ministry of Foreign Affairs of the Kingdom of Thailand, “Deputy Prime Minister and Minister of Foreign Affairs discussed the issue of irregular movement of people in the Indian Ocean,” 20 May 2015, available at: www.mfa.go.th/main/en/media-center/28/56421; Amnesty International, *South East Asia: Necessary U-turn on refugee boats still leaves thousands at risk*, 20 May 2015, available at: www.amnesty.org/en/articles/news/2015/05/south-east-asia-necessary-u-turn-on-refugee-boats-still-leaves-thousands-at-risk/ (all accessed 10 June 2015)

¹⁰⁷ Khaosod English, *Rohingya Are Illegal Migrants, Not Refugees: Thai Army Chief*, 20 May 2015, online at www.khaosodenglish.com/detail.php?newsid=1432103359&typecate=06§ion= (accessed 10 June 2015)

migrants.¹⁰⁸ According to the Thai Ministry of Foreign Affairs, the Thai navy vessels have registration teams to “identify and prepare for possible solutions, including referrals to shelters offered by Indonesia and Malaysia.”¹⁰⁹

The initial refusal of the governments of Indonesia, Malaysia and Thailand to save people stranded at sea, who were clearly in desperate, sometimes life-threatening conditions, and the apparent push back operations they undertook, were in flagrant violation of their international obligations. Although only three countries in South East Asia are States Parties to the 1951 Convention Relating to the Status of Refugees (Cambodia, the Philippines and Timor-Leste), governments in the region have obligations under customary international law and international treaties such as the United Nations Convention on the Law of the Sea which are relevant in this situation.

Non-refoulement, a principle of customary international law, prohibits the return of individuals to a situation where they would face a real risk of persecution or serious human rights abuses.¹¹⁰ In the case of Muslim Rohingya from Myanmar, there is substantial evidence, publicly available, that they may face persecution in Myanmar.

Under the United Nations Convention on the Law of the Sea, Indonesia, Malaysia and Thailand are obliged to organize effective search and rescue operations to save lives and where necessary to coordinate with neighbouring countries.¹¹¹ UNHCR has said that “[a]lthough this provision [Article 98] is located in the Part of UNCLOS concerning the high seas, it is generally accepted that the duty in question applies in all maritime zones.”¹¹²

The plight of people stranded on boats off the coasts of Indonesia, Thailand and Malaysia brought global attention to the issues of refugees, migrants and victims of trafficking in South East Asia. The lack of national legal asylum systems and maritime push backs are not new.¹¹³ There have also been long-standing problems in the wider Asia-Pacific region for many years.

¹⁰⁸ Ministry of Foreign Affairs of the Kingdom of Thailand, *Opening Remarks by Deputy Prime Minister and Minister of Foreign Affairs of Thailand at the Special Meeting on Irregular Migration in the Indian Ocean*, 29 May 2015, available at: www.mfa.go.th/main/en/media-center/14/56849-Opening-Remarks-by-Deputy-Prime-Minister-and-Minis.html (accessed 10 June 2015)

¹⁰⁹ Ministry of Foreign Affairs of the Kingdom of Thailand, *Opening Remarks by Deputy Prime Minister and Minister of Foreign Affairs of Thailand at the Special Meeting on Irregular Migration in the Indian Ocean*, 29 May 2015, available at: www.mfa.go.th/main/en/media-center/14/56849-Opening-Remarks-by-Deputy-Prime-Minister-and-Minis.html (accessed 10 June 2015)

¹¹⁰ UNHCR, *UNHCR Note on the Principle of Non-Refoulement*, available at: www.refworld.org/docid/438c6d972.html (accessed 09/06/2015)

¹¹¹ *UN Convention on the Law of the Sea*, UN Doc. A/CONF.62/122, Art 98(2).

¹¹² UNHCR, *Background Paper: Mapping Disembarkation Options: Towards Strengthening Cooperation in Managing Irregular Movements by Sea*, 4 March 2014, p.5, available at: www.refworld.org/docid/5346438f4.html (accessed 10 June 2015)

¹¹³ UNHCR, *2015 UNHCR sub regional operations profile - South-East Asia*, available at:

In particular Australia's offshore processing policy – whereby it takes asylum-seekers who attempt to reach Australia by sea to detention centres in Nauru and Manus Island (Papua New Guinea) – is particularly egregious. Amnesty International found that the deliberately harsh, humiliating conditions at the Australian-run detention facility were designed to pressure asylum seekers to return to their country of origin, regardless of whether or not they were refugees.¹¹⁴ In 2012, Amnesty International found that people in the Nauru detention centre were living in cramped conditions, suffered from both physical and mental ailments, and routinely had their human rights violated;¹¹⁵ the organization has sought to visit the centre since 2014 but its requests have been denied.¹¹⁶

"Nope, nope, nope,"

Tony Abbott, Prime Minister, in response to a questions about whether Australia would resettle some of those rescued from the boats in South East Asia.¹¹⁷

The situation across the Asia Pacific region is one in which refugees fleeing persecution in countries like Myanmar move along routes also used by economic migrants and dominated by people smugglers and human traffickers. Too often, governments try to avoid their legal obligations to refugees and victims of human trafficking by characterising them all as 'migrants', labelling victims of abuse as 'illegal'. The policies pursued by Australia, Thailand and other countries in the region are largely attempts to push the issue of refugees and migrants out of their jurisdiction and out of sight of the public.

Even if every person on a boat is an economic migrant there is no moral or legal justification for pushing boats out to sea and placing lives at risk. International law requires that people in distress at sea are rescued, that victims of trafficking are given protection and assistance, and that refugees are provided with international protection and not subjected to *refoulement*. Time and time again, what we witness in the region is a blatant flouting of these legal obligations.

www.unhcr.org/pages/49e4884c6.html (accessed 10 June 2015)

¹¹⁴ Amnesty International, *This is Breaking People: Human Rights Violations at Australia's Asylum Seeker Processing Centre on Manus Island, Papua New Guinea*, December 2013, available at: www.amnesty.org.au/images/uploads/about/Amnesty_International_Manus_Island_report.pdf (accessed 10 June 2015)

¹¹⁵ Amnesty International, *Nauru Camp a human rights catastrophe with no end in sight*, 23 November 2012, available at: www.amnesty.org/en/documents/ASA42/002/2012/en/ (accessed 10 June 2015)

¹¹⁶ SBS, *Amnesty barred from Nauru detention centre*, 27 May 2015, available at: www.sbs.com.au/news/article/2015/05/27/amnesty-barred-nauru-detention-centre (accessed 10 June 2015)

¹¹⁷ ABC, *Tony Abbott rules out resettling Rohingyas in Australia, Indonesia says it is obliged to*, 21 May 2015, available at: www.abc.net.au/news/2015-05-21/rohingyas-migrants-indonesia-says-australia-obliged-resettle/6486590 (accessed 10 June 2015)

THE REFUGEE CRISIS: A SHARED RESPONSIBILITY

The global refugee crisis is primarily a result of conflicts and widespread human rights violations. In the aftermath of World War II, the international community created the United Nations Refugee Convention. Together with other international treaties and norms, it obligates that states ensure refugees, having lost the protection of their country of origin, are able to enjoy international protection from their countries of asylum. The Refugee Convention also establishes the principle of responsibility-sharing - the idea that the international community must work together to address refugee crises so that no one country, or a small number of countries, has to cope alone.

The obligation of individual countries to give protection and assistance to refugees, coupled with the responsibility of the international community to act collectively in the case of large refugee crises, is essential to refugee protection. The refugee crisis the world has witnessed in the past few years has been exacerbated by the failures of individual states, and of the international community as a whole, to live up to these obligations.

Although 145 countries have ratified the Refugee Convention, there are regions of the world in which very few countries have ratified the treaty, including most of the Middle East, South Asia and South East Asia. In these regions refugees generally enjoy limited rights and in some cases are not legally recognized as refugees.

The responsibility for coping with the world's multiple refugee crises lies almost entirely with poorer countries in the world: 86% of the world's refugees are in developing countries.¹¹⁸ Wealthier countries are not doing nearly enough to share the burden of the global refugee crisis. Humanitarian appeals for refugee crises are consistently – and often severely – underfunded. Nearly one million refugees need resettlement, yet, globally annual resettlement commitments are less than a tenth of this number. Only around 30 countries offer any resettlement places at all.

In many countries, political considerations regularly take precedence over the lives of refugees and migrants, leaving thousands to die on dangerous journeys that could have been avoided.

Ultimately, refugee crises end when their root causes are addressed. Ending conflicts and widespread human rights abuses are objectives that states should pursue, but they are difficult to achieve. However, individual states and the international community as a whole must recognize that they can lessen the devastating consequences of the refugee crisis on people. For this, a global approach to the problem is needed.

¹¹⁸ UNHCR, *UNHCR Global Trends 2013*, p.2, available at: www.unhcr.org/5399a14f9.html

Individual countries should respect their legal obligations towards refugees and asylum-seekers, including allowing them to enter their territories, providing assistance to those in distress at sea and tackling xenophobia, but there must be a fundamental change in the international cooperation on refugees. The international community must share the responsibility for assisting and hosting refugees, including by resettling refugees who need it and adequately funding humanitarian programmes in other countries.

RECOMMENDATIONS

Amnesty International urges the international community to reinvigorate the system for responsibility-sharing amongst states through eight key commitments:

- **An international summit** on the global refugee crisis focused on increasing international responsibility and burden-sharing;
- **Global ratification of the Refugee Convention;**
- **Develop robust domestic refugee systems:** states must have fair domestic procedures to assess refugee claims and must guarantee fundamental rights and access to services, such as education and healthcare, to refugees;
- **An absolute commitment to saving lives first:** states must prioritise saving people in distress over implementing immigration policies. In situations where people are in danger of death, including – but not limited to – people attempting sea crossings, states should invest in search and rescue operations and immediately come to the rescue of people in distress. This imperative should never be trumped by any border control objectives;
- **Combat trafficking:** states must take effective action to investigate and prosecute trafficking gangs. States should offer protection and assistance to victims of trafficking and ensure they have access to refugee status determination procedures and/or resettlement opportunities;
- **Fulfil all resettlement needs identified by UNHCR:** nearly one million resettlement and humanitarian admission places are required for refugees who need resettlement and this number will increase every year. Amnesty International estimates that 300,000 annual resettlement and humanitarian admission places will be needed every year over the next five years;
- **Combat xenophobia:** governments must refrain from engaging in xenophobia themselves, for example by implying or directly claiming asylum-seekers and migrants are to blame for economic and social problems. Governments must also have effective policies to address xenophobic violence;
- **Establish a global refugee fund:** such a fund should fulfil all UN humanitarian appeals for refugee crises. This fund should also provide meaningful financial support to countries hosting large numbers of refugees to help them provide services to refugees and their host communities. This should be additional to existing development aid.

APPENDIX: RESETTLEMENT

Resettlement¹¹⁹ is the relocation of vulnerable refugees – including survivors of violence and torture, women and girls at risk, and those with serious medical needs – to countries where they can restart their lives in dignity. Resettlement plays an important role in refugee protection and is an effective tool through which the international community can share in the responsibility for refugee crises.

Resettlement is normally coordinated by UNHCR, which refers cases of recognized refugees to countries that have offered resettlement places. Some countries also offer alternative means of admission, including family reunification programmes, humanitarian visas, scholarship opportunities and humanitarian admission programmes. These programmes are not generally coordinated via UNHCR; however, for some humanitarian admission programmes, UNHCR does refer some or all of the refugees to such programmes.

The number of resettlement places offered to refugees globally is far below what is needed. UNHCR estimated that in 2015 the total number of refugees who need resettlement would be almost 960,000.¹²⁰ This was a large increase from the previous year, where the number stood at 691,000 – the increase being in large part due to the inclusion of resettlement needs for Syrian refugees.¹²¹ In many cases, resettlement is envisioned to take place over several years, which means that the number of resettlement places needed for each year will only be a proportion of these figures.

In contrast, the total number of resettlement places that states offer has hovered around the 70,000-80,000 for the past few years. Only about 30 countries offer any resettlement or other humanitarian admission places. In 2014, just over 73,000 refugees¹²² were admitted through such programmes.

¹¹⁹ UNHCR defines resettlement as: “Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.” Source: UNHCR Resettlement Handbook, available at: www.unhcr.org/46f7c0ee2.pdf (accessed 10 June 2015)

¹²⁰ UNHCR estimated total projected resettlement needs to be 958,429 refugees in 2015, see UNHCR, *UNHCR Projected Global Resettlement Needs*, June 2014, p.9, available at: www.unhcr.org/543408c4fda.pdf (accessed 10 June 2015)

¹²¹ UNHCR estimated total projected resettlement needs to be 958,429 refugees in 2015, see UNHCR, *UNHCR Projected Global Resettlement Needs*, June 2014, p.9, available at: www.unhcr.org/543408c4fda.pdf (accessed 10 June 2015)

¹²² Email received from UNHCR, 27 May 2015.

Amnesty International is calling on the international community to commit to meet refugee resettlement needs in full. This should be done through UNHCR-coordinated resettlement as well as other humanitarian admission programmes. Based on current needs, and accounting for possible increases in the number of refugees needing resettlement, Amnesty International proposes a global resettlement and humanitarian admission target of 300,000 refugees per year. Over the course of four years, this would allow for the resettlement of a total of 1.2 million refugees globally.



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