

mixed migration research series
explaining people on the move

Going West

contemporary mixed migration trends from the
Horn of Africa to Libya & Europe



RMIMS

Regional
Mixed Migration
Secretariat



5

Study

June 2014

Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe

This is the fifth of a series of studies focusing on different aspects of mixed migration associated with the Horn of Africa and Yemen region. This study is carried out in cooperation with the Danish Refugee Council in Libya office.

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The Regional Mixed Migration Secretariat (RMMS).

Formed in 2011 and based in Nairobi, the overall objective of the RMMS is to support agencies, institutions and fora in the Horn of Africa and

Yemen sub-region to improve the management of protection and assistance to people in mixed migration flows in the Horn of Africa and across the Gulf of Aden and Red Sea in Yemen. The co-founders and Steering Committee members for the RMMS include UNHCR, IOM, Danish Refugee Council (DRC), INTERSOS and the Yemen Mixed Migration Task Force. The RMMS is therefore a regional hub aiming to provide support and coordination, analysis and research, information, data management and advocacy. It acts as an independent agency, hosted by the DRC, to stimulate forward thinking and policy development in relation to mixed migration. Its overarching focus and emphasis is on human rights, protection and assistance.

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Contents:

Map	2
Glossary	5
Summary	11
1. Introduction	15
1.1 Mixed migration	15
1.2 Mixed migration from the Horn of Africa	15
1.3 Methodology	16
2. The start of the journey: countries of origin in the Horn of Africa	17
2.1 Eritrea	17
2.2 Ethiopia	25
2.3 South Central Somalia	29
2.4 Somaliland	30
3. In transit: Sudan	33
3.1 Routes through Sudan	33
3.2 Crossing the border from Sudan to Libya	35
3.3 Circumstances while transiting through Sudan	37
3.4 Sudanese migration policy	39
4. Libya: a country of destination and transit	41
4.1 Mixed migration flows in Libya	41
4.2 Routes through Libya	43
4.3 Smuggling in Libya	46
4.4 Circumstances of migrants in Libya	51
4.5 Libyan migration policy	62
5. The route to Israel: trafficking of Eritreans in Sudan and Egypt	69
6. Reaching Europe	77
6.1 The journey across the Mediterranean	77
6.2 Reaching Europe	84
6.3 Italy	86
6.4 Malta	89
6.4 Onward travel in Europe	92
6.6 European policy	93
7. Bibliography	99

Glossary

Selected definitions from the International Organization for Migration's Glossary on Migration 2004. (Definitions used here copied without editing: Full Glossary found at http://publications.iom.int/bookstore/free/IML_1_EN.pdf)

abduction

The act of leading someone away by force or fraudulent persuasion.

arbitrary

In an unreasonable manner, related to the concepts of injustice, unpredictability, unreasonableness and capriciousness.

assisted voluntary return

Logistical and financial support to rejected asylum seekers, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

asylum seekers

Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds.

bilateral

Involving two parties or two States.

border control

A State's regulation of the entry of persons to its territory, in exercise of its sovereignty.

border officials

A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed "border guards", "border police" or "aliens police".

border management

Facilitation of authorized flows of business people, tourists, migrants and refugees and the detection and prevention of illegal entry of aliens into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular aliens to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.

debt bondage

The status or condition arising from a pledge by a debtor of his/her personal service or those of a person under his/her control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined (*UN Supplementary Convention on the Abolition of Slavery, 1956*).

de facto (Latin)

Existing as a matter of fact.

deportation

The act of a State in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.

detention

Restriction on freedom of movement, usually through enforced confinement, of an individual by government authorities. There are two types of detention. Criminal detention, having as a purpose punishment for the committed crime; and administrative detention, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of the countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations, which is not considered to be a crime. In many States, an alien may also be detained pending a decision on refugee status or on admission to or removal from the State.

diaspora

Refers to any people or ethnic population that leave their traditional ethnic homelands, being dispersed throughout other parts of the world.

Dublin Convention

An agreement between EU States (adopted in 1990, entered into force in 1997) determining which Member State of the European Union is responsible for examining an application for asylum lodged in one of the contracting States. The Convention prevents the same applicants from being examined by several EU Member States at the same time, as well as ensuring that an asylum seeker is not re-directed from State to State simply because no one will take the responsibility of handling his/her case.

economic migrant

A person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural season, appropriately called seasonal workers.

exploitation

The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).

family reunification/reunion

Process whereby family members already separated through forced or voluntary migration regroup in a country other than the one of their origin. It implies certain degree of State discretion over admission.

forced/compulsory labour

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily (*Art. 2(1), ILO Convention No.29 on Forced Labour, 1930*).

internally displaced persons/ IDPs

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (*Guiding Principles on Internal Displacement, UN Doc E/1998/53/Add.2.*).

irregular migrant

Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/ illegal/undocumented migrant or migrant in an irregular situation).

irregular migration

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.

kidnapping

Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party. Kidnapping is normally subject to the national criminal legislation of individual States; there are, however, certain kidnappings that fall under international law (e.g. piracy).

labour migration

Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

migrant worker

A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national (*Art. 2(1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

mixed flows

Complex population movements including refugees, asylum seekers, economic migrants and other migrants.

non-refoulement

A principle laid down in the *Geneva Convention Relating to the Status of Refugees, 1951* according to which “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” This principle cannot be “claimed by a refugee, whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.” (*Art. 33 (1) and (2), Geneva Convention Relating to the Status of Refugees, 1951*.)

Palermo Protocols

Supplementary protocols to the *Convention against Transnational Organised Crime (2000): Protocol Against the Smuggling of Migrants by Land, Sea and Air; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials*.

prima facie (Latin)

At first sight; on first appearance but subject to further evidence or information. In the migration context, an application for immigrant status may undergo preliminary review to determine whether there is a prima facie showing of all the basic requirements (often as a condition for receiving financial assistance or a work permit).

racism

An ideological construct that assigns a certain race and/or ethnic groups to a position of power over others on the basis of physical and cultural attributes, as well as economic domination and control over others. Racism can be defined as a doctrine of or belief in racial superiority. This includes the belief that race determines intelligence, cultural characteristics and moral attitudes. Racism includes both racial prejudice and racial discrimination.

refugee (mandate)

A person who meets the criteria of the UNHCR Statute and qualifies for the protection of the United Nations provided by the High Commissioner, regardless of whether or not s/he is in a country that is a party to the *Convention relating to the Status of Refugees, 1951* or the *1967 Protocol relating to the Status of Refugees*, or whether or not s/he has been recognized by the host country as a refugee under either of these instruments.

refugee (recognized)

A person, who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (*Convention relating to the Status of Refugees, Art. 1A(2), 1951* as modified by *the 1967 Protocol*).

refugee status determination

A process (conducted by UNHCR and/or States) to determine whether an individual should be recognized as a refugee in accordance with national and international law.

regular migration

Migration that occurs through recognized, legal channels.

resettlement

The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country. The durable settlement of refugees in a country other than the country of refuge. This term generally covers that part of the process which starts with the selection of the refugees for resettlement and which ends with the placement of refugees in a community in the resettlement country.

Schengen Agreement

Intergovernmental agreement signed in 1985 to create a European free-movement zone without controls at internal land, water and airport frontiers. In order to maintain internal security, a variety of measures have been taken, such as the coordination of visa controls as external borders of Member States. Although the *Schengen Agreement* was concluded outside the context of the European Union (EU), it has been brought into the realm of the European Communities/ European Union under the *Amsterdam Treaty, 1997*.

smuggler (of people)

An intermediary who is moving people in furtherance of a contract with them, in order to illegally transport them across an internationally recognized State border.

slavery

The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised (*Art. 1, Slavery Convention, 1926* as amended by *1953 Protocol*). Slavery is identified by an element of ownership or control over another’s life, coercion and the restriction of movement and by the fact that someone is not free to leave or to change employer (e.g. traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes).

smuggling

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 or a permanent resident (*Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,*

2000). Smuggling contrary to trafficking does not require an element of exploitation, coercion, or violation of human rights.

torture

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions (*Art. 1, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984*).

trafficking in persons

The recruitment, transportation, transfer, harbouring or receipt of persons, 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, for the purpose of exploitation (*Art. 3(a), UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*).

unaccompanied minors

Persons under the age of majority who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them. Unaccompanied minors present special challenges for border control officials, because detention and other practices used with undocumented adult aliens may not be appropriate for minors.

xenophobia

At the international level, no universally accepted definition of xenophobia exists, though it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. There is a close link between racism and xenophobia, two terms that are hard to differentiate from each other.

Exchange rates

All figures in this report are quoted in US Dollars (USD). The following exchange rates have been used:

1 Libyan Dinar	= 0.815 USD
1 EURO	= 1.386 USD
1 Eritrean Nakfa	= 0.096 USD

Exchange rates as of 12 March 2014 (www.xe.com).

Summary and Recommendations

This report contributes to a growing body of evidence highlighting the importance of the westward route of mixed migration from the Horn of Africa to Libya and Europe. It charts the dynamic and changing nature of smuggler/migrant routes being used in the Horn of Africa and Yemen region and leaving it with especial focus on Eritreans, Ethiopians and Somalis on the move. In particular this report responds to the sense that the 'westward' direction is increasingly being used by smuggled migrants who find themselves thwarted when trying to use alternative (and previously extensively used) routes that take them east (Yemen to Saudi Arabia) and north (through Egypt into Israel). The southern route is still 'open' and much used by smuggler / migrants but information and research indicates that the new trend is '*Going West.*'

What is presented in this report succeeds in adding strong and repeated qualitative information on the modalities of movement, the political economy of the smuggling / trafficking activities between the Horn of Africa and Europe and the severe human rights deficits facing those on the move. It is also successful in collating known academic, government level and research-based data while adding new information established in the course of this multi-country study – as such it is, as of June 2014, the most up-to-date collation of known information concerning mixed migration along these routes.

A limitation remains in being able to quantify the dynamic changes in the number of migrants using the westward route from the Horn of Africa, whether by nationality or en masse. There was initially some optimism that the research would find some indicators or robust proxy indicators that would offer evidence of numerical changes but this has proved impossible, although readers will see various indicative sources of data used throughout the study that shed some light on numbers involved.

One of the clear findings in this regard is that without a dedicated data gathering mechanism there will be no reliable estimation of movement of migrants across the regions. Recognising this, the Regional Mixed Migration Secretariat has from 2014 initiated the innovative 4Mi project (mixed migration monitoring mechanism initiative) in collaboration with the Intergovernmental Authority on Development (IGAD). It is anticipated that by mid-2014 4Mi will start to generate data and analyse trend changes that will address the chronic absence of hard data on movement in the Horn of Africa region and inter-regional movement. The involvement of concerned governments is also critical in assisting with efforts to track and monitor flows of people and supporting efforts to provide protection measures en route.

The westward flow of migrants appears to be increasing rapidly but the route is characterised by great risk at different stages of the journey. The findings of this study as well as other research cited illustrate the range of risks migrants face when on the move; from robbery, neglect in remote locations, brutal extortion to outright murder and negligent loss of life. RMMS / DRC offers the following observations and recommendations as a result of the research undertaken.

1. People using this route are facilitated by local smugglers along the way and are able to cross borders due to the direct and indirect involvement of governments in facilitating their passage. Greater attention must be paid to how government involvement facilitates unauthorised movement.
2. Most people on the move in this region are in search of durable solutions including resettlement and other permanent protection options. Others with economic intentions have few regular labour migration options in the region. This points to an urgent need for improved mechanisms in the Horn of Africa region as well as en route in Sudan and Libya.
3. The evidence outlined here points to a lack of protection measures en route and inaccessibility or complete non-availability of durable solutions for people in need. Complementary efforts are urgently needed to address this protection gap at source (countries of origin), en route (Libya and Sudan) and intended destination countries.
4. There is clear evidence, as a recent United States Institute for Peace (USIP) report highlighted, that in Libya migrant smuggling is directly linked to the smuggling of drugs, weapons etc. This places vulnerable asylum seekers and refugees at the hands of criminal gangs when they enter the country overland or try to depart by boat. People smuggling also funds a growing trade in Libya that is destabilising peace and governance efforts.
5. There are multiple drivers of mixed migration throughout this region including persecution, lack of economic opportunities and family reunion interests. Policy responses must not assume a 'one size fits all' approach to mixed migration.
6. Many research participants profiled in this report had family links and diaspora networks in Europe. These networks extend beyond the southern Mediterranean to countries such as the UK, Netherlands and Sweden. Limitations on family reunion policies in the EU may encourage people to enter Europe on an unauthorised basis, where they then move on from arrival points in Italy and Malta, to re-establish family connections and networks elsewhere.
7. Calculating the true scale of people movement across this route requires the cooperation of authorities and recognition of the role that official actors can and do play in other regions. However the trends identified in this report highlights a route that is growing in importance. Further, more targeted data collection will offer better estimations in the future.

8. Need for a Regional Strategy on migration/asylum –one that is region-centric and not just looking at North Africa as ‘south of the Mediterranean’. Equally, movement of migrants needs to be understood as a fast-changing flow that responds to political, economic, security and geographic changes. As such a harmonized and inter-regional response is recommended.
9. Embassies, consular offices and diplomatic missions are an overlooked source of support and assistance for mixed migrants in countries of transit. They may share common concerns for their country nationals and could be better engaged as key stakeholders beyond seeking their assistance on voluntary returns and repatriation matters.
10. The African Union (AU) has championed efforts towards regional free movement agreements, conventions on internal displacement and enshrined a wider definition of refugees in the *OAU Refugee Convention*. It has a greater role to play on migration matters, including linking displacement to initiatives on Peace and Security. Libya’s current membership of the AU Peace and Security Council, along with Ethiopia, provides a unique opportunity for cooperation in this area.
11. The transitional government in Libya requires timely and intensive support to develop asylum and migration systems that allow it to take primary responsibility for the entry of people into the country and to have methods to count the migrant populations in country at any one time
12. Until such time as regional protection frameworks are established and migration/asylum legislation is enacted, securing higher standards of protection and respect for human right as well as protection monitoring in Libyan detention centres and communities remains vital.
13. Finally, the implementation of national rule of law pertaining in all relevant countries in this study (including in particular strict censure of human smugglers, traffickers and colluding / corrupted state officials) will go a long way in protecting migrants from the worst violations and vulnerabilities.

1 Introduction

1.1 Mixed Migration

The phenomenon of mixed migration¹ reflects the tendency of an increasing number of people to migrate, despite greater risk, in search of a better future in more affluent parts of the globalised world. It also indicates that people are on the move for a combination of reasons that are fundamentally related to safeguarding physical and economic security.

Conceptually, mixed migration includes:²

- Irregular migrants: Migrants dislodged by a real and/or perceived inability to thrive (economic migrants) or driven by aspirations, a desire to unite with other family members or some other factor.
- Refugees and asylum seekers (forced migrants): Migrants in search of asylum from conflict or persecution in their country of origin.
- Victims of trafficking (involuntary migrants): Internal and foreign migrants coerced or deceived into servitude, forced labour or sexual exploitation.
- Stateless persons: Migrants without recognised citizenship, placing them in a limbo between different national borders.
- Unaccompanied minors and separated children and other vulnerable persons on the move: Migrant children without protection or assistance, in a state of acute vulnerability.

Migration is closely linked to security and livelihood problems caused by multiple and often interconnected issues, including persecution, political turmoil, armed conflict, poverty, natural disaster, resource scarcity, climate change and population pressure. In addition, social issues such as forced marriage or negligent parents, as well as more aspirational attractions for many rural youths and emerging 'cultures of migration'³ in certain countries, create compelling push and pull factors affecting the decision to move.

1.2 Mixed migration from the Horn of Africa

Four primary mixed migration movements originating from the Horn of Africa have been identified: the eastern route (into Yemen to Saudi Arabia and beyond); the southern route (down the Eastern Corridor via Kenya

1 The International Organisation for Migration (IOM) describes mixed migration as consisting of complex population movements including refugees, asylum seekers, economic migrants and other migrants (IOM, 2004, p. 42). The United Nations High Commissioner for Refugees (UNHCR) describes it as people travelling in an irregular manner along similar routes, using similar means of travel, but for different reasons (UNHCR, 2011a, p. 8).

2 RMMS, 2013d.

3 'In which migration is associated with personal, social and material success, and in which migrating has become the norm rather than the exception, and in which staying at home would be associated with failure'. De Haas, 2006, p.5-6. In societies and communities where a culture of migration has developed, the pressure to migrate is intensified irrespective of the risks (ILO, 2011, p 8/12).

towards South Africa); the northern route (Egypt, via Sinai and into Israel – severely restricted as of mid-2012 as will be described below) and the western route.

This study focuses primarily on the western route, that commences in Eritrea, Ethiopia, Somalia and Somaliland, passes through Sudan and either ends in Libya as a country of destination or continues towards Europe (Italy, Malta) by crossing the Mediterranean and using Libya as a transit country.⁴ This last stretch of crossing the Mediterranean to Italy or Malta is referred to as the Central Mediterranean route. All stages of this journey are described in this report.

For many mixed migrants, the passage to Europe is dangerous and brings them in life-threatening situations at various stages along the route. The journey typically comprises several stages: risky departures from one's country of origin; a desert crossing to the Libyan border, traveling within Libya from the frontier to the northern coastal towns and cities, and a boat trip across the Mediterranean Sea to Italy or Malta. At all stages, mixed migrants commonly have to resort to smugglers to enable them to arrive at their intended destination, travelling without identification documents making them even more vulnerable to abuse and extortion.⁵

1.3 Methodology

This report draws on research that was carried out between August 2013 and February 2014 across a number of sites including: Egypt, Ethiopia, Libya, Malta, Italy, the Netherlands, Tunisia and the United Kingdom. Following a desk review of the literature, 67 interviews and 12 Focus Group Discussions (FGDs) with migrants were conducted with 38 key informants (including one smuggler), 16 members of the diaspora and 85 migrants (the majority Eritrean and Somali, including 22 female migrants and 10 aged under 18). In addition this report draws on data collected by DRC Libya in 2013 from a survey of 1,031 migrants including 77 Eritreans, 11 Ethiopians and 85 Somalis which is hereafter referred to as 'DRC Libya 2013 Survey'. It also draws on an innovative new study on the knowledge, attitudes and practices of Ethiopian Migrants - *Blinded By Hope*- published as study number 6 in this RMMS series, and based on over 400 interviews with potential migrants, current migrants and returned migrants.

4 UNODC, 2010, p. 13.

5 Hamood, 2006, p. 43.

2 The start of the journey: countries of origin in the Horn of Africa

2.1 Eritrea

Migration motivations

Eritrea is one of the poorest countries in the world and a closed and highly securitised state under an authoritarian government.⁶ Eritrean independence, established in 1993, was expected to allow Eritrean refugees and exiles from the war years to return home. But, with the outbreak of a new war with Ethiopia in 1998 new exiles have been created while the original ones have been prevented from returning.⁷ Moreover, in September 2001 the ruling People's Front for Democracy and Justice (PFDJ) led by President Afewerki seized power. Individuals suspected of opposing the PFDJ were detained, private media was shut down, the constitution set aside, elections postponed, and an indefinite/ extended military service was introduced for everyone between the ages of 18-50. Eritrea became a one-party state, using roadblocks and undertaking random searches (*giffa*) to round up youth for conscription and to arrest deserters.⁸ Since the early 2000s, Eritreans started to leave the country in large numbers to escape the poor economic conditions and, for many, to evade the country's compulsory national service. Under the *Proclamation of National Service (No.82/1995)*, persons aged 18 to 50 years have the obligation of performing this national service. For persons aged 18 to 40, this obligation consists of six months of military training and 12 months of active duty military service, for a total of 18 months; persons over 40 were considered to be on reserve status if they had performed active duty service. An emergency situation declared in 1998, as a result of a border war with Ethiopia is still in effect, with the result that despite the 18-month limit on active duty national service under the *1995 Proclamation*, many conscripts are not demobilized from the military as scheduled and some were forced to serve indefinitely under threats of detention, torture, or punishment of their families.⁹ Furthermore various reports suggest that conditions during military service are severe with inadequate food and resources being frequently cited along with long days of forced manual labour and extensive sexual exploitation of female recruits.¹⁰

The scale of Eritrean migration

By early 2013, approximately 300,000 Eritrean refugees and asylum seekers lived in Sudan, Ethiopia, Israel, and Europe. Around 90 percent of Eritrean asylum seekers successfully claimed asylum in industrialized countries in recent years. The majority left their country since mid-2004. Almost all of these arrivals are Christians, reflecting, according to Human Rights Watch,

6 RMMS, 2013d.

7 Thiollot, 2007, p 2.

8 Campbell, 2009, p. 6.

9 US Department of State, 2013, p. 162.

10 Human Rights Watch, 2014a, p. 114.

increased abuses against that community since 2002.¹¹

Since 2004, approximately 130,000 Eritreans have registered as refugees in eastern Sudan's refugee camps and tens of thousands have registered in Ethiopia's camps.¹² According to UNHCR, the number of forced and economic migrants leaving Eritrea was in the range of 2,000 – 3,000 in early 2012. Most of those moving travelled west into Sudan.¹³

After May 2012 and during 2013, this number dropped to on average between 400 and 600 monthly registered arrivals. This seems surprising as there are no indications that the exodus from Eritrea decreased. According to a recent study, a more realistic estimate is that still 5,000 people leave Eritrea every month.¹⁴ If this is closer to the real figure then approximately 60,000 may be leaving annually. One source explained to RMMS that Eritreans might have become more cautious in East Sudan due to a high number of abductions from (the area around) Shagarab refugee camps. Therefore, more Eritreans now arrange their travel to Khartoum directly (assisted by smugglers) and no longer register in the refugee camp first. According to one research participant, the Sudanese Commissioner for Refugees (COR) estimates that two-thirds do not register.

Another explanation, offered by some sources, is that Eritreans increasingly cross the border to Ethiopia first and then cross Ethiopia's border with Sudan at Metema, to avoid the area around Shagarab / Kassala due to the high risks of kidnapping. However, several respondents doubt whether this is a valid explanation, as crossing the border between Eritrea and Ethiopia is still far more difficult and dangerous than crossing the border with Sudan. In addition to a shoot-to-kill policy in Eritrea at the Ethiopian border, those caught entering Ethiopia are punishable by death (as Eritrea is at war with Ethiopia), while those caught fleeing from Eritrea to Sudan are punished by imprisonment of three years. It is therefore more likely that only those living close to the border with Ethiopia try to flee to Ethiopia.¹⁵

Nevertheless, according to UNHCR in Addis Ababa, there has indeed been a sharp increase of Eritreans coming to Ethiopia, especially to the four refugee camps in Tigray region. UNHCR is aware that many of them also leave the camps, although exact numbers are unknown. They join Ethiopians and Somalis in crossing the border into Sudan at Metema. Recently there also has been an increase in arrivals of unaccompanied minors (UAMs) from Eritrea, with 1,300 in 2013 of which 600 arrived in November 2013 alone. Some of these UAMs are only 7 or 8 years old. A recent study confirmed that there is quite a high mobility from Ethiopian camps to the Sudanese camps, as the refugees are trying to move to places where they feel there are better options for their future. There are reports that traffickers take people from the Ethiopian camps to the refugee camps in Sudan. It is reported that children aged 13–14 are being enticed without paying anything and their respective families are extorted when they get there.¹⁶

11 Human Rights Watch, 2014b, p. 16.

12 Ibid, p. 17.

13 RMMS, 2013d.

14 van Reisen, Estefanos and Rijken, 2013, p. 53.

15 Ibid, p. 39.

16 Ibid, p. 40.

BOX 1 The jigsaw of Eritrean migration figures

Throughout this report, reference is made to the number of Eritreans along several stages of the migration route from the Horn of Africa, through Sudan and Libya and on to Europe. While it is clear that Eritreans are leaving their country in large numbers, the exact number of those initially leaving the country, passing through refugee camps in Ethiopia and Sudan, transiting through Sudan or getting on boats to Europe is unknown. In a recent study, the number of Eritreans leaving Eritrea every month was estimated to be 5,000¹⁷, which amounts to 60,000 annually, a very high number, especially when taking into account that the number of Eritreans entering Israel almost dropped to zero in 2013 (see below). So where are they all going? Summarised below is all the available pieces of evidence that helps to come closer to solving the jigsaw puzzle of number of Eritreans departing from their country.

- First of all, not all of them are leaving the region, as a substantial number register in Sudan and Ethiopia as refugees. Between January 2013 and February 2014, the number of Eritrean refugees in Ethiopia increased from 64,541 to 87,654; an increase of 23,113.¹⁸
- A recent study on trafficking in the Sinai, states that “according to UNHCR on average 3,500 Eritreans registered as refugees in Sudan every month in 2013”. That would be a total of 42,000.¹⁹
- However, comparing the registered number of Eritrean refugees in Sudan in December 2012 and December 2013 shows an increase of only 3,280.²⁰ This is a figure that comes closer to the registered arrivals as quoted in other studies,²¹ mentioning a few hundred arrivals each month in the first ten months of 2013. The small increase in the total number of Eritrean refugees in Sudan in 2013, compared to the estimated arrival figures, could, however, also point to the fact that Eritreans move on from the refugee camps.
- Nevertheless, the total number of Eritreans registering in Sudanese and Ethiopian refugee camps in 2013, according to official UNHCR figures, was 26,393, which still leaves a large number unaccounted for.

17 van Reisen, Estefanos and Rijken, 2013, p. 53.

18 UNHCR, 2013b; UNHCR, 2014a.

19 van Reisen, Estefanos and Rijken, 2013, p. 53.

20 UNHCR, 2013c; UNHCR 2013f.

21 Human Rights Watch, 2014b, p. 19.

- Apart from those registering in the refugee camps, it is likely that Eritreans are staying in Sudan or Ethiopia with friends or family. Additionally, some Eritreans move south towards Kenya (or further south towards South Africa) or east to Yemen and Saudi Arabia, but solid numbers on these movements are unavailable.
- Many Eritreans have become victims of trafficking in the Sinai in recent years (see chapter 5). A recent study estimated that between 25,000-30,000 Eritreans have become victims of trafficking in the Sinai between 2009 and 2013 and estimated that 10,000 have died there.²² There are no estimates available for 2013 alone, but using the conservative estimate and dividing it evenly over 5 years, that would mean 5,000 victims of trafficking in 2013 and 2,000 deaths.
- There are substantial numbers of Eritreans in Libya. While no solid figures are available, given the continuing boat departures from Libya in early 2014 (already numbering in the thousands of migrants in 2014 of which many are Eritreans, see chapter 6), there have to be thousands of Eritreans in Libya.
- Substantial numbers of Eritreans do reach Europe (see chapter 6). FRONTEX detected 8,520 Eritreans in the first 3 quarters of 2013, with 6,619 arrivals in Q3 alone.²³ FRONTEX figures for Q4 were not available at the time of writing, but given the increasing and continuing arrivals in Italy, it could be assumed that number for Q4 would at least be a few thousand.
- It is likely that FRONTEX does not detect all Eritreans, which means actual numbers entering Europe would be higher. On the other hand, it is suspected that some of those being registered as Eritreans are in fact Ethiopians (see section 2.2).
- In 2013, there were 21,800 asylum applications by Eritreans in industrialized countries. Obviously there is overlap between this number and the 8,500 detections in Europe, but as this constituted a 77% increase compared to 2012²⁴, it is consistent with the exodus of Eritreans from their country.
- It is known that several hundreds of Eritrean migrants died in 2013 while crossing the Mediterranean. As it is likely that not all deaths at sea are detected, the actual figure might be higher.
- Migrant testimonies confirm that deaths occur en route in Sudan and Libya as well.

Added up, the above figures come close to 60,000. There are some caveats to make though. People move between camps, for example between the camps in Ethiopia and Sudan. Moreover, they leave the camps in the region and travel on to Libya, in an attempt to reach Europe. This means that there might be overlap between some of

22 van Reisen, Estefanos and Rijken, 2013., p. 63-64.

23 FRONTEX, 2014; The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

24 UNHCR, 2014b.

the figures quoted above, for example between registered refugees and FRONTEX detections. The figures cited do shed light on the jigsaw of Eritrean out-migration figures, although the absence of hard data on movements in the Horn of Africa region, not only of Eritreans but of other populations as well, remains a significant gap.

Irregular migration out of Eritrea and smuggling

Most Eritreans leave illegally, without obtaining the required exit permit/visa as freedom of movement in and out of Eritrea is extremely restricted and Eritreans under the age of 50 are rarely given permission to go abroad.²⁵ Those who do travel without the correct documentation – passports and exit visas – face imprisonment. As mentioned, Eritrean authorities also reportedly adopt a shoot-on-sight policy towards people found in locations which are off-limits, such as areas close to the national borders, or intercepted ‘escaping’ by sea. Eritrean refugees and asylum seekers who are repatriated from other countries are also detained, as they are considered traitors:²⁶ They may even face life imprisonment or the death penalty as a result.²⁷

Consequently many Eritreans who wish to leave have to resort to using smugglers. One of the respondents who conducted fieldwork in Eritrea for three months, reported that Eritreans pay smugglers between USD 960 to USD 9,600 to assist in their exodus from the country.

Illegal migrants are at risk of abuse at the hands of smugglers and human traffickers; kidnapping, torture and the trafficking of body parts are among the allegations of abuse that have been made.²⁸ The UN Security Council Monitoring Group on Somalia and Eritrea has also suggested that senior members of the regime – particularly military commanders – directly control the trafficking and movement of migrants (as well as arms) from Eritrea, some of whom are sold to smugglers / traffickers outside the country.²⁹ A Tilburg University study also reported that the Eritrean Border Surveillance Unit is involved in the smuggling of migrants across the border.³⁰ Reportedly, people are driven out of Eritrea hidden under covers in pickup trucks of the Eritrean Border Surveillance Unit so that they can avoid checkpoints. The authors of a more recent study on trafficking concluded that given the near impossibility for the majority of Eritreans to obtain a passport or exit visa and the many checkpoints and controls, it is very difficult to leave the country without the involvement of the Border Surveillance Unit.³¹ Moreover – as

“People cannot practically live in Eritrea. The young are the victims”.

Eritrean man in London

“We sell all our family’s sheep, our mother’s gold, we have nothing left.”

“Our families are crying, they have not heard from us”.

Eritrean migrants in Libya

25 Freedom House, 2013.

26 From late 2011 on, there have been increasing reports of forcible returns of Eritreans by the Sudanese Government. Amnesty International urged Sudan to comply with its international legal obligations and stop all forced returns of refugees and asylum seekers to Eritrea. Amnesty International, 2012a.

27 Freedom House, 2013.

28 FCO, 2013, p. 168.

29 UN Security Council, 2012.

30 van Reisen, Estefanos and Rijken, 2012, p. 27.

31 van Reisen, Estefanos and Rijken, 2013, p. 48.

one source concludes – the mere fact that the traffickers can even employ their activities and survive within Eritrea (which is a highly militarized state) points to the involvement and complicity of government authorities.

However, in early 2013 the President of Eritrea asked the UN to initiate an investigation on the trafficking of Eritreans out of the country and underlined the commitment of the government to halting the practice. According to UNHCR, this could represent an important milestone in the government's commitment to combating the practice.³² However, according to RMMS's best knowledge and at the time of writing, no such investigation has been commissioned or carried out to date.

Israeli policy changes and the impact on Eritrean migration trajectories

Previously, Israel was a major country of destination for Eritrean migrants. Between 2006 and 2011, the number of Eritreans crossing the border from Sinai to Israel increased significantly from 1,348 to 17,175.³³ It is estimated that between 2006 and 2012 close to 40,000 Eritreans arrived in Israel, passing through Egypt's Sinai Peninsula.³⁴ Stringent Israeli immigration measures put in place in 2012 and finalised in 2013 have reduced this number to almost zero.

BOX 2 Stringent Israeli immigration policy

On January 10, 2012, the Amendment to the *1954 Prevention of Infiltration Law* was passed in the Israeli Parliament. From then on, all irregular border-crossers were defined as 'infiltrators'. This indicates there is no distinction anymore between refugees, undocumented migrants or those with an intention to harm Israel's security. As a consequence, all infiltrators, except for unaccompanied minors, can be detained by the Israeli authorities for three years before deportation.³⁵ On 16 November 2013 however, an expanded panel of nine Supreme Court Justices of the Israeli Supreme Court overturned the Anti-Infiltration Law and declared that the *Third Amendment to the Law for the Prevention of Infiltration* (including the prolonged imprisonment of asylum seekers in administrative detention) was unconstitutional.³⁶ Nevertheless, on 11 November 2013, Israel made an announcement that asylum seekers in detention would not be released and a new Anti-Infiltration Law proposal was presented to the Knesset's Interior Affairs Committee.³⁷ In December 2013 this law was passed, allowing for "infiltrators" to be compulsorily detained for up to a year. A new "open" centre in the desert has capacity to hold up to 9,000 migrants indefinitely. All those de-

32 UNHCR, 2013a.

33 Humphris, 2013, p. 1.

34 Human Rights Watch, 2014b, p. 17.

35 Humphris, 2013, p. 4.

36 van Reisen, Estefanos and Rijken, 2013, p. 104-105.

37 Ibid, p. 106.

tained are being encouraged to voluntarily return to their countries of origin. These developments fuelled large-scale demonstrations by African migrants in Israel for several days in January 2014. In early January, about 20,000 took part in a demonstration in Tel Aviv and up to 15,000 protested outside the US and European embassies and the UNHCR.³⁸ UNHCR made a statement that Israel's incarceration of migrants, including family breadwinners, caused "hardship and suffering" and was not in line with the *1951 Refugee Convention*, of which Israel is a signatory. Human rights groups say more than 300 people have been arrested since the law - which allows

authorities to detain migrants without valid visas indefinitely - was passed by Israel's parliament in December 2013.³⁹

In 2012, the Israeli government also constructed a 240km fence along the Sinai (Egypt)-Israeli border and built a 10,000 person detention centre in the Negev.⁴⁰ It is further reported that the government pushes back migrants from the Israeli border by use of force such as firing warning shots, throwing stun grenades and teargas to discourage migrants from crossing the border into Israel.⁴¹

On a number of occasions throughout 2012 and 2013, Israel deported migrants from Sudan, South Sudan and even Eritrea, thereby acting in contravention of the *1951 Refugee Convention*.⁴² In June 2013, it was reported that Israel and an unspecified African country (reportedly Uganda) reached an agreement to deport irregular Eritrean migrants to its territory. Moreover, Israel was reportedly discussing a deal with two other countries to act as a way station for deported north Sudanese migrants.⁴³ Finally, besides the threat of detention, the Israeli government is offering a grant of USD 3,500 to those who agree to voluntary departure. This amount was recently increased from USD 1,500, and it is reported that 2,200 migrants left Israel between December 2013 and February 2014. The voluntariness of such departures has, however, been called into question in a country where asylum seekers are faced with minimal prospects for refugee protection as well as imminent long term detention in prison like facilities.⁴⁴

38 The Guardian, 2014b.

39 The Guardian, 2014a.

40 Humphris, 2013, p. 4.

41 Hotline for Migrant Workers and Physicians for Human Rights - Israel, 2012, p. 13.

42 RMMS, 2013d, p. 87.

43 The Times of Israel, 2013.

44 IRIN, 2014; RMMS Monthly Summary February 2014.

The Israeli policies, as well as the continued kidnappings and torture of Eritrean migrants in the Sinai (as will be described chapter 5), have restricted Eritrean travel through the Sinai into Israel. As a result, the route through Libya has likely become increasingly popular, despite the relatively high costs to migrants, exposure to indefinite detention in Libya and significant local hostility towards sub-Saharan migrants.⁴⁵

Eritreans in Libya

As of 30 November 2013 there were 3,315 Eritreans registered with UNHCR (488 refugees and 2,827 asylum seekers) in Libya.⁴⁶ Under the latest UNHCR eligibility guidelines for Eritreans (2011), claims by asylum-seekers from Eritrea need generally to be considered individually with a number of profiles highlighted as possibly being at risk.⁴⁷

The ultimate goal of many Eritreans is reaching Europe. In a recent survey carried out by DRC Libya, 80% of Eritrean indicated they did not want to stay in Libya, with most of them intending to move on to Europe.⁴⁸ Although Libya is a destination country for a large number of sub-Saharan migrants who travel to Libya for temporary and permanent work opportunities, many migrants in Libya explained that their initial plans to live and work in Libya have changed due to the deteriorating security conditions in the country, such as arbitrary detention and arrest (see later section on Libya). As such, the security conditions in Libya and the lack of protection measures, such as an effective asylum/migration system, are serving as a push factor, also for those migrants who initially planned to stay in Libya.⁴⁹ Eritreans may experience more protection violations than other refugee groups partly due to religion and their history with Libya.⁵⁰

Eritreans reaching Europe

Eritreans were one of the main groups detected along what FRONTEX call the Central Mediterranean route.⁵¹ In the third quarter of 2013, there was a significant rise in detections of illegal border-crossings at the EU level (nearly double the number during the same period in 2012 and a fourfold increase compared to the beginning of 2013). This surge in detections of irregular border crossings into the EU in general was almost exclusively due to increased detections reported from the Italian border. The detections were mostly of Syrians and Eritreans (and to a lesser extent Egyptians and Somalis) arriving in boats to the Pelagic Islands (mainly Lampedusa) and Sicily. Detections of Eritreans increased the most (tenfold) in relative terms among all nationalities compared to the same period in 2012. The total number of detected Eritreans on the main Central Mediterranean route

45 RMMS, 2013a.

46 UNHCR, 201e

47 UNHCR, 2011b.

48 DRC, 2013.

49 Ibid.

50 During the First World War, Eritreans fought along with Italians against Libyans during Senussi uprising, when the Senussi tribe, supported by the Ottoman and German empires fought against the British and Italians. Also during detention visits concerns have been expressed about religious differences between Eritrean migrants (mainly Christians) and Libyans.

51 The Central Mediterranean route refers to Irregular migration from Northern Africa towards Italy and Malta.

(Sicily and Lampedusa) even outnumbered the number of detected Syrians. According to FRONTEX, the increase in the third quarter compared to every other quarter in 2012 and 2013 was both sudden and dramatic. The total number of detections was 22,000, with Eritrean and Syrian the main nationalities (both around 6,000), followed by 2,700 Somalis.⁵²

Switzerland, Sweden, Norway, France and Germany are among the main final destination countries for Eritrean asylum seekers.⁵³ Countries such as the UK, Switzerland and parts of Scandinavia report that Eritreans currently form the largest caseload of irregular migrants trying to enter their countries (see also chapter 6 on migrants entering Europe).

Asylum applications are another indication of the rising number of Eritreans entering Europe. In terms of asylum applications in the EU, in the third quarter of 2013, Eritreans rank third (6631 applications; third after Syria and Russia), with a 123% increase compared to the first three quarters of 2012 and a 221% increase compared to the second quarter of 2013.⁵⁴

2.2 Ethiopia

Migration motivations

The majority of Ethiopians migrate for economic reasons and a lack of livelihood opportunities at home. Ethiopia remains one of the poorest and least developed countries in the world, only slightly higher (173) on the Human Development Index than Eritrea (181).⁵⁵ Ethiopia suffers from climate change, drought, population density, soil degradation, inflation and, reportedly, high taxation.⁵⁶ The oppressive political context and insecurity are cited as the second most important migration drivers. The ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) is reported to have remained repressive since the 2005 elections, with critics or 'banned organisations' of the regime facing arrest, detention, and even killing by members of the regime's security apparatus.⁵⁷

In a recent study on mixed migration in Libya, Ethiopian migrants cited a number of reasons for leaving their country:

- The primary reason seems to be economic, indicating that not all Ethiopian nationals in Libya are asylum seekers;
- Tribal tensions were also mentioned in the context of persecution of Ethiopians of Somali descent and localised conflict in the Ogaden region causing some displacement and population movement;

52 FRONTEX, 2014, p. 5, 12-15,17.

53 From 7,865 in 2010 to 10,058 in 2011 to 11,449 in 2012. Federal Office for Migration, 2012; UNHCR, 2012.

54 FRONTEX, 2014, p. 51.

55 UNDP, 2013.

56 It should be noted though that Ethiopia is also a major refugee hosting country with 425,720 refugees as of October 2013 (UNHCR figures shared with RMMS by UNHCR Addis Ababa).

57 Human Rights Watch, 2013, p.114/118; Freedom House, 2013; Amnesty International, 2013a, p.94-96.

- Political oppression was mentioned by members of the Oromo Liberation Front who felt persecuted by the national government in the Oromo region.
- The military intervention into Somalia also creates some local pressure to join the military.⁵⁸

Another recent study, on knowledge, attitudes and practices (KAP) of Ethiopian migrants, confirmed that economic factors are the most common migration drivers, followed by a sense of responsibility and positive perceptions of migration (which relates to the 'culture of migration' mentioned in chapter 1). Other factors mentioned by migrants in this KAP survey were environmental factors (particularly in Tigray and Amhara regions) and political factors.⁵⁹

Ethiopian migration routes

It is assumed that most Ethiopians who leave the country travel east towards and through Yemen and onwards to Saudi Arabia. The cumulative volume of Ethiopians arriving in Yemen since 2006 is at least 230,000, with 84,000 Ethiopian arrivals on the shores of Yemen in 2012 alone.⁶⁰ However, in 2013 the number of Ethiopians arriving in Yemen decreased significantly (approximately 30% lower than in 2012), with October, November and December 2013 showing the lowest numbers using the 'eastern route' out of the Horn for a least 4 years. It can be assumed that this is to a large extent related to a Saudi Arabian crack down on irregular migrants that started in November 2013 (as most Ethiopians arriving in Yemen intended to move on to Saudi Arabia). Over the course of two months, Saudi authorities deported over 150,000 Ethiopians back to Addis Ababa.⁶¹

Although little is known of Ethiopians travelling west to Sudan and Libya, a 2011 ILO study estimated that, due to loose border control, 75,000-100,000 Ethiopians migrate to Libya annually. More recently, in an UNHCR study on mixed migration in Libya, it was estimated that between 50-100 Ethiopian migrants cross into Sudan per day, which would mean somewhere between 18,000 – 37,000 per year. The journey from Addis Ababa to Khartoum is estimated to take between 3-6 days and cost migrants USD 500-800.⁶²

Ethiopians use a one-month visa as they cross the border into Sudan and then use the services of traffickers and smugglers who have a network from Sudan to Libya to reach Libya and Europe. It is reported that Ethiopians pay over USD 1,000 to be smuggled to Tripoli (Libya) and then fees of up to USD 2,000 to cross the Mediterranean.⁶³ Some will have to stay and work in Libya for a while until they are able to secure the necessary amount

58 Altai Consulting, 2013, p. 35.

59 RMMS research series report number 6: *Blinded By Hope: Knowledge, Attitudes and Practices of Ethiopian migrants*. Findings from a survey of 148 potential migrants in Ethiopia, 100 current migrants in Yemen and 143 returnee migrants in Ethiopia; RMMS, 2014b.

60 RMMS, 2013d, p. 43.

61 For a detailed account on the Saudi crackdown on irregular migration, the mass deportations and its impact on Ethiopia, refer to RMMS research series report number 4: *The letter of the Law: regular and irregular migration in Saudi Arabia in a context of rapid change*.

62 Altai Consulting, 2013, p. 54.

63 RMMS, 2013c.

of money.⁶⁴ Living and working without documentation in Libya increases their vulnerability to arbitrary arrest, detention, extortion and robbery. If they do work, there is little guarantee that they will be paid for the work they do and they are not protected by any labour laws. ILO reported that, according to the representative of the Ethiopian Bahir Dar Immigration and Nationality Affairs Department, 60 persons per day cross the border to Sudan through Metema on the Ethiopian-Sudanese border and that 75% of them are women. Almost all are uneducated, young migrants. Another route recently being used to reach Sudan goes through Wollega province and then the towns of Gambela or Assossa. According to ILO, traffickers and smugglers use these routes to avoid being intercepted by officials.⁶⁵

The International Centre for Migration Policy Development (ICMPD) reported in 2007 that some Ethiopians, under smugglers' control, first travel north to Cairo and then travel west into Libya. Although it is not clear how many Ethiopians use this route nowadays,⁶⁶ it is reportedly still an important route for some Ethiopians. IOM and UNHCR in Egypt frequently and increasingly receive reports of migrants being held in Egypt, many of whom are Ethiopian. They are using this route to cross the Mediterranean at Alexandria or to avoid parts of Sudan and Libya by going through the Egyptian desert into Libya.

Ethiopians in Libya

Anecdotally there are a growing number of young Ethiopian women entering into Libya with visas and work permits presumably to work as domestic workers in households. Two cases that have come to the attention of the researchers were of women who were abused during their employment. In one case a woman was 'returned' by her employer to a local detention centre in a hysterical state. At the time of writing she was hospitalised in a psychiatric hospital pending the issue of medical papers to facilitate her return to Ethiopia. With no Ethiopian Embassy resident in Libya, agencies such as IOM rely on official missions from the nearest Embassy in Cairo to assist with the necessary family tracing procedures before any return or repatriation can be conducted.

Even though UNHCR has no official status in Libya and the country has not signed the *1951 Refugee Convention* or its *1967 Protocol*, UNHCR Libya registers Ethiopians as asylum seekers on an individual basis; as of May 2013 there were 437 registered Ethiopian asylum seekers.⁶⁷ During the course of this research, it was estimated that in Tripoli alone there was a population of several hundred Ethiopian residents in the areas of Abu Salim, Gotchall and Al Krimea. Countless more are held in detention centres and they are the third largest population group from the Horn of Africa after Eritreans and Somalis respectively.

64 ILO, 2011, p. 48.

65 Ibid, p. 49.

66 ICMPD, 2007.

67 UNHCR, 2013d.

Given the decrease in Ethiopian arrivals in Yemen (attributed to the Saudi crackdown on irregular migration in late 2013 early 2014), and with the route to Israel effectively closed and the assumption that Ethiopians still leave the country in large numbers, it appears plausible that Ethiopians will increasingly travel the routes towards Libya and Europe, and/or south towards Southern Africa. In a 2009 IOM study, the number of Ethiopians migrating irregularly to South Africa was estimated at between 11,000-13,000.⁶⁸ A more recent follow-up study reported 6,986 Ethiopian arrivals in South Africa in 2012 and about Ethiopian 500 transiting through Dzaleka refugee camp in Malawi every month (6,000 annually). The average cost for a trip from Ethiopia to South Africa is USD 4,218, while in 2009 this was estimated to be between USD 1,750 and 2,000.⁶⁹

"We don't go to Egypt as there is an Ethiopian Embassy there who will have us deported. Libya gives us safety from our government".

Ethiopian man (claiming to be Eritrean) in Tripoli, Libya

An increase of Ethiopians travelling the route towards Libya and Europe is not reflected in the number of Ethiopian refugees and asylum seekers in Libya or in the number of Ethiopian arrivals in Europe to the extent that could be expected. During a focus group in Libya it was explained that many Ethiopians are not registering with UNHCR in Libya (because UNHCR only registers Ethiopian cases on an individual basis). If they do register however, they often claim to be Somali or Eritrean, for a combination of reasons, including perceived advantage, UNHCR policies and fears of Libyans and their own government activities. It is reported that there are Ethiopian government operatives in Libya asking about Ethiopian refugees. Ethiopians in Libya told RMMS that they fear these government operatives deport people, so they refuse to say they are Ethiopian.

When they get on boats to cross the Mediterranean, they maintain their identity as Somalis or Eritreans, as this gives them a far better chance to be granted asylum in Europe.

Finally, Ethiopia has developed into a major transit point or "migration hub" along the migration route out of the Horn of Africa. Addis Ababa is, according to ICMPD, a hub on two land routes of which one leads from the Horn of Africa via Sudan, Chad and Libya to the Mediterranean Sea.⁷⁰ Although reluctant to openly talk about irregular migration, several Somalis on the streets and in hotels in Bole Michael, the Somali neighbourhood in Addis Ababa, confirmed that many Somali/Somaliland mixed migrants transit through Addis Ababa on their way to Sudan. They knew about the dangers (see chapters 3, 4 and 6), were aware that people disappear on their way to Libya and that families in Addis Ababa sometimes have to pay ransom for relatives who are kidnapped or detained in Sudan or Libya.

68 Horwood, 2009.

69 IOM, 2014b.

70 ICMPD, 2008, p. 7.

2.3 South Central Somalia

Migration motivations

Somalia is the third largest source country of refugees worldwide after Afghanistan and Syria.⁷¹ In 2012, the number of Somali refugees displaced outside their country and in the region reached a million persons.⁷² For the past two decades, Somalia has lacked an effective central government and suffered on-going power conflicts between rival militias, clans, warlords and different armed forces. On 20 August 2012, Somali parliamentary elections marked the end of the transition period, in which the Transitional Federal Government (TFG) was mandated to lead towards the establishment of a new constitution and a representative government. The new Parliament elected Hassan Sheikh Mohamud as the President of Federal Republic of Somalia on 10th September 2012.

Although there have been improvements to the security situation in Somalia, the overall situation remains fragile. For many Somalis, migration is forced upon them by a wide range of factors, normally including one or more of the following: extreme poverty; prolonged insecurity; sexual violence and other serious human rights violations; lack of access to basic needs such as food, medical services, healthcare and livelihoods, as well as natural disasters.⁷³

The 2011 drought-triggered famine in the Horn of Africa and the intervention by the combined African military force, AMISOM, to eject the Al Shabaab group from Somalia also resulted in large numbers of Internally Displaced Persons (IDPs) in different parts of South Central Somalia and Puntland and an influx of refugees in neighbouring Ethiopia and Kenya.

Somali migration routes

Similar to Ethiopians, the route towards Libya is one of the three main routes taken by Somalis (besides going south to Kenya and then on to South Africa or east towards Yemen). One Somali person interviewed for this research also reached Libya after travelling through Kenya and South Sudan; however, as security diminishes in South Sudan this route may no longer be accessible.⁷⁴

No accurate numbers are available on the volume of Somali irregular migration towards the Central Mediterranean route.⁷⁵ In 2010, ICMPD estimated the overall population of Somalis in Libya to be around 2,500, most of them coming from Mogadishu;⁷⁶ as of 30 November 2013, there were 1,683 Somali asylum seekers and 177 refugees registered with

South Central Somalia

"In the coming 5 years, Somalia will be empty".

Three Somali migrants in Tripoli, Libya

"If a ghost comes behind you, you just go forward. I want to get to the nearest safe place. I have to take the boat, if I don't survive it is my luck but I cannot stay here".

Three Somali migrants in Tripoli, Libya

71 UNHCR, 2013c.

72 With distribution, as of 1st of August: 230,000 in Yemen, 493,000 in Kenya, 240,000 in Ethiopia, over 3,000 in Eritrea and 1.1 million IDPs in Somalia, Somaliland and Puntland.

73 UNHCR and IOM, 2010, p. 8.

74 On 15 December 2013, a civil war began in South Sudan when fighting erupted between Dinka and Nuer elements within the Sudan People's Liberation Movement (SPLM). Since the fighting started more than 204,000 people have fled to Sudan, Uganda, Ethiopia and Kenya; 708,900 are displaced inside South Sudan and 3.7 million at high risk of food insecurity, increasing the potential for further cross-border movement; UNHCR, 2014c.

75 RMMS, 2013c.

76 ICMPD, 2010, p. 36.

UNHCR.⁷⁷ Somali migrants in Tripoli told RMMS that many Somalis are still leaving Somalia:

Some Somali respondents expressed a desire to remain in Libya should the situation permit them to live freely and obtain work. Of 85 Somalis interviewed for the DRC Libya survey, 53% said they would like to stay in Libya.⁷⁸ However over the course of this research the security situation in Libya deteriorated considerably leading to more research participants seeking to leave Libya, including some going to Tunisia instead.⁷⁹

2.4 Somaliland

Migration motivations

There are increasing reports of unemployed but educated youth from Somaliland attempting to migrate to Europe using the route through Sudan and Libya.⁸⁰ According to Somaliland's National Development Programme, unemployment among youth stands at 75 per cent, which is much higher than the nation's average of 61.5 per cent in urban areas and 40.7 per cent in rural and nomadic areas. Nevertheless these levels of unemployment are alarmingly high. Unofficial estimates show that at least 65-70 per cent of Somaliland's 3.5 million people are under 30. The unemployment, particularly among school-leavers and university graduates, has fuelled an increase in irregular migration, drug addiction and conflict, according to a study conducted by the Somaliland National Youth Organization (SONYO).⁸¹

Somaliland migration routes

Although some are known to fly – using finance and contacts from the Somaliland diaspora in the Arabian Peninsula and western countries – many others travel to Europe across the desert. According to IOM, between August and October 2011 some 3,500 young men and women from Somaliland travelled this route.⁸² More recently, SONYO estimates that about 50 people are smuggled out of Somaliland every month while some press reports indicate the number could be 150.⁸³ In a UNHCR study on mixed migration in Libya it was estimated that 500-3,000 migrants per month cross the border between Somaliland and Ethiopia.⁸⁴

Smuggling networks facilitate the irregular movement of Somaliland youth to Libya, taking them from Hargeisa and other major towns, through Jijiga and Addis, into Sudan and on to Libya.⁸⁵ Migrants reportedly pay about USD 5,000 for the whole journey through a network of brokers in Ethiopia, Sudan and Libya. The cost for the first stretch of the journey, from Hargeisa to Addis Ababa, is between USD 250-500. From Hargeisa, or other cities in Somaliland, migrants travel to Wachalah, at the border with Ethiopia,

77 UNHCR, 2013e.

78 DRC, 2013.

79 JRS, 2014.

80 IRIN, 2012.

81 IOM, 2013.

82 IRIN, 2012b.

83 RMMS Monthly Summary June 2013.

84 Altai Consulting, 2013, p. 55.

85 RMMS monthly summary June 2013; RMMS, 2013c.

usually by car or truck with the assistance of a smuggler. From there, they cross the border by foot or by car into Jijiga in the region of Ogaden in Ethiopia. There are few controls and flows move in both directions over the border (as many Ethiopians pass through Somaliland first on their way to Puntland and Djibouti before eventually crossing the Red Sea or Gulf of Aden to Yemen). Bribing of border officials is reportedly common in order to facilitate passage.⁸⁶

Irregular migration, smuggling and risks

The overland journeys are dangerous. According to a survey by the Somaliland Youth Ambition Development Group (SYADG) at least 15 Somaliland youths died in May 2013 in the Sahara desert, between Libya and Sudan, either from being shot dead by smugglers or due to the harsh conditions and mistreatment. They were part of a group of 325 youths, from which 31 are still missing, with 83 and 80 others in Libyan and Tunisian prisons and/or migrant detentions centres.⁸⁷

BOX 3 The harsh journey from Somaliland to Libya

In a recent witness report received by RMMS, a 20-year old Somaliland woman told about her journey from Somaliland to Tripoli. She was part of a group of 56 young Somalilanders taken to Libya by smugglers. Out of the 56, only 22 survived. The smugglers let them walk through the desert in Sudan for days and people who died from injuries or dehydration were left behind. In Libya they were transported in four wheel drives and along the way they were chased by another group of smugglers trying to kidnap the migrants. In a camp in Libya, men were tortured and women raped. Finally, this woman is released after her family paid a ransom to the smugglers, after which she returned back to Somaliland fearing the onward journey to Europe would be even more dangerous than what she had already experienced.

It is reported that smugglers are increasingly kidnapping migrant youth from Somaliland for ransom. "If the smugglers identify that the family of the person can pay a ransom, they take him or her across the border without any payment only to later force the client to call his or her family to demand a ransom" said a Somaliland immigration official in a recent IRIN article.⁸⁸

⁸⁶ Altai Consulting, 2013, p. 55-56.

⁸⁷ IRIN, 2013.

⁸⁸ Ibid.

Somali authorities expressed concern over the growing youth mass migration and related deaths. The president Ahmed Mohamed Mohamoud (Silanyo) nominated a 'migration prevention and job creation [ministerial] committee' committee in 2013 to address the problem.⁸⁹ The government also stiffened penalties for people smuggling and human trafficking aimed at reducing irregular migration. When passed, they are expected to include tougher punishments for smugglers and to provide ways to rehabilitate youth migrants.⁹⁰

89 RMMS monthly summary June 2013

90 IRIN, 2013.

3 In transit: Sudan

3.1 Routes through Sudan

Mixed migration flows in Sudan

Migrants from each of the countries of origin in the Horn of Africa transit through Sudan when travelling to Libya and towards the Central Mediterranean route. Sudan is strategically positioned along several key trans-African and African-European migratory routes⁹¹ and is a significant receiver of labour and transit migrants from neighbouring countries. They tend to stay in Sudanese cities for some time, waiting to reach Egypt and Libya and/or eventually Europe.⁹² In addition Sudan hosts large numbers of refugees and asylum seekers, the majority being Eritreans and Ethiopians. As such, migration to and through Sudan can be described as a typical case of mixed migration flows.⁹³

Eritrean refugees

For refugees fleeing from Eritrea – UNHCR has been registering an estimated 3,500 persons every month in recent years⁹⁴, Sudan has been and remains the first destination.⁹⁵ As many as 80,000 Eritrean refugees have been hosted in the Shagarab refugee camp, although in 2012 the numbers dropped significantly (to approximately 30,000), reportedly partly due to migrant fears of kidnapping and abduction⁹⁶ (see chapter 5). As of December 2013, Sudan hosted 118,280 Eritrean refugees.⁹⁷ The journey from Asmara or Massawa (Eritrea) to Khartoum takes approximately 3-6 days and costs between 100-150 USD.⁹⁸

More than 75 per cent of the new arrivals remain in Shagarab camp for a short period until they have received their refugee documentation.⁹⁹ Exit visa requirements from Eritrea as well as Sudan's strict encampment policy leave asylum seekers and refugees with no feasible alternatives but to rely on smugglers to assist with onward movement in search of opportunities elsewhere.¹⁰⁰ UNHCR and IOM estimate that thousands of refugees, asylum seekers, migrants and Sudanese nationals rely on smugglers to transport them into, through and out of Sudan every year.¹⁰¹ Movement away from the camps are therefore necessarily highly clandestine and big business for smugglers.

91 Thomas, 2012, p. 4.

92 Di Bartolomeo, Jaulin and Perrin, 2012, p. 1.

93 Thomas, 2012, p. 4.

94 FCO, 2013, p. 231.

95 Thiollet, 2007, p. 10.

96 RMMS, 2013d, p. 39.

97 UNHCR, 2013f.

98 Altai Consulting, 2013, p. 54.

99 Humphris, 2013, p.9.

100 *Ibid.*

101 FCO, 2013, p. 231.

Routes through Sudan and migrant smuggling

Although routes can change in accordance with political developments¹⁰², according to ICMPD there are three routes for the journey through Sudan to Libya: the first through Darfur; the second most frequent route passes through Dongola in northern Sudan; and the third one goes via Chad.¹⁰³ For migrants from Eritrea and Ethiopia the towns of Kassala and El-Gedaref are the initial hubs in Sudan.¹⁰⁴ This is where they are first likely to make contact with Sudanese smugglers but also run the risk of being snatched by criminals and traffickers, as will be discussed in detail in this report.

ICMPD described in 2010 how Eritrean migrants pay USD 100 to an Ethiopian guide for the trip up to Khartoum, where they are brought to an Eritrean reception location.¹⁰⁵ More recent information, however, suggests that Eritrean refugees in the camps in East Sudan mainly resort to Eritrean and Sudanese smugglers in each stage of the journey to Europe. Once migrants decide to travel further, smugglers are contracted in Khartoum and typically Sudanese and Eritrean smugglers assist them to reach the border with Libya.¹⁰⁶ As there are, according to a source in Sudan, approximately 11 checkpoints on the main route from Kassala (in East Sudan) to Khartoum, migrants need smugglers to travel this route. Smugglers in turn pay bribes to officials to pass the check-points with their 'cargo'.

They then move further to Khartoum, a major transit point for all migrants travelling through Sudan.¹⁰⁷ Although most migrants have no intention of settling in Sudan permanently, many end up staying in Khartoum for months or even years, either in employment or trying to find some type of job.¹⁰⁸ According to Hamood, migrants remain in Khartoum for an average of one to two years before moving on.¹⁰⁹

In Khartoum, migrants pay the fees for the trip until Kufra in Libya, from where they need to arrange onward travel again (see section 4.2 on routes through Libya). Sudanese drivers leave them at the border where they are taken in by drivers of Libyan lorries or pick-ups. Along the way to the Libyan border, Dongola and Selima are the important transit points.¹¹⁰ Reportedly, Eritrean migrants are able to obtain ID-cards and/or passports from the Eritrean Embassy in Khartoum. One source confirmed that Eritreans who reach Europe are sometimes in the possession of ID-cards issued in Khartoum. According to the Swedish Migration Board, those who leave Eritrea often do so illegally, but this does not affect the possibility of applying for a passport at the Embassy in Khartoum. A person who applies for a passport does not have to prove that their exit was legal;¹¹¹ this is an interesting issue because the Eritrean government otherwise restricts

102 Hamood, 2006, p. 44.

103 ICMPD, 2010, p. 38.

104 UNODC, 2010, p. 13-14.

105 ICMPD, 2010, p. 39.

106 FRONTEx, 2013a, p. 30.

107 UNODC, 2010, p. 13-14.

108 FRONTEx, 2013a, p. 30.

109 Hamood, 2006, p. 44.

110 UNODC, 2010, p. 13-14.

111 Immigration and Refugee Board of Canada, 2013.

the movement of Eritreans wishing to leave the country. The International Commission on Eritrean Refugees reports that in Khartoum, Eritrean Passports are sold at USD 300 and ID Cards at USD.¹¹²

According to a recent UNHCR study on mixed migration in Libya, the journey from Khartoum to Kufra district takes approximately 4-10 days and costs between USD 600 and 1,600. Sudanese smugglers take migrants from Khartoum or Omdurman to Dongola or to the border with North Darfur. From there, they often change smugglers and travel in another car to the Libyan border, where they change cars again. Eritrean migrants in Libya confirmed they paid about USD 1,000 to get from Sudan to Libya.

Another route takes refugees and migrants from Sudan through Chad, before entering Libya, thereby avoiding the border crossing between Sudan and Libya. The main point of departure in that case is from Tine, located at the border of Chad and Darfur. From there, migrants cross the desert, which takes on average a fortnight, before they arrive outside of Kufra or sometimes Al-Qatroun (in Libya). From there they continue to Sabha further north in Libya¹¹³ (see the next chapter on routes through Libya).

Recent information suggests that migrants are increasingly kidnapped, held hostage and tortured in Chad, mirroring similar practices in Egypt's Sinai Peninsula (see chapter 5). Many of the survivors of the Lampedusa boat tragedy on October 3rd 2013 (see section 6.1) were, according to one of the respondents who visited the island shortly after the tragedy, torture and rape victims held by Chadians. They had to pay 3,500 USD for their release.

Finally, there are some reports of migrants from the Horn of Africa who transit through Sudan and sail from the Sudanese coast directly to Saudi Arabia, thus not travelling to Libya. In 2011 for example, nearly 200 people drowned when a boat, owned by Yemenis, carrying illegal migrants from Sudan to Saudi Arabia caught fire at sea inside Sudanese territorial waters. According to Sudanese officials the operation was planned and implemented in the locality of Tokar, about 150 kilometres south of Port Sudan, near the border with Eritrea. Another attempt in 2011 to smuggle 247 migrant – mostly from Somalia, Eritrea, Chad, and Nigeria – via Sudan's coastal region of Tokar to Saudi Arabia, was foiled by authorities.¹¹⁴ However, despite these reports not much is known yet about the scale of this movement.

3.2 Crossing the border from Sudan into Libya

With over 4,000km of land borders, each of the six countries bordering Libya on its south, east and western frontiers act as a point of entry for refugees and migrants. Often migratory routes follow the same route as existing trans-Saharan trade routes. Although the routes are highly dynamic and often change depending on the political circumstances, they have existed

112 Asmarino, 2011.

113 Hamood, 2006, p.44-45.

114 France24, 2011.

for centuries for the transport of goods between Libya and neighbouring African countries, in particular Sudan and Chad.¹¹⁵

In May 2003, for example, the border between Sudan and Libya was closed due to the deterioration of the security situation following the conflict in Darfur.¹¹⁶ Although that would seem to indicate the end of direct travel between the two countries – and some respondents in Hamood’s study argued that this has effectively stopped the majority of both official and unofficial traffic across the border – respondents in Sudan suggested that the route was still operational for at least some unofficial traffic, including migrant smuggling.¹¹⁷

Nevertheless changes such as border closures can have a profound impact on towns that specialize in transit economy, which are likely to decline as soon as borders are locked down or when new diplomatic relations develop between immigration countries and third countries. For example, in 2011 it was reported that in Dongola (Sudan’s gateway to Libya) nearly 80 per cent of the shops around the Kufra road truck station were closed down due to the border closure.¹¹⁸

At the end of 2012, it was announced that Libya temporarily closed its borders with four of its neighbours (Chad, Niger, Sudan and Algeria) and had declared the desert south of its territory (the provinces of Ghadames, Ghat, Obari, Al-Shati, Sabha, Murzuq and Al-Kufra) a closed military zone in the face of mounting unrest, subject to “extraordinary measures”. The Libyan Ministry of Defence also stressed the “enormous risks faced by illegal immigrants including getting lost in the desert which led to many deaths in the past”.¹¹⁹ Despite official border closure, thousands of migrants entered Libya from Sudan since then.

Although entering Libya via its southern borders might be relatively easy, as the 1792 km long desert border is practically impossible to control¹²⁰, crossing the border itself can be dangerous. In June 2013, it was reported that Libyan guards killed a dozen Sudanese migrants who illegally crossed the borders. Khartoum announced it would summon the Libyans in order to demand an investigation into the incident. Consequently, Sudan’s foreign ministry reiterated its warning to Sudanese citizens wishing to travel to Libya against illegal immigration and human traffickers.¹²¹

From the moment migrants cross the border into Libyan territory, sub-Saharan Africans are in constant danger of being grabbed and placed in custody – it is not always clear by whom, according to the Jesuit Refugee Service Malta. Arrests are systematic at checkpoints controlled by militias at the entry to towns and villages and on the main thoroughfares.¹²²

115 Hamood, 2006, p. 43.

116 Bredeloup and Pliez, 2011, p. 2.

117 Hamood, 2006, p. 44.

118 Bredeloup and Pliez, 2011, p. 4.

119 Aljazeera, 2012c; Sudan Tribune, 2013.

120 ICMPD, 2008, p. 10.

121 Sudan Tribune, 2013.

122 JRS, 2014, p. 9.

According to research participants in Egypt, there are signs of increased movement west from Egypt, of migrants travelling through the Western Desert, using Egypt as a transit country for Libya. Others try to leave from Egypt's coast directly to cross the Mediterranean to Europe. As of late 2013, there were some 18,000 migrants in Egypt's coastal town of Alexandria, most of them waiting to leave for Europe by boat. While outside the scope of this research, a growing number of Syrians are crossing into Libya from Egypt with the express purpose of taking the boat to Europe.

3.3 Circumstances while transiting through Sudan

Travel conditions

According to Hamood, the journey through Sudan is characterized by "the long desert crossing in treacherous conditions, often facing starvation and thirst leading to death. Others are abandoned by smugglers who are supposed to be ensuring their safe passage, who have also been reported to steal their belongings and to swindle their clients."¹²³ People interviewed for this research reported being in constant fear for their lives, in some cases being beaten and threatened and having to witness others die due to thirst or illness.

Travel is commonly by pick-up trucks (or in some cases lorries) carrying between 25 to 45 people squeezed into the open back. People struggle to find enough space and are sometimes piled on top of one another, while traveling for an average of about 10 days in a convoy of two to three vehicles. The drivers are usually Sudanese or Chadians.¹²⁴

Food and water are rationed, due to a lack of space on the truck.¹²⁵ Respondents in Hamood's study reported cases in which the vehicle breaks down or runs out of fuel, as well as cases in which the driver gets lost, which all leads to several days delay. They also report that passengers often fall out of the back and are injured as the truck descends sand dunes. In some cases the drivers do not stop for those who have fallen out.¹²⁶

Kidnappings

In 2012, UNHCR and IOM received a significant and increasing number of reports of migrants, refugees and asylum seekers en route in Sudan who had been subjected to kidnapping, extortion, torture and severe sexual and physical violence by criminal smuggling groups involved in the smuggling of persons. The British Foreign and Commonwealth Office (FCO) also received credible reports that human organ-trafficking may be taking place linked to this activity.¹²⁷ A significant number of Eritreans claimed to have been abducted from inside a refugee camp, particularly from Shagarab.

"We went through the desert for 10 days and I had to drink petrol as there was no water, I made myself very sick".

Somali woman in Tripoli, Libya

123 Hamood, 2006, p. 43.

124 Ibid, p. 45.

125 Ibid.

126 Ibid, p. 46.

127 FCO, 2013, p. 231.

A number also reported being kidnapped from the Eritrea-Sudan border and from, or en route, to Khartoum.¹²⁸

Involvement of Sudanese authorities

Smuggled migrants and victims of trafficking report the involvement of Sudanese military, border patrols, police and guards working in the refugee camps in smuggling and trafficking practices¹²⁹ (see chapter 5 for more on kidnappings and trafficking in East Sudan).

“The Sudanese police has a network with the Rashaida [a community implicated in human trafficking] people, they are at the border and when refugees come they tell them they will take them to the refugee camp and then they sell them to the Rashaida”

Eritrean migrant in London

A recent Human Rights Watch report strongly alleges that Sudanese police are complicit in the trafficking of Eritreans. They hand victims over to traffickers in police stations, turn a blind eye at checkpoints and return escaped trafficking victims to traffickers.¹³⁰ Human Rights Watch documented eight cases in which Sudanese police and Sudanese military handed Eritreans directly to traffickers who then abused them.¹³¹ According to Human Rights Watch the Sudanese authorities have an obligation to investigate any officials suspected of colluding with traffickers. By failing to do this, they are in breach of the *UN Convention Against Torture*. Human Rights Watch reports that Sudan has only prosecuted four officials in 2012 and 2013.¹³²

BOX 4 The story of Eritrean trafficking victims in Cairo

An Eritrean victim of torture in Cairo told his story to RMMS. Once he crossed the border between Eritrea and Sudan together with a friend (without the assistance of smugglers) he approached Sudanese police and told them he wanted to be a refugee. The police seemed helpful giving them food and letting them sleep at police station. The next day the two of them were put onto a police pick up at gun point and told by police they were taking them to Shagarab camp. In fact they drove for 30 minutes and met with members of the Hiberab tribe. Police discussed with Hiderab and sold them to the Hiderab. They were covered with blankets and told to lie down on the floor. They drove for another hour and met with Rashaida near Kassala at night. There, they were put in a room with ten others, chained by hands and legs. Next day they were joined by 4 other men and one woman, also Eritrean. The group consisted of

128 van Reisen, Estefanos and Rijken, 2012, p. 3.

129 Humphris, 2013, p.15; van Reisen, Estefanos and Rijken, 2012, p. 36.

130 Human Rights Watch, 2014b, p. 4.

131 Ibid, p. 25.

132 Human Rights Watch, 2014b, p.4; According to the UN Committee on Torture, which reviews State compliance with the Convention, where state officials have “reasonable grounds to believe ... that acts of torture or ill-treatment are being committed by ... private actors” and “fail to exercise due diligence to prevent, investigate, prosecute and punish such ... actors,” such that the state “facilitates and enables [traffickers] to commit acts impermissible under the [Torture] Convention with impunity,” the state then “bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the [Torture] Convention for consenting to or acquiescing in such impermissible acts.”

17 Eritreans by then. The next day they were taken by truck into Egypt and crossed the Red Sea to arrive at Sinai. By then the group was 20 in total. They were told the ransom would be USD 40,000 each. They were kept blindfolded and chained. He was held for 3 months and 10 days. His relatives and others managed to pay USD 27,000 by selling everything they had and when the kidnappers realised they could not raise any other money they released him. He said they were all beaten regularly with chains and sticks. Six in the group were minors and one died in front of them.

As with the smuggling prices, the amount of ransom money demanded is increasing. Demands from smugglers ranged between USD 3,500 and 5,000 in 2011. However, testimonies now report ransoms in east Sudan of USD 15,000 or more, even reaching as much as USD 50,000.¹³³ Some suggest the average is now USD 30,000 for the release of a single migrant. Furthermore, on release, individuals may be transferred to another smuggler and forced to pay a further ransom. The number of refugees in camps in eastern Sudan fell in 2012, reportedly due to a widespread fear of abduction.¹³⁴

3.4 Sudanese migration policy

General migration policy

Sudan does not have a coherent migration policy. The Higher Council for Migration (HCM) was created in 2008, under the presidency of the vice-president of the Republic, but there is no information about its actions.¹³⁵ The Ministry of Interior is in charge of border management and of controlling irregular migration and human trafficking. The Commission for Refugees (Ministry of Interior) is responsible for assisting foreign refugees in Sudan.¹³⁶ In order to control irregular or illegal migration, the *1994 Passports and Immigration Act* stipulates certain sanctions including the deportation of aliens and other criminal punishments for the breach of immigration rules. The Act also identifies immigration offences and prescribes penalties for acts which facilitate irregular migration into Sudan.¹³⁷ Nevertheless, it has been concluded that Sudanese laws, dealing with incidents of irregular migration are not adequate despite the fact that Sudan receives huge numbers of irregular migrants, while also deporting thousands of migrants each year. Sudan also has not taken a proactive role to enter bilateral agreements with its neighbours to combat irregular migration.¹³⁸

133 Humphris, 2013.

134 Ibid.

135 Di Bartolomeo, Jaulin and Perrin, 2012, p. 9.

136 Ibid, p. 10.

137 Babiker, 2011, p. 3.

138 Ibid, p. 11.

Eritrean refugees

Refugee protection is a challenge in Sudan and sometimes living conditions experienced by Eritrean refugees deteriorate, which may influence their decisions to try to move on and look for opportunities elsewhere. In the early 2000s for example, a refugee repatriation program in Sudan coincided with an increase in Eritrean and Ethiopian migrants registered in Libya and on Malta.¹³⁹ No refugee has the right to free movement within Sudan. Controls have become increasingly strict as a result of political tension following the separation of South Sudan in 2011 and a reinforced effort to prevent trafficking and smuggling.¹⁴⁰ From late 2011 on, there have been increasing reports of forcible returns of Eritreans by the Sudanese Government, including the deportation of 317 Eritreans in October 2011 without screening for refugee status. In July 2012, the government also forcibly returned nine asylum seekers and one refugee to Eritrea after imprisoning them without appeal. In the summer of 2012, Amnesty International urged Sudan to comply with its international legal obligations and stop all forced returns of refugees and asylum seekers to Eritrea, given the threat of imprisonment, violence and other rights abuses that they face back in Eritrea.¹⁴¹

Human Trafficking

The US Department of State reports that in July 2012, the Minister of Justice submitted draft anti-trafficking legislation to the council of ministers. The government did not report the number of investigations or prosecutions it undertook on the federal level or under which laws offenders were prosecuted. During 2013, Kassala State prosecutors initiated prosecutions in 12 cases reported to be human trafficking, six of which resulted in the conviction of 23 perpetrators. According to the US Department of State, the details of these cases and whether they constituted human trafficking rather than other related crimes such as smuggling, kidnapping, or extortion remains unknown. The Sudanese government did not report investigating or prosecuting public officials, despite the allegations that Sudanese public officials are complicit in human trafficking and reports that Sudanese police sold Eritreans to the Rashaida along the border with Eritrea.¹⁴²

139 Bredeloup and Pliez, 2011, p. 11.

140 Humphris, 2013, p.8.

141 Amnesty International, 2012a.

142 US Department of State, 2013, p. 344.

4 Libya: a country of destination and transit

4.1 Mixed Migration flows in Libya

Libya as country of destination and transit

Libya has a long history of inward migration from other parts of Africa, including asylum seekers and refugees, regular labour migrants, irregular migrants seeking work and – sometimes – trying to reach Europe. Most of the mixed migrants who leave Libya trying to reach Europe are not Libyans but are from countries such as Eritrea, Ethiopia, Somalia and Sudan, using Libya as a transit country.¹⁴³ The mixed migrant population in Libya is therefore diverse and heterogeneous with varying intentions and planned destinations.¹⁴⁴

Libya nowadays is thus a major destination and transit country. In the 1990s Libya was mainly a destination country, encouraging low-skilled and unskilled workers from sub-Saharan Africa to fill its need for labour.¹⁴⁵ In fact, Libya was the largest migrant-receiver in the region. However, the number and status of migrants in Libya have always been unstable, in conjunction with economic downturns, linked to international sanctions or fluctuating oil prices.¹⁴⁶ At times Libya also carried out large-scale deportations of irregular migrants, resulting in the removal of hundreds of thousands of irregular migrants.¹⁴⁷

In the 2000s, Libya increasingly became a transit country as well. The magnitude of Libya's Saharan borders coupled with the free movement of people between Libya and the African states and Libya's pan-African policy (see below on Libyan policy) have helped turn Libya into a country of immigration and transit for Africans from south of the Sahara.¹⁴⁸ It is a misconception, however, that all or most migrants crossing the Sahara are "in transit" to Europe. In particular, Libya is an important destination country in its own right.¹⁴⁹ In a recent DRC survey, consisting of 1031 respondents, half of the people did want to remain in Libya. Of those intending to leave Libya (a total of 514), 58% wanted to return back to their country of origin and only 158 out of 514 indicated they wanted to continue to Europe or a Western country. Migrants from Chad, Niger and Nigeria were most likely to plan to return home. Eritreans, Somalis and Syrians on the other hand were most likely to continue to Europe.¹⁵⁰

143 Amnesty International, 2012b, p. 5.

144 DRC, 2013

145 Aghazarm, Quesada and Tishler, 2012, p. 9.

146 Fargues and Fandrich, 2012, p. 3.

147 Aghazarm, Quesada and Tishler, 2012, p. 9.

148 Boubakri, 2004, p. 2-3.

149 De Haas, 2007, p. iii.

150 DRC, 2013, p. 20-21.

Number of migrants in Libya

As of 2010 and according to information provided by Libyan authorities, there were approximately 600,000 to 700,000 legal foreign workers and residents, while the number of illegal migrants was estimated at 1.2 to 1.5 million. Compared to a local population of about 5.5 million the number of migrants was therefore relatively high. As in other countries in the Southern and Eastern Mediterranean, Libya neither has the instruments nor the policy for the integration of large numbers of international migrants. As a result, many are in an irregular situation and outnumber the regular ones. Irregular migration in Libya is the norm, being the most frequent pattern of entry into the country.¹⁵¹

Although the focus of this study is on migration from the Horn of Africa, it should be noted that the most substantial immigration flows into Libya come from North Africa (in particular Egypt), West Africa and the Middle East (especially Syria).

The Libyan revolution and armed conflict in 2011 caused a mass exodus of foreign nationals.¹⁵² In the spring and summer of 2011, an estimated 1,128,985 people (including Libyans) fled Libya to Tunisia, Egypt, Niger, Algeria, Chad and Sudan, but also Italy and Malta. Apart from Libyans seeking shelter and migrant workers from all over the world, this group consisted of *de facto* refugees who were living and working in Libya, but not registered as refugees because Libya (which is not a party to the 1951 Geneva Convention) does not recognise the status of refugees. These migrants had come from countries such as Sudan, Somalia, Eritrea and Chad. Some sub-Saharan Africans who fled Libya could not return home and found themselves stranded in Egypt, Tunisia or Algeria.¹⁵³

According to IOM data, at the end of November 2011 nearly 800,000 migrants fled to neighbouring countries to escape the on-going violence.¹⁵⁴ Moreover, as Gaddafi used African mercenaries (mainly from Chad and Niger) to fight the opposition, sub-Saharan Africans became targets of violent attacks, detention and torture.¹⁵⁵ The main countries of origin of those fleeing Libya for Italy and Malta were Bangladesh, Burkina Faso, Congo, Côte d'Ivoire, Eritrea, Gambia, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Pakistan, Senegal, Somalia and Sudan.¹⁵⁶ Given that there were approximately 1.8 million migrant workers in Libya it is clear that such large-scale movement has significant implications for the region and beyond, as well as for the post-crisis reconstruction of Libya itself.¹⁵⁷

Migration flows in post-Gaddafi Libya

Today migration into Libya has resumed, with the number of migrants and refugees entering or re-entering increasing. New profiles, such as Syrians, have also been drawn to Libya due to its reputation as a site of departure for boats to Europe. In Tripoli and Benghazi, observers noted a

151 Fargues, 2009, p. 1.

152 Amnesty International, 2013b, p. 4-5.

153 Fargues and Fandrich, 2012, p. 4; p. 6.

154 IOM, 2011.

155 Amnesty International, 2012b, p. 6.

156 Aghazarm, Quesada and Tishler, 2012, p. 15.

157 Ibid, p. 5.

visible increase in the number of migrants. Demand for unskilled and skilled labour is recovering and daily wages are reported to have risen from USD 16 before the war to between USD 24.5 and 32.6 today.¹⁵⁸ According to Amnesty International the country is once again a magnet destination for migrants, particularly from North and sub-Saharan Africa and the Middle East, who are looking for economic opportunities or international protection. Additionally, Libya is once again a transit country for thousands of people every year who hope to continue their journey to European shores. At the end of April 2013, the Libyan Coast Guard noted an increase since the beginning of the year in the number of people leaving by boat to Europe, stating that some 650 people had been intercepted at sea in the beginning of May. According to the Director of International Relations at the Ministry of the Interior, General Tunsi, in 2012 some 1,500 people entered Libya from the South every day. Although the figure cannot be verified due to the length of Libya's southern border and because of the absence of official control and registration of cross-border arrivals and departures,¹⁵⁹ it would represent over half a million migrants per year if correct.

In a recent report on mixed migration in Libya, the total stock of migrants in Libya (as of June 2013) was estimated between 1,8 and 1,9 million with an increase of 50,000 to 100,000 migrants per year to be expected in the current context.¹⁶⁰

A new trend identified during the course of this research was an increase in the number of Syrians entering Libya both to register as asylum seekers in the country and to use Libya as an embarkation point to take boats to Europe. This has placed pressure on the limited number of service providers in Libya who already struggle to meet demands for basic services. Originally Syrians entered Libya overland from Egypt; however, cases have been reported of people travelling as far south as Sabha and entering Tripoli by air with false residence papers. As this community grows in size it will add to the complexity of issues facing mixed migrants in Libya and potentially increase demands for boats. This highlights that attention to migrant smuggling in Europe is both a Horn of Africa priority but also a Middle Eastern/North African regional concern.

4.2 Routes through Libya

Routes and migration hubs in Libya

Kufra, in the south-eastern corner of Libya, is the main entry point after the desert crossing from Sudan and an important migration hub for migrants from the Horn of Africa.¹⁶¹ In 2004, the Governor of Kufra said that 10,000 -12,000 people pass through Kufra every month.¹⁶² However, in 2013 the flow was estimated to be between 1,000 and 3,000 migrants per month.¹⁶³

158 FIDH/Migreurop/JSFM, 2012, p. 27.

159 Ibid, p. 28.

160 Altai Consulting, 2013, p. 107.

161 ICMPD, 2008, p. 92.

162 Young et al, 2005, p. 90.

163 Altai Consulting, 2013, p. 53.

It seems migrants and smugglers have been avoiding the city of Kufra recently because of tribal clashes. At the time of writing Kufra was a military area, with a wall built around the city and could not be visited by the research team.¹⁶⁴ Smugglers have been rerouting their journey through the Abdul Malek Mountains to Rebiana, Tazerbo, or increasingly, to Sabha. The other way to by-pass the conflict is to enter Libya later in the journey by crossing into Egypt after Dongola, traveling North, and entering Libya from Egypt at the border crossing point near Jaghub. From there they usually travel on to Tobrouk.¹⁶⁵

Migrants arriving irregularly from desert routes of Chad and Sudan often report having been abandoned by their smugglers just outside Kufra. From there they walk in to avoid detection by the police. Others reported that they entered the town by car but avoided the main entrance gate to the town because they risked arrest and detention.

BOX 5 The long journey from Somalia to Libya and Malta

One Somali migrant in the Marsa Open Centre in Malta told RMMS how he travelled from Somalia to Kenya (Nairobi), then to Uganda (by car) and then stayed in South Sudan for one week before moving on to Khartoum. From Khartoum it took three days to get into Libya. He travelled with 5 Sudanese and 26 Somali in a small truck. Each step was paid for one by one, because if you carry too much money you will be robbed. Some people died en route, during the desert journey from Khartoum to Kufra. On seeing the lights of Kufra, they were ordered out of the car by the smugglers who had Kalashnikovs and were instructed to walk, which took a further 2 hours. In Kufra, they met a man who would take them to Tripoli. They were met by soldiers on the road and held for about two weeks and were told that they had to pay what money they had to get to Benghazi. There they were taken to the Ghafuda detention centre. Libyan men came to the detention centre and offered him work and he signed a work contract with one of the Libyans.

Most migrants do not plan to stay in Kufra longer than a few days. They wait for several days while hiding in the town, before they move on to other destinations, such as Tripoli, Benghazi and other towns along the Libyan coast. They need the break in Kufra in order to find a smuggler to take them out of Kufra and to the next destination.¹⁶⁶ Those who have sufficient funds are able to arrange the trip immediately, others try to earn some money during their short stay in Kufra to fund the next part of the journey, or contact family members at this point to send them more funds

¹⁶⁴ Aljazeera, 2012b.

¹⁶⁵ Altai Consulting, 2013, p. 52-53.

¹⁶⁶ Hamood, 2006, p. 47-48.

as travelling with large amounts of money is unsafe. This latter group often stops at various locations in Libya to earn some cash and thereby fund their trip along the way.¹⁶⁷ One Ethiopian man interviewed by RMMS reported being held by smugglers and beaten when he could not find the money to pay for his onward journey. He was finally released and allowed to go on to Benghazi despite not having the funds to pay. There is a significant foreign community living in Kufra and in the neighbouring area of Jinsia, 10km away. Members of this community provide crucial support and guidance for the new arrivals and establish contact between new arrivals and Libyan smugglers.¹⁶⁸ Common routes out of Kufra are from Kufra to Ajdabiya and then Tripoli; Kufra to Benghazi; and Kufra to Benghazi and then to Tripoli.

Sabha, located in the mid-western part of Libya, is another important migration hub in Libya, although more so for migrants from West Africa.¹⁶⁹ From there migrants move to Tripoli and other coastal cities.¹⁷⁰ While in the past some moved on to Tunisia, this route does not offer the same possibilities to reach coastal cities where boats depart from. RMMS met one Somali man in Tripoli who had gone to Tunisia (Shousha) where he had friends, but had returned back reporting that conditions for both legal and unauthorised options for departure were no better in Tunisia.

From Sabha people can be transported to Tripoli by Libyan drivers. Others go from the Kufra region to Ajdabiya, then taking the coast road to Tripoli. However, the increased presence of checkpoints along this route has made the Sabha-Tripoli route more popular. For those people intending to depart by boat from Libya, they remain in Tripoli until such time as they can accrue funds for the boat journey.

From the coast, migrants travel by boat to either Malta or the Italian islands of Lampedusa, Pantalleria, and Sicily.¹⁷¹ Ajdabiya (hub), Zuwarah, Zlitan and Misratah (embarkation points) are mentioned as strategic points for migrants transiting Libya to reach Southern Europe¹⁷² (see section 6.1 on crossing the Mediterranean for the sea crossing from Libya).

A dangerous journey through the Sahara desert

Similar to the journey through Sudan, the route through Libya is dangerous. Between 1997 and 2004, the Sudanese Popular Congress (a Sudanese association based in Kufra) recorded 486 deaths, discovered and buried inside Libyan territory.¹⁷³ The total number of deaths is likely to be higher with several research participants referring to people dying during the Saharan crossing from thirst, lack of food or vehicle accidents.¹⁷⁴ In December 2012, 23 Somalis and three Eritreans being smuggled through Libya died when their vehicle overturned. Because the migrants being smuggled were illegal, drivers often avoid safer roads which have checkpoints. In the past, smugglers covered people being smuggled with grass as a cover, but since

"In the middle of the desert, they threw away 20 persons. The desert is very dangerous, there is no water, there is no food, it's 50 degrees Celsius. Eight of them died. Some of them drank their urine. The Libyan police was patrolling the area, and saw them. But they did not help them"

Somali man in the Netherlands, who travelled from Somalia to Europe

167 Hamood, 2006, p. 48.

168 Ibid.

169 UNODC, 2010, p. 13-14.

170 De Haas, 2007, p. 18.

171 Ibid.

172 ICMPD, 2008, p. 92.

173 Young et al, 2005, p. 89.

174 Hamood, 2006, p. 47.

the police noticed this smugglers turned to hiding people under cement or other goods.¹⁷⁵

While the attention in the international media is mostly focused on the dangers of crossing the Mediterranean and deaths at sea, the Sahara crossing is even more dangerous and overlooked by international observers. Four Somalis in Tripoli told RMMS that they were part of a group of 17 people who were smuggled from Sudan to Ajdabiya in Libya about two months ago. They spent 20 days crossing the desert. Five people died in the desert and another person died in Ajdabiya from lack of food during the journey. Eritrean migrants in Tripoli told RMMS they crossed the desert with 32 people in 4 cars. The desert crossing took two weeks and 8 migrants from Sudan died because of thirst. They had to drink benzene instead of water. This group went from Eritrea to Ethiopia (where they registered with UNHCR), then to Sudan (stayed 12 days) and then to Libya.

In April 2014, it was reported that 10 migrants died among a group of 300 migrants, with the others in poor condition. The migrants were abandoned by smugglers in the desert on the border between Sudan and Libya and were rescued by a joint force of Sudanese and Libyan troops. According to a senior official of Sudan's foreign ministry, the dead included six Sudanese, two Ethiopians, an Eritrean and a victim whose nationality is unknown, although earlier a Sudan's army spokesman said that nine Sudanese had died.¹⁷⁶

4.3 Smuggling in Libya

Migrant smuggling in Libya

Much of the routes as described above are travelled with the 'assistance' of smugglers. Outside of a small group of migrant workers with work contracts, most people entering Libya must do so illegally. And the irregular status of most migrants forces them to resort to smugglers even when not crossing an international border.¹⁷⁷ The smuggling networks in Libya are described as consisting of individuals or small groups of individuals ('a loosely cast network') who cooperate for mutual financial interest. At the local level, each provides a service in assisting people at the different legs of the journey to arrive at the next destination (across the Libyan border, initial transportation in Libya or across the Mediterranean to Italy).¹⁷⁸ For the most part there is reportedly little, if any, coordination between the smugglers at different parts of the journey to Italy, although informal contact may exist between the predominantly non-Libyan smugglers operating along the desert routes of Sudan and Chad and Libyan smugglers operating in the border towns, such as Kufra. For example, it is well known that Tebu groups (a non-Arab African minority in Libya) operate the smuggling networks in and around Sabha, but the boat journeys out of Libya are facilitated by Libyans.¹⁷⁹

175 Hiraan Online, 2012.

176 AFP, 2014.

177 Hamood, 2006, p. 47.

178 Ibid, p. 60.

179 Ibid, p. 60.

At all stages, migrants refer to members of their own national, ethnic or tribal community (so-called 'connection man'). These connection men facilitate contact with Libyan smugglers. One migrant who managed to cross to Italy, told RMMS a connection man arranged transport and, although he was in Tripoli, he changed the boat departure location to Zlitan. Although the migrant waited for nearly one month in Zlitan, he was eventually detained in the Zlitan detention centre because the connection man had an argument with the landlord he was renting a house from. In retaliation the landlord tipped off the security/police and 15 armed soldiers came to the landlord's house, arrested all migrants and took them to Zlitan detention centre. According to this migrant, there are many of these connection men from Eritrea, Ethiopia, Somalia and Sudan. Behind every connection man, are Libyan men, who have connections to Libyan authorities (see below).

Involvement of Libyan authorities in migrant smuggling

A growing concern are the practices of detention centre guards who offer to facilitate people's release from detention on the promise that they will arrange a boat trip to Europe. People are then released and must work to pay for their release (current rate USD 408) and for the boat trip. While the circumstances of migrants in Libya and detention conditions in particular are the topic of the next section, these practices point to the involvement of Libyan authorities and local militia groups in smuggling networks. For marginalised groups in Libya, smuggling of people, weapons, and oil is their main source of livelihood, particularly in the southern part of the country where opportunities for work are scarce.

One respondent told RMMS that during the winter season (from November, December) when there are less sea crossings, the smugglers do not often want to be burdened with feeding migrants who are kept in houses and farms along the coast waiting until weather conditions allow for crossing the Mediterranean. As a result, they often they call the police and migrants would be arrested, after which they have to pay approximately USD 1,000 to the same smugglers for release from prison. It happens that people are arrested two or three times this way.

Clearly, with the numbers entering through Kufra and other cities and leaving the Libyan coast to get on boats to Europe, as high as claimed, the police (as elsewhere) are complicit in the smuggling activities and enjoy considerable extra income from permitting it. There is no way smuggling can go on without the authorities turning a blind eye or being involved at some level.

"Officials of Libyan navy have a connection with the 'connection men'. They share the money with them, every connection man has a connection with the army or navy. If they quarrel they will capture the boats and put the people in prison".

Eritrean man in Italy

"The police take the money and release these people. But the police themselves call another group and then the migrants are arrested again by another group, not the police and not the government, but the militia. They took us for four months and held us in a small village"

Somali man in the Netherlands, who travelled from Somalia to Europe

"Very senior officials and militia are involved and even the government cannot stop them. [There is a] need for the central government to be stronger".

Senior Somali community leader in Tripoli, Libya

This is a very well organized illegal migration. In some countries, the smugglers are involved in a lot of things. It is a big business. Politicians, civil service are involved in some countries”.

NGO in London, United Kingdom

“The boat is organized by a Libyan man. He is a General Commander in the Police of the Sea”.

Somali migrants in Tripoli, Libya

BOX 6 A smuggler’s story

One smuggler in Tripoli told RMMS in February 2014 how there were many people who had taken the boats to cross the Sea, even though it was the winter season. Migrants check the Tunisian weather channel, which gives information on the sea conditions, and then want to leave as soon as the weather conditions are good. As will be discussed in chapter 6, recent reports from Italy confirm that, for the time of the year, unusual large numbers of migrants are still arriving in Italy. The relatively warm weather conditions might be one reason for the continuing boat departures. Other reasons could be the troubled political situation in Libya and the generally lower prices for the boat trip compared to the ‘high season’ when prices rise from approximately USD 1,000 to USD 1,500.

This smuggler, who is a local to the area where many Eritreans and Somalis live, uses his private car to collect people (4-5 each time) and drive them to Garabouli, which is a main departure point for boats west of Tripoli. He has to hide people when he takes them. Plans can change quickly due to the police presence, which may mean he takes people only to bring them back. Usually he leaves early morning and takes them to a drop-off point in Garabouli. People are not told when they will leave and phones are switched off. They are told not to tell their friends about their plans. Each of the migrants has to pay USD 800 for the boat trip. People are kept in a big garage until departure time. According to the smuggler, they usually only keep men there and bring women and children at the last moment. Once there are about 400-500 people, they will send them in multiple boats, each boat carrying about 100-120 people.

Smugglers in Libya use the hawala system (money transfer system, see the textbox in chapter 5 on payment of smuggling and ransom fees). This smuggler takes migrants to collect the money when they have been told that it has been sent. Sometimes smugglers will go to collect the money directly from the hawala contact and will pretend they did not receive the funds in order to get more money from migrants. Additionally, this smuggler also uses his car as a taxi to drive migrants around, including taking them to UNHCR, or a hospital.

A comparison between the smuggler’s story above and the story of someone who was arrested for smuggling during the Gaddafi era, shows that smuggling has become easier since the Revolution. Similar to the story above, he was driving migrants in greater Tripoli area. However, he was taken to detention by the police and beaten/tortured for some weeks. His family had no idea where he was, until they got a call and were told they were able to pay a bribe to have him released. This shows how the lack of security apparatus in post-Gaddafi Libya increased the opportunities to exploit the smuggling trade.

Smuggling fees, kidnapping and extortion

Prices for the smuggling trips in and out of Libya vary, depending on the year and the source.

- In 2006 it was reported that smugglers demand about USD 150 to travel for approximately 1,000km from Kufra to Benghazi.¹⁸⁰
- In 2010, UNODC reported prices of USD 3,000 between Libya and Italy and compared that to USD 1,200 in 2006 and USD 800 in 2004. UNODC attributes the higher prices to the now more sophisticated services which might include a kind of reception in Italy as well.¹⁸¹
- ILO reported in 2011 that migrants paid around USD 800 to be taken from Sabha to Tripoli and then USD 1,200-2,500 to cross the Mediterranean.¹⁸²
- More recently smuggling fees of USD 800 - 1,600 were reported for the sea crossing from Libya to Italy.
- Respondents estimate the fees for the trip from Libya to Malta to be between USD 500 and 2,000.

BOX 7 Going rates according to a smuggler

According to one smuggler in Libya, the current smuggling fees in Libya are as follows:

- USD 800-1000 for crossing the Mediterranean. These are the fees during the 'low-season' (the interview was conducted in February). The fees rise to about USD 1500 in the peak season;
- USD 245 to go from Abu Salim (area in Tripoli) to Garabouli (west of Tripoli, which is currently one of the main boat departure points), which is a high price for a short trip;
- USD 489 to go from Sabha to Tripoli. Migrants are charged in Libyan Dinars (600) for this stretch, as they have just arrived in Libya and commonly will not have USD yet.
- USD 600 from Benghazi to Tripoli. On this stretch, Dinars are not accepted, because people can get access to the hawala system and get Dollars.

Whatever the exact prices, it is clear that prices vary between smuggling groups and are rising rapidly in recent years. Based on the number of crossings and the fee for the crossing, it was recently estimated that the trade in crossings from Libya to Italy would be worth well over USD 100 million a year.¹⁸³ Furthermore the smuggling industry inside Libya is equally lucrative. A recent report by the United States Institute of Peace, places migrant smuggling in Libya at the centre of the hierarchy of illicit

¹⁸⁰ Hamood, 2006, p. 48.

¹⁸¹ UNODC, 2010, p. 38.

¹⁸² ILO, 2011.

¹⁸³ van Reisen, Estefanos and Rijken, 2013, p. 120.

markets and criminal activities in Libya. Migrant smuggling is considered a reliable economic pillar for transnational criminal activity. Moreover, migrant smuggling appears to be interlinked with illicit trade and trafficking of numerous other commodities. There is evidence to suggest that the smuggling of migrants and drugs across the Mediterranean, particularly by Nigerian groups, have become interlinked.¹⁸⁴

Many migrants said that they had been tricked into believing that the “negotiated” price covered transport to Tripoli or Benghazi, while in reality once they had been driven across the border they were abandoned in the middle of the desert at the mercy of Libyan criminal groups, smugglers and human traffickers. During missions in January and May 2012, a delegation of the International Federation for Human Rights heard numerous accounts from migrants describing how they had been kidnapped by armed men on the Libyan side of the border, locked up, threatened and forced to pay money to be allowed to continue their journey to the North. Migrants without sufficient funds were often forced to call their families in their countries of origin to ask them to make a cash transfer via Western Union.¹⁸⁵ In some cases families are being told the person will be killed if they do not pay. In one case reported to RMMS, a Somali had to pay USD 3,000 for the release of his brother from a Libyan militia group. This is a common practice globally by smugglers and traffickers, inhabiting the grey zone between providing a facility and criminal extortion. A young Eritrean woman who had spent several days in detention in a clandestine prison in Sabha described the physical violence and abuse she and other detainees had suffered at the hands of a gang leader. Once they had each paid a ransom of around USD 700, the migrants were hidden in merchandise trucks that were told to drive them to the outskirts of the main cities in the North.¹⁸⁶ Some migrants in Libya told researchers in a UNHCR study on mixed migration in Libya that kidnapping can occur within Libya, including at roundabouts where migrants wait for employment. Apparently, cars stop pretending to have work for migrants and pick up a few of them only to take them out of the city in order to intimidate and rob them.¹⁸⁷

As will be described in chapter 5, similar kidnapping and ransoming practices occur in the Sinai with (mainly Eritrean) migrants en route to Israel, although the ransoms asked are much higher there.

“Life in Libya is horrible for Somalis and Eritreans”.

Somali man in the Netherlands

“If we can get a solution from UNHCR we won’t take the sea, we don’t want to see the sea again”

Eritrean migrants in Tripoli, Libya

BOX 8 **A harsh and expensive journey from Somalia to Italy**

RMMS interviewed a respondent - a Somali woman in the Netherlands – who narrated how her sister recently travelled from Somalia and is now in Italy. The sister travelled from Somalia to Ethiopia and to the border with Sudan. She was soon arrested and sent back to Somalia, after which she attempted the passage once again.

184 United States Institute of Peace, 2014, p. 17; p. 52.

185 FIDH/Migreurop/JSFM, 2012, p. 29-30.

186 Ibid.

187 Altai Consulting, 2013, p. 37.

The journey through Sudan to Libya took seven days. She was pregnant and gave birth during the travel (somewhere in Libya). They travelled for seven days, with inadequate water (just one jerry can for the whole group) and food. She was able to communicate with her sister in the Netherlands during the journey; she used landlines to call from Sudan. In Libya she bought a mobile phone. She stayed in Libya for about four months. During this time, her new born baby was underfed, lost a lot of blood and was very sick. Other women in the group helped with the baby. She paid approximately USD 15,000 to get from Somalia to Italy. The whole family paid to make this migration possible. They sent money directly to her, several times during the journey. Even though the respondent helped her sister financially, she advised her not to go because of the risks. However, their aunt in the United States is higher in the family hierarchy and decided that her sister had to go. Then the respondent paid for it as well.

"We escaped from Somalia and came to Somalia II".

Three Somali migrants in Tripoli, Libya

4.4 Circumstances of migrants in Libya

Living conditions for migrants in Libya

In Libya, most mixed migrants live in certain parts of the country or sections of main cities. For instance, in greater Tripoli it is well known that Somalis, Eritreans and Ethiopians live in the areas of Al Krimea, Abu Salim and Gotchall. Most stay close to their homes, trying to avoid being picked up and taken into detention centres, being beaten by gangs or robbed. The hardships for people from the Horn of Africa in Libya are considerable and many have spent time in detention centres. They may be released only to find themselves arrested again, or moved from centre to centre on an arbitrary basis.

Despite the magnitude of the mixed migration phenomenon as discussed above, Libya lacks an appropriate legal and institutional framework to deal with the migration issue. Those without regular status are at risk of human rights violations. As Libya has no asylum system, people in need of international protection, such as refugees and asylum-seekers, are usually viewed as irregular migrants.¹⁸⁸ UNHCR has no official status and Libya did not sign the *1951 Geneva Convention* on the protection of refugees or its *1967 Protocol*.

The problem of people smuggling is related to other forms of trafficking and smuggling (weapons, oil). Therefore many Libyans conflate the problem of undocumented arrivals with other threats posed by porous borders including the presence of terrorist groups such as Al Qaeda inside Libya. A common concern raised by Libyans is that migration poses a large security threat. The local population increasingly expresses xenophobic attitudes towards migrants, linked to historical legacies of slavery and the involvement of sub-Saharan African mercenaries who fought alongside Gaddafi during the conflict in 2011. Furthermore, sub-Saharan Africans are accused of carrying

"In Europe when we think of Libya we are crying, we don't want to remember the hard times. You see many people living in hard times. For other refugees [we meet now in Europe] who were in camps it was not so hard. By the grace of God I am here now in Italy".

Eritrean man who lived in Libya and is now in Italy

188 Amnesty International, 2012b, p. 5.

“We live in Abu Salim and we are refugees. We are more than 500. If the UN does not help us with any food, or anything to help us, at least they [UNHCR] have to pay for security. They have to pay for soldiers, these soldiers will live in Abu Salim and give us security. Only we request that, we are refugees. If they don’t have any camp we hope the UN to pay for this, it is only a small budget. Here in this home, we are like a camp. We pay for rent, we try to work and we can save our lives but at this time there is no security to take care of us”

Three Somali men in Tripoli, Libya

diseases, endangering security and negatively impacting the economy.¹⁸⁹ It is also worthy to note that certain populations of Libyan society make a living out of smuggling and would resist efforts to regularise migration and asylum.

Overall mixed migrants in Libya continue to be exploited for work and there appears to be little appetite in Libya to change the status quo. There are currently many reports – by agencies such as Amnesty International, the International Federation for Human Rights, Jesuit Refugee Service, Danish Refugee Council and Human Rights Watch¹⁹⁰ - pointing to the degrading conditions in which many sub-Sahara migrants in Libya live.

Instability in Libya affecting migrants’ protection environment

As will be discussed below, approximately two years after Libya’s Revolution this situation has not improved. The persistent lack of protection for refugees and asylum seekers is a source of concern for UNHCR. According to UNHCR, the absence of an asylum law and the lack of an agreement between UNHCR and the Libyan government means there are no clear protection safeguards for refugees and asylum seekers in place. They are often detained because they lack documentation where they face arbitrary and indefinite detention in poor conditions.¹⁹¹ Beyond the necessary legislative framework, the Libyan government lacks any asylum system at a procedural level setting out agreed practices towards those people registered with UNHCR. Asylum seekers and refugees are at risk even if they carry Attestation papers showing they have been registered with UNHCR. For migrants, there is no corresponding migration system to regularise their status, obtain identity documents and ensure their protection in Libya as temporary residents.

BOX 9 Lack of recognized documentation

As is the case in many other contexts, very few asylum seekers and refugees have official documents (passport, identity papers etc.) with them when they arrive in Libya. They may have been lost or intentionally destroyed or, in the case of groups like Eritreans, there is no way to leave the country legally or they might not have had them in the first place. If a person registers with UNHCR they are provided with attestation papers – literally an A4 sheet of paper that lists their details and has a UNHCR file reference number. This document is not universally recognised by Libyan authorities and is no substitute for residence papers. As noted in the report, if a woman is pregnant and does not have a marriage certificate then she risks being imprisoned for fornication under Libyan Law. Furthermore there is a grey area in the case of children born to migrant parents in Libya who may not be able to get any documents either from the Libyan authorities or their country of origin. A recent case of an Ethiopian

189 European Commission, 2010, p. 39.

190 See the bibliography in chapter 7.

191 UNHCR, 2013d; As of July 2013 UNHCR had registered 2,863 refugees and asylum seekers from Eritrea, 479 from Ethiopia and 1,637 from Somalia.

woman detained for over one year while identity documents were processed to facilitate her return is but one example of the administrative vacuum for children of migrants from certain nationalities.

JRS Malta describes how more than two years after the overthrow of the dictator Muammar Gaddafi Libya remains prey to violence and political instability. The government has failed to disarm the well-armed militias, largely set up during or after the uprising against Gaddafi. The militias stepped into the security void left by weak state institutions, military and police. They have taken it on themselves to guarantee the country's security, resorting to grossly illegal practices of arbitrary arrest, unlimited detention and torture to do so. Some militias operate above the law, assuming "the roles of police, prosecutors, judges and jailers". Migrants and asylum seekers are at high risk in such a lawless scenario.¹⁹²

According to JRS Malta, by all accounts, the situation for migrants in the post-Gaddafi era is worse than when Gaddafi was in power.¹⁹³ JRS Malta summarizes the experience of most sub-Saharan African migrants in Libya in three words: fear, whims and commodity. "They live in fear, they are at the mercy of the whims of those – Libyan armed forces, militias or civilians – who hold them in their power, and they are viewed as a useful commodity to be bought and sold, and exploited as forced labour".¹⁹⁴ According to several respondents, Eritreans may experience more protection violations in Libya than other refugee groups, partly because they are generally Christians in a country that is moving towards increasing Islamic conservatism.

BOX 10 Letter by an Eritrean refugee about circumstances in Libya¹⁹⁵

"On the way to Libya and in the Sahara desert some Eritreans died because of a car accident and lack of water.

Those that were injured were brought to Ajdabiyah hospital in Libya, but the doctors were careless of them and they gave them no attention. At that time two ladies died due to lack of medical treatment. The rest of us were taken in to prison in Libya and we were asked [for] much money – much more than our original deal and we were tortured till we paid up. Since May [2013] until today [early December 2013] we have been transferred from one prison to another with very poor provision of human rights. We are treated in inhumane way, the police never consider us human-beings, they drink alcohol and hit us badly, and we are now imprisoned just close to the sea and about 100 kms away from the capital city Tripoli. We

"Here I have freedom to worship Jesus. In Libya it was very hard, if they ask us we say we are Muslims because if I say I am Christian they will kick and attack me. Now I am happy [in Italy] thanks to the grace of God".

Eritrean man in Italy

192 JRS, 2014, p. 3.

193 Ibid, p. 5.

194 Ibid, p. 6.

195 The language of the original letter has been slightly modified to ease comprehension.

are under a big building in divided rooms, we are not allowed to get out from the building and even, mobile phones are not allowed, the police confiscated our mobile phones and money when they caught us.

We could never contact our families at home, so they know nothing about us.

In addition to these there is religious discrimination, they hate Christians very much.

Sometimes the police take out five, six or more prisoners and we don't know where they take them and never bring them back. In Khoms, the old prison, we were surrounded by soldiers with guns. In Libya firepower is the master, they tell us they are planning to deport us home.

All in all we are suffering physically and mentally, this situation is a matter of life and death for us."

Part of a letter written by an Eritrean refugee in Gharyan detention centre (south of Tripoli) in early December 2013. He was caught at sea in Eastern Libya by Libyan police while trying to cross the sea with other Eritrean nationals in August 2013. At first he was detained in a detention centre in Ajdabija (close to Benghazi), then transferred to Al Khoms (east of Tripoli) and then moved, together with a group of 150 people from Eritrea and Somalia, to Gharyan detention centre. The letter was given to the research team by another Eritrean refugee on 17th December 2013.

Detention policy

According to Libyan law, entering, staying in or leaving Libya irregularly – without appropriate documentation or through unofficial border posts – is a criminal act. No distinction is made between migrants and refugees, victims of trafficking or others in need of international protection. The 2010 *Law on Combating Irregular Migration* allows for the indefinite detention, followed by deportation, of those considered to be irregular migrants.¹⁹⁶

Libyan laws also contain positive provisions that are important in refugee and migrant protection in Libya.

- Article 10 of the above mentioned *Law no. 19 of 2010 on Combating Illegal Migration* states with regard to the standard of treatment for detained migrants: "[T]he mentioned competent authority shall treat illegal migrants once they get arrested in a humane manner that preserves their dignity and rights and their money and properties."
- *Articles 18 & 22 of Law no. 6 of 1978 On Regulating Foreigners Entry to, Residence in and Exit from Libya*. Article 18 provides detention alternatives like house arrest and reporting to police and list them before detention, which means that the Libyan Law has recognized

¹⁹⁶ Amnesty International, 2013b, p. 16.

detention alternatives and give them the priority over detention. Article 22 discussed the non-applicability of the provision of the law to those who are exempted by conventions Libya is a signatory to. Since Libya is a signatory to many important conventions (such as the *“Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”* or the *Palermo Protocols and the OAU 1969 Refugee Convention*) that provide exceptional treatment to the victims trafficking, refugees and refugee children, these persons should be exempted from the provisions of *Law no. 6 of 1987* which require visas, residence permits and that include detention and deportation.

Nevertheless, detention centres are located across the country, loosely divided into centres that come under the control of DCIM (Department for Combatting Illegal Migration, which operates under the Libyan Interior Ministry) and those that are run by militias (known as *katibas*).

In a context of political instability and lawlessness after the fall of Gaddafi, foreign nationals, mainly from sub-Saharan Africa, are at constant risk of exploitation, arrest, detention and deportation. Migrants without the “proper documentation” are particularly vulnerable as Libyan legislation criminalizes entering, staying in or leaving Libya irregularly.¹⁹⁷ Libyan authorities place migrants in detention centres for a number reasons, for example:

- If migrants have been picked up in the community without documentation;
- To deter migrants from getting onto boats (especially for Somalis, Ethiopians and Eritreans) or to hold people who have attempted to depart from Libya by boat;
- If migrants have ‘failed’ medical tests (see later section on medical tests);
- To deport or return migrants.

Since the fall of Gaddafi, the militias composed of former rebels have taken control of camps that existed under the previous regime and opened other places of detention. Shortly after the war there were reportedly up to 100 migrant detention camps; currently reports indicate the presence of 20 camps for irregular migrants, concentrated mainly in the South, around Kufra and Sabha.¹⁹⁸ According to the British Foreign and Commonwealth Office, approximately half of Libya’s detention facilities are under some form of government control, but most are in practice run by militias.¹⁹⁹ For example, centres that appear to be run by DCIM (government) in some instances have a mix of militia and DCIM staff working at the centre on a day to day level. DCIM has made no known effort to regularise control of these centres and to ensure that all fall under government structures.

In the run-up to the second anniversary of the uprising, some 1,000 foreign nationals, including many Somalis and Eritreans, were arrested in early February 2013 in major Libyan cities, in order to tighten security.

¹⁹⁷ Amnesty International, 2013b, p. 4.

¹⁹⁸ FIDH/Migreurop/JSFM, 2012, p. 44.

¹⁹⁹ FCO, 2013, p. 195.

"I saw how a pregnant woman tried to escape prison in Libya after she gave birth. The guards shot her dead and killed the baby by stepping on it. The guards in prison tied someone's hands and legs together, put him on the ground and then start[ed] chasing him with a car laugh[ing]".

Somali man in the Netherlands, who travelled from Somalia to Europe

"If I show you my back you will cry, they torture you, even kill you".

Somali man in Tripoli Libya

As they were transferred to holding centres in southern Libya, Amnesty International feared that they might be deported in violation of the principle of *non-refoulement*. However, UNHCR obtained the authorities permission to register the Eritreans and Somalis and was able to register 650 people by the end of April 2013, although several thousands are believed to be in detention at the time of writing this report.²⁰⁰ Populations in detention centres are highly changeable due to seasonal influxes of new arrivals, deportations and patterns of arrest and rescues at sea, additionally there are estimated thousands more people living in the community in Libya.

BOX 11 **Refugees in Libyan detention centres**

On 24 September 2013, the Human Rights League of the Horn of Africa (HRLHA) reported that refugees in Libya, mostly from Ethiopia and Eritrea, are in a very dangerous situation after they were evicted from their original refugee camps in Benghazi. The eviction took place following the infiltration and assault of the refugees by men who were described as workers of the Libyan Red Crescent on the 13th of September, 2013. The assault included beating and stabbings by knives. Those who broke out of the shelters to run away from the assaults were met by Libyan armed forces, stationed around the camps prior to the assault. Then, the refugees were forced out of the camp on allegations that they attempted to instigate disturbances, and taken to a remote area referred to as Alshatti (possibly Brak Shati). According to HRLHA correspondents, about 500 refugees were held in what was known to be a private detention centre in Alshatti, located on Sahara desert border with no adequate supply of basic necessities. Two women (who gave birth after arriving in Alshatti) and their newly born infants were 'not treated differently'.²⁰¹

Conditions in detention centres

In 2013, Amnesty International visited several holding centres (in Benghazi, Zawiyah, Gharyan, Sabha, Misratah and Tripoli) where migrants were held in "prison-like conditions indefinitely for 'migration-related offences' pending deportation."²⁰² Amnesty estimates that approximately 5,000 migrants, refugees and asylum-seekers were held in 17 such centres run by the Ministry of Interior, according to official statistics. In addition, an unknown number of detainees were held in the militia camps. Although the number constantly fluctuates as arrest and deportations continue, it is estimated that between 4,000 and 6,000 migrants are being detained at any given time.²⁰³

200 Amnesty International, 2013b, p. 9-10.

201 HRLHA, 2013.

202 Amnesty International, 2013b, p. 5.

203 Ibid.

According to Amnesty, the conditions in holding centres “fell short [of] international standards, and at times amounted to cruel, inhuman and degrading treatment”.²⁰⁴ Migrants were held in “overcrowded cells, often without regular access to fresh air; many suffered from irregular access to washing and sanitary facilities and insufficient access to drinking water, hygiene products and other basic necessities. Poor hygiene standards and detention conditions have led to the spread of skin diseases and other medical problems, which have been exacerbated by insufficient treatment, and at times the denial of treatment altogether”.²⁰⁵ In the holding centre in Sabha detained migrants appear to have been systematically subjected to torture and other forms of ill-treatment.²⁰⁶

Asylum seekers interviewed by JRS Malta, “spoke of taunting, often of a racist nature, of beatings and other physical abuse. Beatings were very frequent, including on the head, with metal rods, pipes, electric cables, police batons, rifles and chains. They also told how some detainees had their heads banged against the floor and how others were subjected to *falanga*, a type of torture that consists of beating the soles of the victim’s feet. Cattle prods were used to give electric shocks. Sometimes victims were soaked with cold water before being beaten. Women were not spared. Anyone caught trying to escape, or intercepted at sea while trying to leave Libya, suffered particularly severe punishment. However, the guards usually beat their charges for no reason at all, other than that they were drunk or in a bad mood.”²⁰⁷

Eritreans and Somalis met by a delegation of the International Federation for Human Rights inside a migrant detention camp in January and May 2012 were desperate. Theoretically, they fell under the UNHCR’s protection mandate. However, UNHCR still has no official status or authority in Libya to secure their release.²⁰⁸ It was also reported that Eritrean migrants in Libya have been denied access to UNHCR and that 76 of them have been forced to clear landmines in Sirte. The migrants were forced to work all day clearing landmines despite their lack of relevant professional experience.²⁰⁹

Some steps have been taken to improve detention conditions. The provision of food was out-sourced to a catering company and is now standardized and delivered on a regular basis. Ambulances have been provided to some centres, renovation works are underway and access is permitted to humanitarian organisations in some centres.²¹⁰ In early 2013, the Ministry of Interior issued instructions calling for the humane treatment of all foreign nationals held under its authority, and forbidding physical ill-treatment.²¹¹ Nevertheless, according to Amnesty International these efforts are not sufficient. Thousands of people continue to be held in inadequate conditions falling short of international standards.²¹² Only one

204 Amnesty International, 2013b, p. 6.

205 Ibid.

206 Ibid, p. 13.

207 JRS, 2014, p. 19.

208 FIDH/Migreurop/JSFM, 2012, p. 60.

209 RMMS Monthly Summary March 2013.

210 Amnesty International, 2013b, p. 19.

211 Ibid, p. 12.

212 Ibid, p. 19.

"I worked for 2 months with a Libyan employer but didn't get paid, [I] only got USD 80 instead of the USD 980 he owed me".

Eritrean man in Tripoli, Libya

"Libyans have a very racist attitude towards Africans. They spray perfume on you when you enter a bus".

Somali man in the Netherlands who travelled from Somalia to Europe

*[On racism in Libya] "They are [just] looking at your skin, they don't give a sh** [about being the same religion], it's a race problem".*

Three Somali migrants in Tripoli, Libya

holding centre, Tweisha located on the outskirts of Tripoli, is equipped with a fully staffed health clinic, recently opened by IOM with EU funding. The other centres visited by Amnesty International lacked functioning medical services and relied on visits by doctors from nearby hospitals or provided by international humanitarian agencies.²¹³ Most importantly, detention continues to be arbitrary, with no process of appeal and the practices inside some detention centres still include beatings, forced labour and lack of freedom of movement. One centre in Zlitan (currently closed) had 30-40 men confined to a cell with only 2 toilets per cell. The cramped and overcrowded conditions in detention centres have led to fighting, riots and mental health issues. A particular concern is the presence of single women, young children and pregnant women in detention. In one case an Ethiopian woman spent close to one year in detention with her small child.

Hostility and xenophobia

Political transitions, both during the Gaddafi regime as well as after the fall of the regime, had a profound impact on the situation of migrants in Libya. After Gaddafi saw his pan-Arab ambitions fail and pressurized by the embargo and economic sanctions, he embarked on a pan-African political campaign. He encouraged labour migration, which resulted in a massive influx of migrants. However, the lack of a coherent immigration policy rapidly led to confusion, abusive methods and arbitrary arrests. The growing presence of sub-Saharan migrants in conservative coastal cities began to provoke hostile reactions among the local populations.²¹⁴

In a 2006 report, migrants and refugees interviewed by Human Rights Watch reported a litany of violations. Both regular and irregular sub-Saharan Africans staying in Libya said they had experienced xenophobia and racism, including violence and discriminatory treatment by authorities and Libyan citizens.²¹⁵ In late September 2000, the largest incident of anti-foreigner violence took place in Zawiyah, west of Tripoli when a mob of Libyans clashed with foreigners, resulting in up to fifty foreigner deaths (mostly from Sudan, Nigeria, Ghana and Chad but also including other sub-Saharan African states).²¹⁶ The number of Libyans dead or injured remained unclear. The Libyan government did not provide any details of this incident and only informed Human Rights Watch that seven Libyans and foreigners had died.²¹⁷

A more recent report by the Danish Refugee Council in Libya, reported name-calling, stone-throwing, arbitrary detention, beatings, being robbed, lack of due legal process, extortion, exploitative labour practices (including refusing payment), and forced eviction from lodgings as routine abuses and rights violations.²¹⁸ Only 3% of migrants reported any issues to the police in Libya. The other 97% (474) did not report issues to the police, mainly because they thought it would be useless (45%) or because they were afraid (45%).²¹⁹

213 Amnesty International, 2013b, p. 21.

214 FIDH/Migreurop/JSFM, 2012, p. 11.

215 Human Rights Watch, 2006, p. 60.

216 Ibid, p. 63.

217 Ibid, p. 64.

218 DRC, 2013, p. 5.

219 Ibid, p. 30.

Since the fall of the Gaddafi regime, the human rights situation for asylum-seekers, refugees and irregular migrants in the country has further deteriorated. According to Amnesty International, there has been a breakdown of law and order, weapons have proliferated across the country, and racism and xenophobia are on the rise.²²⁰ In the context of political fragmentation, administrative chaos and militarisation that characterize post-conflict Libya, ex-rebel groups (*katibas*) assumed responsibility for maintaining law and order, beyond the control of government authorities.²²¹ These *katibas* conduct patrols near border crossings to monitor the passage of goods and weapons and to intercept irregular migrants who cross the desert border via networks of traffickers. The International Federation for Human Rights quoted one of the *katiba* leaders from "Free Libya" saying "After the war ended, we assumed our responsibilities by specialising in the control of migrants. The most important thing today is to 'cleanse' the country of foreigners without proper papers. We need to put an end to the practices of Gaddafi who let many Africans enter Libya. We don't want these people who bring disease and crime. Now we want all migrants to have valid visas and work permits."²²² In particular migrants of sub-Saharan African origin, appear to suffer severe violations of their basic human rights. The International Federation for Human Rights reports this is "far from being a marginal issue in the country, as evidenced by the number of people affected and the severity of the human rights abuses they experience".²²³

A recent report on mixed migration in Libya found that asylum seekers from the Horn of Africa tend to keep out of sight as much possible and try to live without drawing attention to themselves, out of their fear of being apprehended by militia or authorities and being detained and deported.²²⁴ The most vulnerable remain hidden in their houses, too afraid of being picked up at a checkpoint and detained to risk leaving. What might appear to be a simple taxi journey to an international organisation's office can be dangerous for a black African who might be robbed, extorted or beaten by the driver.²²⁵

Migrants in Libya also experience ill treatment by employers and high levels of racism. The fact that they cannot receive any form of humanitarian protection from the Libyan government encourages them to move on to Europe and few make an attempt to settle in Libya for the long term.²²⁶ To illustrate how desperate people are to leave Libya, Somali women in Libya told RMMS how one woman sent her child alone on a boat.

A complicating factor is that Gaddafi forces used "African mercenaries" to fight the opposition. This has made sub-Saharan Africans – regardless of their migration status – targets of violent attacks, detention and torture.²²⁷ Under Gaddafi, migrants from sub-Saharan Africa were encouraged to settle in Libya and were given identity cards allowing them to live and

"This is why we take the boats to the sea. Even I go to the shops (in Tripoli) they call out at me, even if I stay at home they jump over the gates (of the house) to rob you. They come when they are drunk and touch the girls".

Three Somali migrants in Tripoli, Libya

"Before the war, life in Libya was o.k. After the war, it was a different story. Life is so difficult after the war. The people in Libya think that everybody who is black, is pro-Gadhafi".

Sudanese man in London

220 Amnesty International, 2012b, p. 6.

221 FIDH/Migreurop/JSFM, 2012, p. 30.

222 Ibid, p. 30-31.

223 Ibid, p. 3.

224 Altai Consulting, 2013, p. 34.

225 Urban Refugees, 2014.

226 Altai Consulting, 2013, p. 34.

227 Amnesty International, 2012b, p. 6.

work in the country legally. Moreover, during the revolution many were supportive of the Gaddafi regime and fought alongside him (although many claim to have been abducted and forced to fight with Gaddafi's forces).²²⁸ However, after the revolution sub-Saharan Africans have difficulty in obtaining official documents demonstrating they have the authority to reside in Libya.²²⁹ As such, nearly all migrants from sub-Saharan Africa who arrive at the desert refugee camp in Tunisia have fled in fear of violent reprisals by Libyans who accuse them of being mercenaries.²³⁰

Despite the fact that the true nature of Gaddafi's use of foreign mercenaries, or press-ganged migrants is unclear,²³¹ this research and others highlight that foreign nationals are still associated with this label. The International Crisis Group confirms that since mid-2012 the number of abductions of individuals, including foreigners, with no genuine link to the former regime or to the recent war, appears to have markedly increased.²³² According to the International Federation for Human Rights there have been no effective investigations into these crimes and there is little prospect for justice at the national level. *Law No. 38* on transitional measures, adopted by the National Transitional Council (NTC) in May 2012, provides for an amnesty for those responsible for crimes committed "in the name of protecting or promoting the Revolution". In March 2011, the International Criminal Court (ICC), on the basis of *UN Security Council Resolution 1970*, opened an investigation into the situation in Libya. In May 2011, the ICC Prosecutor stated that one of the main priorities of investigations would be "allegations of attacks against sub-Saharan Africans wrongly perceived to be mercenaries".²³³

Abuses against foreign nationals also appear to be motivated by misguided fears of diseases.²³⁴

BOX 12 Medical tests

Early 2013, Libyan authorities started reintroducing medical tests aimed at identifying viral diseases such as hepatitis B and C and HIV. A valid health certificate issued by the Ministry of Health is a requirement imposed by Libyan legislation on foreign nationals who wish to obtain a work and residency permit. Medical checks are conducted in detention centres and migrants living in the community must carry documentation at all times proving their health status. Libya reportedly carries out deportations on the basis of migrants' medical condition, which violates international human rights standards. ILO Recommendations stipulate that destination countries should not exclude migrant workers "on the basis of their real or perceived HIV

228 Aljazeera, 2011.

229 FCO, 2013, p. 197-198.

230 Aljazeera, 2011.

231 Ibid.

232 International Crisis Group, 2013, p. 23.

233 FIDH/Migreurop/JSFM, 2012, p. 32.

234 Amnesty International, 2013b, p. 6.

status".²³⁵ Nevertheless, the head of the migrant "holding centre" in Zawiyah told Amnesty International that, since March 2012, his office had deported some 350 people diagnosed with hepatitis or HIV, including individuals who had valid travel documents. In Sabha, the director of the facility stated that he had deported at least 200 people identified as HIV and hepatitis positive, including Nigerians and Ghanaians.²³⁶ It is unknown whether there are Horn of Africa migrants amongst these deported migrants. During the course of this research RMMS was made aware of the practice by katiba groups in Tripoli forcing mixed migrants to undergo further blood tests, for which they must pay approximately USD 50, and then demanding that they carry additional documentation to prove their health status. Without clear lines of authority in this area, mixed migrants continue to be singled out for extortion and parallel systems imposed.

Forced labour and sex trafficking

There are reports about migrants becoming victims of 'slave trade' in Libya. In a recent Aljazeera article a Sabha University professor said he saw a farmer sell 20 Somali women. "You can buy one African man for USD 408".²³⁷ According to the 2013 US Department of State *Trafficking in Persons Report* many migrant men in Libya are forced into manual labour. Private employers recruit migrants in detention centres into conditions of forced labour on farms or construction sites; when the work is completed or the employers no longer require the migrant's labour, employers return the migrants to detention.²³⁸ Some of the men interviewed by JRS Malta, confirmed this and said they were used as forced labour. Those running places of detention struck deals with local businessmen who came to pick the strongest men for a range of jobs, particularly in the agriculture and construction sectors. The men were either paid nothing or a pittance and were sometimes abused by those who they were forced to work for. Some were released when they had finished their work or took the opportunity to escape.²³⁹ According to the US Department of State, trafficking networks from Niger, Nigeria, Chad, Eritrea, Somalia, Sudan, and other sub-Saharan states use a variety of techniques to hold people in conditions of forced labour and forced prostitution, including fraudulent recruitment practices, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. There are also credible reports of prostitution rings involved in sex trafficking of sub-Saharan women in brothels, particularly in southern Libya.²⁴⁰

235 Amnesty International, 2013b, p. 25.

236 Ibid, p. 23.

237 Aljazeera, 2012a.

238 US Department of State, 2013, p. 238.

239 JRS, 2014, p. 24.

240 US Department of State, 2013, p. 238.

4.5 Libyan migration policy

Migration policy during the Gaddafi-era

Under Gaddafi, Libya's migration policies over the last 20 years can be characterized as having two elements: first its pan-African policies and second the European Union (EU) cooperation aimed at combating irregular migration to Europe,²⁴¹ (see chapter 6 for more on EU-Libya cooperation). As a response to the UN Security Council air and arms embargo on Libya between 1992 and 2000, and the perceived lack of support among Arab countries, Gaddafi shifted his foreign policy from the Arab world towards Africa. Part of this pan-African policy entailed opening Libya's doors to migrant workers from sub-Saharan Africa to work in Libya.²⁴²

Despite this so-called open door immigration policy, in 2010, the European Commission commented that there was no clear policy framework for refugees and asylum seekers, as well as for migration management in general in Libya. Libya also had insufficient capacity to patrol and monitor their borders, especially in the face of increasingly sophisticated and able smuggling networks.²⁴³ Moreover, Libya is not a signatory to the 1951 *Geneva Convention on the Protection of Refugees* or its 1967 *Protocol*, but it is party to the *African Union Convention Governing the Specific Aspects of Refugee Problems in Africa* since 1981.²⁴⁴ There is no way for the government to distinguish between economic migrants and asylum seekers and no system for authorities to review asylum requests and on what criteria.²⁴⁵ The lack of a Memorandum of Understanding (MoU) with UNHCR is a barrier to any future progress on a domestic refugee status determination process.

Moreover, around 2000, the Libyan government began fearing that too many foreigners had arrived, saturating the labour market. In a country with around six million people, well over one million non-Libyans had arrived and the government blamed them for rising crime, diseases and social tension. Around the same time, European governments began pressuring Libya to control illegal migration, as thousands of sub-Saharan migrants used Libya as a transit country to sail in smugglers' boats to Italy.²⁴⁶

Some argue that Gaddafi exploited the largely unfounded European fears of an African invasion, to position himself as a partner in the, as the migration researcher Hein de Haas (2011) phrased it, so-called 'fight against illegal immigration'. He repeatedly threatened to open the migration floodgates if he does not get more support.²⁴⁷ In 2011, for example, in an interview with French newspaper *Le Journal du Dimanche* Gaddafi warned: "You will have the immigration of thousands of people who will invade Europe from Libya, and there will be nobody to stop them"²⁴⁸ because he wanted to stop European support for the protesters in Libya. Before the insurrection,

241 Aghazarm, Quesada and Tishler, 2012, p. 10.

242 Ibid, p. 10.

243 European Commission, 2010, p. 12.

244 ICMPPD, 2008, p. 97.

245 Human Rights Watch, 2006, p. 16.

246 Ibid, p. 1.

247 See for example De Haas, 2011.

248 Aljazeera, 2011.

this position earned him billions of dollars in bilateral deals and helped him to regain respectability.²⁴⁹ According to observers, Gaddafi persistently subordinated migration policy to changing foreign policy interests²⁵⁰ and continuously manipulated and used official statistics on the number of immigrants in Libya according to its changing (national and international) political and economic interests.²⁵¹

Migration policy in the post-Gaddafi-era

The National Transitional Council (NTC), formed during the Libyan insurrection, issued an eight-point roadmap in March 2011 entitled: "A vision of a democratic Libya". Point eight states: "Immigration, residency and citizenship will be managed by government institutions, respecting the principles and rights of political asylum and public liberties." It also proclaimed that Libya, "[...] will join the international community in rejecting and denouncing racism, discrimination, while strongly supporting peace, democracy and freedom". According to the International Federation for Human Rights these declarations of intent remain unimplemented as far as the treatment of foreigners is concerned. They explain this by the lack of legitimacy of the transitional authorities over former rebel groups, the absence of functioning state bodies and hesitation of the authorities regarding the direction to take on migration policy in the "new" Libya, and whether to break with or continue past policies.²⁵²

In December 2013, the Danish Refugee Council concluded that neither the NTC nor the General National Congress has yet established any national legislation or administrative structures to deal with refugees and asylum-seekers.²⁵³

By the end of 2012, the General National Congress that was elected in the July 7 2012 elections, decided to seal the country's borders with Algeria, Chad, Niger and Sudan in an effort to combat irregular migration. It also empowered the military commander in the south to arrest wanted persons and deport "infiltrators" across the border.²⁵⁴

Libya is also a member of the "Rabat Process", a partnership between (European and African) countries concerned by the "West-African migration route". The Rabat Process aims to create a framework for dialogue and consultation within which concrete, practical initiatives are implemented. Its focus is both on preventing and reducing illegal migration as well as improving the organization of legal migration and promoting connections between migration and development. Although focused on migration from West Africa, lessons learned from this process could support in developing a labour migration system that would help distinguish between migration and asylum in Libya and could support improvements regarding migration from the Horn of Africa too.

249 De Haas, 2011.

250 Fargues, 2009, p. 4.

251 European University Institute, 2013, p. 2.

252 FIDH/Migreurop/JSFM, 2012, p. 33.

253 DRC, 2013, p. 6.

254 Amnesty International, 2013b, p. 5.

Current Libyan migration environment

In 2012, IOM pointed to positive steps to forming Libya's migration policy, including the new Prime Minister's inter-ministerial working group on illegal migration, and the Interior Ministry's Department to Combat Illegal Migration. Furthermore, the arrival of a technical EU-BAM mission²⁵⁵ was meant to ensure that human rights and gender considerations were integrated into the practice of border officials.²⁵⁶ This was an important step given that the evidence shows that women are more likely than men to die at borders.²⁵⁷

BOX 13 Vulnerability of migrant women in Libya

During the course of data collection for this research a number of cases were documented highlighting the vulnerability of women, especially pregnant women, both during border crossings and in transit in Libya. There is a worrying trend of women trying to access the Central Mediterranean route on their own, becoming pregnant en route possibly due to sexual assault, or arriving pregnant in the hope that this will increase the chances of a successful asylum claim in Europe. Sadly many do not reach their goal. Some cases included:

- Two women (one Somali and one Eritrean) who broke their legs during the Saharan border crossing, one during a car accident and another following beatings by smugglers. Their broken bones were left untreated for several weeks until such time as the women could make it from Sabha to Tripoli. In the case of the Somali woman, she remained bedridden in Abu Salim for several weeks and could not walk without assistance.
- An Eritrean woman who delivered a baby in a detention centre without any medical assistance because treatment could not be arranged at a local hospital. The baby died and the lady was then transferred to the nearest hospital for assistance.
- A Somali woman who arrived in Libya with severe burns to her body from injuries suffered in Somalia. She was pregnant and had not seen a doctor throughout her pregnancy. At approximately 7 months she fell ill and went to a local hospital where a caesarean was performed but both she and the baby did not survive the operation.

255 European Union Border Assistance Mission; EU, 2013. On 22 May 2013, the Council of the European Union gave the green light for EUBAM Libya, a civilian Mission under the *Common Security and Defence Policy (CSDP)*. EUBAM Libya supports the Libyan authorities in developing border management and security at the country's land, sea and air borders. The work is carried out through advising, training and mentoring the Libyan authorities in strengthening the border services in accordance with international standards and best practices, and by advising the Libyan authorities on the development of a national Integrated Border Management (IBM) strategy. The annual budget of the Mission is around 30 million. When operating at full capacity, the Mission will have just over 110 international staff.

256 Aljazeera, 2012a.

257 Pickering and Cochrane, 2013.

- Another Somali woman living in an outer district of Tripoli delivered a baby by herself in a private house without any medical assistance. The mother and baby were not seen by a medical professional for several weeks as the mother was too frightened to leave the house due to the security situation and her lack of UNHCR papers. When she finally did try to leave with another group of Somali women they were picked up by authorities and taken to a detention centre.

Nevertheless, up to now no substantial improvements have been made - UNHCR continues to operate without an official status or memorandum of understanding, which restricts its ability to expand its activities and protection dialogue with the Libyan authorities. Libya still lacks a national asylum system.²⁵⁸ As described earlier, there is some assistance for Syrian refugees but only registered asylum seekers and refugees can access basic health services with limited cash assistance provided to vulnerable groups.²⁵⁹ As a recent Urban Refugees report showed, some asylum seekers are not even able to register with UNHCR due to the risk of travelling around Tripoli without documentation.²⁶⁰ At the time of a mission by the International Federation for Human Rights in January and May 2012, there was no state representative to address arbitrary arrests, imprisonment and deportation, leading to their conclusion that “in the absence of a functioning justice system and application of the rule of law, serious violations against sub-Saharan African migrants and asylum seekers by individuals and armed groups are committed with complete impunity”.²⁶¹

DRC concluded in December 2013 that the adverse treatment of mixed migrants in Libya includes:

- Inadequate procedures for people to apply for permission to enter Libya through regular migration channels prior to entry, or to regularise their status on entry into the country.
- Lack of systems for asylum-seekers in particular to have their status recognised by the host government and obtain documentation attesting to their unique position as distinct from migrants.
- Absence of information for mixed migrants about their rights and responsibilities whilst in Libya, and corresponding information for the Libyan community about mixed migrants.
- Exploitation of migrant workers extending to non-payment for work satisfactorily completed, failing to ensure their physical safety and generally not offering fair working conditions.
- Related to lack of documentation, overlooking the unsafe and unsanitary housing conditions for mixed migrants and their families, as well as the role that Libyan landlords play in permitting this situation.

“We want justice, here in Libya there is no law for refugees, no government, they just want to eat our money”.

Eritrean migrant in Tripoli, Libya

258 Amnesty International, 2013b, p. 9.

259 Ibid.

260 Urban Refugees, 2014

261 FIDH/Migreurop/JSFM, 2012, p. 33.

- Arbitrary arrest and detention of mixed migrants by local authorities; the lack of any penalties for people who rob, beat up and threaten migrants; and no system for migrants to record or report protection issues.
- Exclusion of migrants from mainstream health services.
- Failure to extend education services to children of mixed migrants.²⁶²

Amnesty International concludes its recent report on the situation of migrants in Libya with the following recommendations: adopt national asylum legislation to ensure that the rights of asylum-seekers and refugees are protected; end detention solely for immigration purposes of all asylum-seekers and refugees; stop the arbitrary detention of foreign nationals; and take steps to counter racism, xenophobia and discrimination against foreign nationals.²⁶³

BOX 14 Main protection concerns in Libya

Having to engage people smugglers to enter the country where they may be extorted for money, forced to undertake risky and dangerous journeys both in the Sahara and Mediterranean and for women, additional risks of sexual abuse and exploitation;

- Being undocumented in Libya results in high risk of arbitrary arrest and detention, lack of access to basic services and no protection under the law if exploited, robbed or a victim of assault;
- No durable solutions inside Libya forces those in search of effective protection to move on via boat to Europe. This places their lives at risk, involves considerable sums of money and entering into agreements with criminal groups who operate people smuggling networks and may also be smuggling drug and weapons;
- Detention – related to a number of problems, including informal places of detention where people are beaten, held indefinitely with no review process;
- Specific concerns for pregnant women, disabled people, single women and minors en route and in Libya.

Deportations

Although, as described, Libya has been welcoming foreign labour for decades, mass deportations have been part of Libyan *de facto* migration policy as well. From 2003 to 2005, the Libyan government repatriated approximately 145,000 undocumented migrants according to official figures, mostly to countries in sub-Saharan Africa, mostly West-Africans.²⁶⁴

²⁶² DRC, 2013, p. 7.

²⁶³ Amnesty International, 2013b, p. 8.

²⁶⁴ Human Rights Watch, 2006, p. 3.

Deportations often coincided with deteriorating political relations between a certain country of origin and Libya, or followed a decline in Libya's economic situation.²⁶⁵ The Libyan government under Gaddafi consequently said that the majority of deportees were economic migrants, but according to Human Rights Watch, some were undoubtedly asylum seekers or refugees who faced the risk of persecution or maltreatment back home. Human Rights Watch had been particularly concerned with mass returns to Eritrea, where the government has detained and possibly tortured returnees from Libya.²⁶⁶

In post-Gaddafi Libya deportations are still carried out. Amnesty International reported in 2013 that approximately 2,000 people are deported every month by land or by plane.²⁶⁷ Reportedly, deportations are mainly taking place for West-African groups. When embassies from these countries try to get travel documents for their country nationals to return them, usually by the time they process the papers, the person has been deported overland (via the desert). Overall, it seems deportations are not occurring for Horn of Africa migrants. Authorities seem to understand they cannot forcibly return Somalis and Eritreans. Detention centre directors recognise this; however there is no procedure for dealing with cases of these men, women and children being held in detention for indefinite periods.²⁶⁸

Some people are released on the guarantee of their Embassy, but there are concerns that some Embassy officials may be individually profiting from people's release by accepting bribes to arrange this. One diaspora group interviewed for this research drew attention to the practice of Ethiopian government institutions covertly arranging for the return of their nationals in some countries. This was a concern raised by one research participant inside Libya who expressed a fear that Ethiopian security officials were targeting Oromos, especially those who had spoken out against the government. Migrants also told RMMS about an ambassador who organized the release of migrants, took them to a house and consequently called their families to demand money, pointing to a high-level involvement of certain foreign embassies in Libya in the migrant business.

265 Hamood, 2006, p. 35.

266 Human Rights Watch, 2006, p. 3.

267 Amnesty International, 2013b, p. 5.

268 FIDH/Migreurop/JSFM, 2012, p. 49.

5 The route to Israel: trafficking of Eritreans in Sudan and Egypt

the route to Israel: trafficking of Eritreans in Sudan and Egypt

Trafficking and kidnappings of Eritreans along the route to Israel

As mentioned, Israel used to be a major country of destination for migrants from Eritrea, however due to new Israeli immigration measures implemented in 2012, the number of African migrants crossing the border from Sinai to Israel has dropped to almost zero in 2013.

Many Eritreans in recent years became a victim a human trafficking along this route. While trends of human trafficking in Eritrea have been reported since the 1990s, it reached alarming levels at the end of 2010. A wide network of traffickers operated by Bedouin tribes in the Sinai Dessert has been identified by reporters and human rights activists, revealing that the Sinai desert in the border area between Egypt and Israel is a high-risk area for human trafficking in recent years.²⁶⁹

Migrants along this route are increasingly vulnerable to being kidnapped (and held hostage for ransom) in Sudan, Northern Ethiopia and in particular in Egypt's Sinai desert. These kidnappings are mainly organized by a Bedouin tribe known as the Rashaida. They demand exorbitant ransoms from the victim's family for their release - as much as USD 30-50,000 per individual.²⁷⁰ The migrants who fall victim to capture and kidnapping are mostly Eritrean (an estimated 95 per cent)²⁷¹, although some Somalis, Ethiopians and Sudanese are found in their number.²⁷²

According to a 2012 Tilburg University report detailing trafficking in the Sinai (*"Human Trafficking in the Sinai: Refugees Between Life and Death"*) migrants being held hostage in the Sinai can be categorised as either kidnapped (and subsequently sold or surrendered to Bedouins); or smuggled (initially voluntarily, but then sold or surrendered to Bedouins).²⁷³

When leaving Eritrea, whether willingly or not, migrants often pay a few hundred dollars as an initial payment. Middlemen smuggle them across the border into Sudan. After crossing the border they are forced to pay the Rashaida for the trip to Sinai, which can cost between USD 1,500-5,000.²⁷⁴

The desert journey to the Sinai is dangerous in itself; migrants are often placed in open-back vehicles. Migrants fall out of the vehicles and die or sustain injuries from other road accidents, in pick-ups that are overloaded and drive at high speed. Moreover, like the Libyan desert journey, the smugglers often fail to provide enough food and water. Many refugees

269 Mekonnen and Estefanos, 2012.

270 RMMS, 2013d, p. 39.

271 van Reisen, Estefanos and Rijken, 2012, p. 1.

272 RMMS, 2013b.

273 van Reisen, Estefanos and Rijken, 2012, p. 2.

274 Ibid, p. 39; RMMS, 2013c.

lose their lives as a result of starvation and thirst.²⁷⁵

"While we were chained up they would beat us with chains and sticks all the time".

Eritrean victim of trafficking in Cairo

"They put fuel into the water so that we would want to drink less. We were thirsty all the time".

Eritrean victim of torture in Cairo

"These are such vulnerable people. How are they able to reconcile this with their faith? Treating women and children in this way".

Eritrean man in the Netherlands

Brutal human rights abuses

Close to the Israeli border in the Sinai migrants are often held hostage in inhumane conditions. They are exposed to extreme heat from the sun and freezing cold temperatures at night, are chained together without toilets or washing facilities, and dehydrated, starved and deprived of sleep.²⁷⁶ Harassment and torture by smugglers appears common. On 12 January 2012, for example, the Italian NGO Agenzia Habeshia reported that a group of 20 women, six children and 12 men from Eritrea were held hostage in the Sinai where they faced starvation and violence. According to the agency, the men in the group were blindfolded and chained by their hands and feet. The women were also shackled and along with young boys reportedly suffered sexual violence. The group was also subjected to electric shocks and burning with molten plastic, cigarettes or red-hot iron. Traffickers reportedly requested either USD 30,000 per person or the sale of an organ to guarantee release and transfer to the Israeli border.²⁷⁷ One agency in Cairo estimated that 40% of the current caseload of victims of trafficking in Cairo (400) is under aged minors.

Interviews with migrants and refugees (including victims of torture) in Cairo, suggested that the trafficking business is becoming more violent, with smugglers and traffickers increasingly carrying arms to control the migrants and confront the police.

Women are subjected to violent rape, sometimes by whole gangs, on a daily basis. It is reported that if they find themselves pregnant, women hostages are told that the ransom will double once their baby is born.

Increasing brutality towards Eritreans

RMMS has received information from sources indicating that torture of kidnapped Eritreans may be becoming more brutal. Recent testimonies of survivors include acts of violence and rape as well as incidents where victims were forced to eat human excrement and human flesh of the deceased/murdered migrants/refugees.²⁷⁸ One respondent told Human Rights Watch that one of the methods traffickers use a lot is removing skin and putting salt on the wounds and another is hanging people from the ceiling by their wrists while attaching pincers to their nipples and giving them electric shocks.²⁷⁹ Finally, there are also stories of captors stealing organs according to various reports and a widely publicized CNN documentary released in November 2011.²⁸⁰ One of the respondents in Cairo, for example, narrated how a large group of migrants were taken to a hospital in the Sinai. He was badly wounded but got better in the hospital. Yet, they were informed by hospital authorities others who were in a better condition 'died'. This led to unanswered questions of why healthy people died and suspicions of organ theft arose. They also reported being threatened with organ theft all the time, which is used as a form of intimidation by the traffickers in Sinai. The

275 Humphris, 2013.

276 van Reisen, Estefanos and Rijken, 2012, p. 4.

277 Christian Solidarity Worldwide USA, 2012.

278 RMMS Monthly Summary June 2013.

279 Human Rights Watch, 2014b, p. 35.

280 RMMS, 2013b.

Tilburg University Study confirmed that the threat of organ harvesting and death is part of the pattern of torture, which was regularly described in the interviews held in the context of this. The bodies of the dead are not buried, but thrown and left to rot in view of the hostages.²⁸¹ Conclusive evidence has, however, not been obtained.²⁸² Most evidence seems to be anecdotal despite the presence of certain photographs which appear to show corpses of former migrants with evidence of hasty operations. Most agencies working with victims of trafficking in Egypt as well as academics focusing on trafficking in the region have distanced themselves from organ theft claims.

Deaths and disappearances

According to repeated witness statements (from migrants and state officials), large numbers of the refugees appear to have died (presumably murdered) either while being held hostage or after their release – often even after their ransom has been paid. A large number of refugees simply ‘disappear’ or are killed while being held.²⁸³ Additionally, it was reported in 2012 that every month 1,000 Eritreans are deported back to Eritrea or Ethiopia from Egyptian prisons/detention centres.²⁸⁴

Eritrean respondents confirmed that disappearances are common. Families never hear of their relatives again. While there are people who are re-discovered after some time, others are never rediscovered; particularly those without relatives abroad (who are able to pay the ransom demands) disappear.

Ransom amounts and the trafficking economy

Testimonies indicate that the average ransom money paid is USD 33,000 per individual and the average time held in hostage is over 140 days.²⁸⁵ Sometimes even ransoms of up to USD 50,000 are paid.²⁸⁶ Victims of torture in Cairo reported USD 57,000 as the highest ransom amount they had heard of. In a recent study on the Sudan-Egypt-Israel smuggling network it was calculated that the 103 respondents who spent time in the Sinai and could remember the amount requested or demanded, were asked for USD 2,156,700 in total and actually paid USD 1,222,635 in total (an average of USD 11,650 per person).²⁸⁷ The amount requested or demanded dramatically increased between 2010 and 2011.²⁸⁸ It is reported that relatives sell their possessions, including houses and land, to come up with the ransom. Relatives in the diaspora in the West are specifically targeted. The most recent study on Sinai trafficking now estimates that total value of the ransoms demanded in the Sinai between 2009 and 2013 to be USD 600 million.²⁸⁹

According to Eritreans in the diaspora, it is extremely difficult to come up with a coordinated response from the Eritrean community in order to stop conceding to the exorbitant ransom demands. Although it would be best to,

“They have been encouraged, because people pay. They are impoverishing the whole Eritrean community. They give up everything they have”.

Eritrean man in London

“My relatives sold everything they had to free me. Now they have nothing. I feel terrible for them and ashamed”.

Eritrean victim of torture in Cairo

“Eritreans without family abroad, they disappear in the Sinai as if they have never existed. It is terrible”.

Eritrean man in the Netherlands

281 van Reisen, Estefanos and Rijken, 2012, p. 4.

282 RMMS, 2013d, p. 39.

283 van Reisen, Estefanos and Rijken, 2012, p. 3.

284 Ibid, p. 19.

285 RMMS Monthly Summary June 2013

286 van Reisen, Estefanos and Rijken, 2012, p. 3.

287 Jacobsen, Robinson and Lijnders, 2013, p. 7.

288 Ibid, p. 8.

289 Van Reisen, Estefanos and Rijken, 2013, p. 65.

as a whole community, stop paying, people will continue to collect money and pay the ransom when it concerns their own relatives and will do everything to get them released.

BOX 15 Payment of smuggling and ransom fees through a combination of the hawala system, legitimate money transfer services and cash handlers in Europe

Throughout this report, reference is made to the amounts that are requested for smuggling and/or ransom. Often, the payments are made by relatives and friends abroad using the hawala system. The hawala money system refers broadly to money transfers which occur in the absence of, or parallel to, formal banking sector channels. It is a trust system in which, for example, someone in country A makes a payment in a certain convertible currency through a hawala intermediary. This intermediary contacts the hawala counterpart in country B who arranges the payment in local currency to the recipient of the money. The informal hawala system possesses several characteristics that account for its widespread use, including speed, convenience, versatility, and potential for anonymity, which makes it useful for illegitimate purposes, although it also used for legitimate purposes.²⁹⁰

However, in relation to kidnapping and ransom demands from Sinai, Europol revealed that in Europe, agents of legitimate money transfer services have been approached by middle men from Gaza, Israel, Jordan and Lebanon in order to facilitate the transfer of ransom payment. Europol therefore calls for public private partnerships with financial service providers that facilitate transfers to Africa and the Middle East in order to acquire additional data that identify unreported extortion cases. Europol also revealed that sponsors²⁹¹ for hostages in Sinai have been extorted by cash handlers based in Europe who work for Bedouin Organized Crime Groups. In the cases that have been made known to law enforcement, ransoms extorted from European sponsors ranged from USD 6,100 to USD 35,620. In most cases the extortion process involved multiple negotiation steps, sequential increases of the ransom demand, and several payments to different cash handlers at locations inside and out of Europe. A sponsor in Sweden for example was contacted by two Swedish-speaking suspects on local mobile phone numbers, demanding USD 33,246 for a victim being held in Sinai.

Despite several attempts to set up a face-to-face meeting and requests for a proof-of-life, the victim was eventually killed. Europol reports other cases as well in which ransoms have been paid for victims who were subsequently killed or are currently reported missing and feared dead.²⁹²

290 El Qorchi, Maimbo and Wilson, 2003.

291 Europol refers to sponsors as individuals living in Europe who have been subjected to ransom demands for kidnapping victims held in the Sinai, including both relatives and non-relatives of the victims.

292 Europol, 2014.

Continuing trafficking and hostage taking of Eritreans

While Israel had been a major country of destination for migrants from the Horn of Africa, in particular Eritreans, new immigration measures in Israel put a hold on these flows. As mentioned, most migrants from Eritrea currently do not have any intention of going to Israel as they are aware of the dangers that await them and the improbability of crossing the border to Israel due to the new Israeli policies.

Yet it seems that kidnappings and hostage-taking in the Sinai are continuing. In June 2013, RMMS reported that 100 per cent of the victims reaching Cairo were kidnapped from inside Eritrea and never had the intention to migrate. The same trend was noted in Israel from groups working with released kidnappees.²⁹³ Many had no intention to travel to Israel, but were kidnapped in East Sudan in order to be sold to Sinai traffickers.²⁹⁴ Kidnappings were increasingly occurring in Eastern Sudan, where Eritreans are abducted from UNHCR's Shagarab refugee camp and transported to the Sinai.²⁹⁵ Asylum seekers are intercepted and taken before they arrive and Eritreans working as farmers in the local communities in Eastern Sudan have also been taken. UNHCR officials knew of at least 20 Eritreans that were kidnapped from the camps in January 2012 alone.²⁹⁶ There are also reports on Eritreans being abducted from inside the Mai Aini refugee camp in Ethiopia²⁹⁷, or on their way to Khartoum, from within Khartoum or from Cairo.²⁹⁸

"Even Eritrean farmers working along the border with Sudan have been kidnapped. They never had the intention of leaving Eritrea, but ended up in the Sinai, in torture camps".

Eritrean man in the Netherlands

A temporary pause in trafficking and kidnappings

For some time during 2013, particularly since March 2013, it appeared that kidnappings from Shagarab had stopped. Some sources attribute this to a conflict between refugees and the Rashaida in the Shagarab camps, increased vigilance by Sudanese police (supported by UNHCR, which donated vehicles to the police to patrol the area) and increased military presence in the Sinai, in response to terrorist attacks and political unrest in Egypt. Moreover, the National Intelligence and Security Services (NISS) held discussions with Rashaida leaders in 2012 during which it encouraged the tribe to cease its involvement in human trafficking and other crime.²⁹⁹ The military action in the Sinai might have particularly disrupted the trafficking business, leading some respondents to suggest that the trafficking and kidnapping business may shift to Libya.

New kidnappings and new developments from late 2013

However, according to a new report released in December 2013 (*The Human Trafficking Cycle: Sinai and Beyond*, by the same authors as the Tilburg University study referred to above) the kidnappings started again in November 2013, when new abductions were reported from within the Shagarab camp of two Eritrean refugees and in a separate incident the abduction of two Eritrean women and an Ethiopian man.³⁰⁰ Moreover,

293 RMMS Monthly Summary June 2013

294 Jacobsen, Robinson and Lijnders, 2013, p. 3.

295 Christian Solidarity Worldwide USA, 2012.

296 RMMS, 2013b.

297 van Reisen, Estefanos and Rijken, 2012, p. 3.

298 Van Reisen, Estefanos and Rijken, 2013, p. 25.

299 US Department of State, 2013, p. 345.

300 Van Reisen, Estefanos and Rijken, 2013, p. 41.

one of the authors of the report confirmed to RMMS there are now also kidnappings from other camps (Fetaw Eshrin, Umgurgur) in Sudan and even from within Eritrea. While the latter had been happening before mainly from the border areas close to Sudan, there is now even an increasing trend of kidnappings from within the Eritrean capital Asmara. These abductions appear to have started around 2010 and increased dramatically in 2013 and seem to involve hundreds of victims, among them are farm workers, women and groups of under-aged children.³⁰¹

Several members of the Eritrean diaspora in Europe interviewed in the context of this study feel that if UNHCR cannot secure the camps, the camps should be closed or moved to other places further into Sudan.

The new study on human trafficking in Sinai reports that since the first study in 2012, a new practice has arisen in the trafficking value chain in relation to hostages who are incapable of collecting the ransom: traffickers presenting themselves as having a 'humanitarian' purpose buy up 'loss-making' hostages and sell them at much reduced prices. Believing that these traffickers are good Samaritans who have saved their relatives, families are often more willing to pay the amounts requested.³⁰²

Another new development reported in the second study, is that there appears to be more hostages originally from Ethiopia than in the first study. These Ethiopians migrated for work to east Sudan and are then abducted from the fields where they work.³⁰³

Number of trafficking victims

The most recent study on Sinai trafficking conservatively estimates that between 25,000 and 30,000 people were victims of Sinai trafficking between 2009–2013 and estimates that between 5,000 and 10,000 people have died in the context of the Sinai trafficking. Approximately 25% of Sinai hostages are killed or die; in some groups the figure is closer to 50%. One of the traffickers admitted to the researchers to having killed 1,000 hostages.³⁰⁴ Reportedly, it is common knowledge who the traffickers are in Sinai and torture locations are well known.³⁰⁵

Trapped and betrayed

It thus seems that the brutal hostage-taking of Eritrean 'migrants' continues, irrespective of Israel's border changes.³⁰⁶ Israel policy changes have led to a significant decrease in the number of individuals intending to travel to Israel. However, as a new report published in August 2013 concluded, as the Eritrean migrant supply dries up, traffickers resort to kidnapping to keep the income stream going. As such the number of kidnappings has increased over time.³⁰⁷ Eritrean migrants who are released also face a dilemma since they cannot go to either Egypt or Israel for fear of being deported back to Eritrea where they would be detained and imprisoned for leaving the

301 Van Reisen, Estefanos and Rijken, 2013, p. 43.

302 Ibid, p. 24.

303 Ibid, p. 43.

304 Ibid, p. 62-63.

305 Human Rights Watch, 2014b, p. 35.

306 RMMS, 2013a.

307 Jacobsen, Robinson and Lijnders, 2013, p. 3.

country illegally.³⁰⁸ It seems Eritreans are trapped and have nowhere safe to go. Even in Cairo, many Eritrean refugee clients fear kidnappers, and many try to stay indoors at all times. One Cairo-based refugee organization told Human Rights Watch they knew of two cases in which criminals had kidnapped Eritreans in Cairo.³⁰⁹ Moreover, as described, the Israeli Government constructed a fence on its southern border, which has had a dramatic impact on the security of the Sinai hostages, as it has robbed them of their one chance to reach a safe place in the vicinity of the torture houses.³¹⁰

Most Eritrean victims of trafficking in Egypt are reportedly deported to refugee camps in Ethiopia. There they are confined once again to the same closed refugee camps near Eritrea from which they make their way to Sudan and onwards to Sinai.³¹¹

Overall, it seems that Eritreans suffer the most brutal abuse and are mostly targeted by kidnappers. According to respondents there are several explanations. First of all, Eritreans have no possibility of returning to their homeland, which makes them more vulnerable. Second, it has to do with the location where Eritreans cross the border into Sudan, which is different than where most Ethiopians and Somalis cross the border (Metema, on the Ethiopian-Sudanese border). Third, some respondents attribute it to religious reasons, as the Eritreans are mostly Christians while the perpetrators are Muslim. Fourth, the large and well-established Eritrean diaspora (with finances at their disposal) and their tightly-knit family and community structure plays a role as it makes ransoms easy to collect.³¹²

Collusion between traffickers and Egyptian authorities

According to Human Rights Watch, these crimes against Eritrean victims are facilitated by collusion between traffickers and Egyptian police and the military (as is the case in Sudan, see section 3.3). Eritreans told Human Rights Watch that in Egypt, soldiers and police colluded with traffickers every step of the way: at checkpoints between the Sudanese border and the Suez Canal, at the heavily-policed canal, or at checkpoints manning the only vehicle bridge crossing the canal, in traffickers' houses, at checkpoints in Sinai's towns and close to the border with Israel. Although authorities have an obligation to investigate any officials suspected of colluding with traffickers, Egypt has not prosecuted a single official for such collusion.³¹³

Egyptian authorities are further criticized by Human Rights Watch for denying trafficking victims their rights to assistance, protection and immunity from prosecution under Egypt's *Law on Combatting Human Trafficking*. Instead, trafficking victims are charged with immigration offences, denied access to medical care (which means some torture victims die) and are detained for months in inhumane and degrading conditions in Sinai's police stations. Authorities only release detainees after they purchase an air ticket to Ethiopia, under an agreement between Egypt and Ethiopia, which allows

"These refugees have been betrayed by the Eritrean government initially. At the border, they get victimized by the Sudanese police and security, by the Rashaida. In the camps by UNHCR and the security people inside the camps, by the government of Sudan. They don't care about all these issues. They feel as if no cares about them. The world knows, but they don't take any measures. The Eritrean refugees feel betrayed by everybody".

Eritrean man in London

308 RMMS Monthly Summary October

309 Human Rights Watch, 2014b, p.9.

310 Van Reisen, Estefanos and Rijken, 2013, p. 85.

311 Human Rights Watch, 2014b, p. 9.

312 Van Reisen, Estefanos and Rijken, 2012, p. 4.

313 Human Rights Watch, 2014b, p. 4-5.

Eritreans to fly from Cairo to Addis Ababa. Eritreans are subjected to indefinite and arbitrary detention in Egypt, until relatives or others such as churches, well-wishers or NGOs, can produce the money for the air ticket (around USD 400). Finally, it is reported that Egyptian border police killed at least 85 sub-Saharan nationals near the fence with Israel between July 2007 and September 2010.³¹⁴

Egyptian authorities have responded to Human Rights Watch's presentation of these facts by either denying that collusion and abuses take place in Sinai or by saying that they do not have enough information to initiate investigations.³¹⁵ A community source also told Human Rights Watch that he told a police officer in Sinai where he suspected human traffickers were holding a group of migrants. The police officer responded there was no way they could do anything about it, as the area is known for being under the control of well-armed groups and the police cannot enter.³¹⁶ This points to the security vacuum in Sinai that facilitates the criminality. Additionally, the *1978 Camp David Accords* which set limits on police and military presence and the type of weapons Egypt is permitted to deploy in Sinai (and creates a demilitarized security buffer zone for Israel) has contributed to a security vacuum in Sinai.³¹⁷ As mentioned above, the kidnappings from East Sudan stopped for some period during 2013. This coincided with a new offensive against Islamist militants in northern Sinai, launched by the Egyptian military in July 2013. Reportedly, the military may have destroyed the properties human traffickers use to hold their victims. According to Human Rights Watch, a number of houses belonging to traffickers holding Eritreans were raided and authorities had taken 140 Eritreans to prison.³¹⁸

314 Human Rights Watch, 2014b, p. 7-9.

315 Ibid, p. 43.

316 Ibid, p. 58.

317 Ibid, p. 64.

318 Ibid, p. 63-64.

6 Reaching Europe

6.1 The journey across the Mediterranean

Departure points in Libya

The next leg of the journey – for those who do not intend to stay in Libya or who find the conditions in the country force them to move on – consists of crossing the Mediterranean in order to reach either Malta or one of the Italian islands. The Libyan coastline runs for over 1,700km and much of it is used as points of departure for boats heading to Italy. Libya's main cities (including Tripoli and Benghazi) are situated along the coast, which provides a stretch of cultivable land, housing and numerous farms which are used to accommodate those waiting to depart for Italy. In 2006, Hamood reported that the largest concentration of those seeking to travel by boat depart from Zuwarah, some 100km west of the capital Tripoli, close to the Tunisian border, with Zlitan, some 100km east of Tripoli, also regularly mentioned by respondents. Other departure points reported in 2006 were points on the coast near or in Tripoli itself, such as Janzur, Sabratah, located between Tripoli and Zuwarah; and Benghazi, in the north-east. Western coastal areas, such as Zuwarah offer a more direct and shorter route and were therefore more popular.³¹⁹ Since the Revolution security conditions in Benghazi have worsened considerably, with one interviewee describing Tripoli as much better. It is possible that this is affecting the rate of boat departures from Benghazi. Currently most people are leaving from Garabouli and Zuwarah (west of Tripoli). Sources in Libya told RMMS that in Zuwarah, children are making money by teaching migrants to swim while they wait for the right time to depart, a striking example of how all sections and ages of the Libyan community are profiting from the migrants smuggling trade.

BOX 16 Changing routes and departure points

Current routes from the Horn of Africa to Libya and Europe are highly changeable and transform quickly depending on a number of factors including the local security situation. For example, in early 2014 fighting broke out in Sabha, southern Libya, which is a major transit point for migrant smuggling. There were reports of several hundreds of migrants stranded in the town as fighting continued for several weeks affecting road routes in/out of Sabha and closing the airport.

Similarly the presence of checkpoints along coastal roads in Libya and in certain neighbourhoods in Tripoli has altered routes into Libya and constrained movement around the capital respectively. Finally, as security continues to deteriorate in areas such as Benghazi, the locations of Garabouli and Zawiyah appear to have increased in importance as departure points for boats.

³¹⁹ Hamood, 2006, p. 49.

“There are a lot of smugglers in Libya. They say that if you pay them more, they put you on a bigger, safer boat. Then they take your money and still put you on a small boat”.

Eritrean unaccompanied minor in London

“We left Libya by boat on 27 October 2013. The sea was very dangerous, we had big troubles and so we cross at night, about 12am we started. We were in a small boat, we are 100 people and the captain was Somali and he spoke English but no other language. So I assisted him to read the GPS and translate to the other people. We got into the middle of the sea and when we arrived in international waters we had a satellite phone and we called the Italian navy. They didn’t see us but I remember the location. Then an Italian petroleum ship came to help us to arrive in Sicily. The cost by sea on the small boat was 700 USD”.

Eritrean man in Italy

According to FRONTEX, most sub-Saharanans detected in the Central Mediterranean area are from Eritrea and Somalia and have departed from Libya, in particular from the coastal areas near Tripoli, Zawiyah and Benghazi.³²⁰

Boats that depart from the Libyan coast carrying illegal migrants normally skirt the territorial waters of eastern Tunisia in order to reach the Italian islands of Lampedusa, Linosa or Sicily, rather than sailing straight from south to north.³²¹

The role of smugglers in the sea crossings

Migrants intending to reach Europe from Libya fully depend on smugglers to facilitate their journey. Once having arrived at Libya’s coast after the long desert journey, migrants establish contact with a *wasit* or “facilitator” from the migrant’s own national community. Usually this is someone who has been residing in Libya for a number of years. This facilitator links the migrant with the Libyan smuggler. Next, the migrant moves to the place of departure, where they agree on a price. Often the full amount is paid to the smuggler in advance.³²² After exchanging the money, the migrant, together with other passengers is transported to a *hawsh* (basic lodging often on a farm near the departure point) where they wait for preparations to be completed and are not allowed to leave. The waiting period can vary between one day and several months.³²³

Type of boats and conditions during the crossing

The smugglers use a wide variety of boats, ranging from small rubber dinghies, to medium size wooden fishing boats, to fibreglass boats of 5-6 metres in length or old fishing boats of around 15 metres, holding more than 200 persons.³²⁴ According to Maltese authorities, smugglers previously (before the Libyan Revolution) used fibre cast boats (15-20 pax), then shifted to fishing boats (150-300 pax) and then custom-made rubber dinghies (80-100 pax). Even the out board motors were reported to be of the same quality with consecutive serial numbers, which showed a level of organisation and planning. The Maltese police explained that prior to Libyan Revolution there was a whole structure, in which fibreglass boats were built for the purpose of smuggling people. Similar to the period during the war (when many factories were destroyed) smugglers have now moved back to non-purpose built rubber dinghies and large fishing boats.

Often the boats are overcrowded, in poor condition and lack a ‘professional driver’. Drivers often lose their direction and are neither a smuggler nor a professional, but rather one of the passengers who assumes responsibility of steering the boat. Reportedly the driver does not pay for the trip, which makes many migrants volunteer for the job to avoid the substantial costs for a place on the boat. Many of the boats do not get very far - either drifting in the sea after technical failure or because the driver gets lost – ending up on the Tunisian coast or drifting in the sea until they are intercepted by Italian, Tunisian or Libyan authorities. A direct journey can take 27 hours, but for many the journey lasts for days; journeys of even 17 or 23 days were

320 FRONTEX, 2013a, p. 29.

321 Boubabri, 2004, p. 16.

322 Hamood, 2006, p. 50.

323 Ibid.

324 FRONTEX, 2013a, p. 28; UNODC, 2010, p. 11.

reported in Hamood's 2006 study.³²⁵

Many people are being caught as they embark on boats along the Libyan coast. Many migrants interviewed in Libya and Tunisia reported they got on a boat from Libya once or several times, but the boat broke down or they were picked up by the Tunisian or Libyan coastguard. Often they spend several days at sea. Three Somali women in Libya between them tried 9 times to take the boat. Each time they paid USD 1,000 and have failed in their attempts. A number of migrants ended up in Tunisia in this way.

On these smuggling routes across the Mediterranean, unlike on some other migrant smuggling routes in the world such as the Gulf of Aden crossing to Yemen, the boats are usually not returned to the smuggler, but used one-time only. This, coupled with a driver who is just another passenger, the poor condition of the boats, smugglers who try to squeeze in as many passengers as possible and migrants who pay for the whole trip in advance, increases the risks of the boat trip between Libya and Italy, as there is hardly an incentive for the smugglers in the passengers arriving alive.³²⁶

The dangers have also been heightened by the increasing securitisation of European's borders, in particular the 'externalisation' of EU border management (see chapter 6 on EU and Italian policy). Such measures frequently have the effect of redirecting migration to more circuitous and dangerous routes.³²⁷

Deaths at sea and major incidents

There are no official statistics on the number of migrants who have died or gone missing while crossing the sea in an attempt to reach Europe.³²⁸ As such the figures differ, depending on the source. According to a review conducted by Fortress Europe, at least 19,144 people have died since 1988 along European borders, of which the majority (14,309) were trying to cross the Mediterranean and the Atlantic Ocean towards Europe. In the Strait of Sicily 6,837 people died since 1988 along the routes from Libya, Egypt and Tunisia to Malta and Italy, including 5,086 who were reported to be missing.³²⁹

According to UNHCR, in 2011 alone at least 1,500 people are known to have lost their lives attempting to cross the Mediterranean Sea.³³⁰ According to IOM, around 700 migrants died on the Mediterranean in 2013.³³¹

There have been several large incidents in recent years:

- On 26 March 2011, a boat with 72 people on board left Libya; two weeks later following a failure to provide assistance, it drifted back to Libya with only nine survivors.
- On 6 April 2011, more than 220 Somali, Eritrean and Ivorian migrants drowned when their boat capsized 39 miles south of Lampedusa
- On 31 July 2011, 25 migrants suffocated inside a boat, and were

325 Hamood, 2006, p. 53.

326 Ibid, p. 51-53.

327 Humphris, 2013.

328 FRA, 2013, p. 30.

329 Fortress Europe.

330 Amnesty International, 2012b, p. 12.

331 IOM, 2014a.

the journey across the Mediterranean

"From the money they earn, they can easily provide lifejackets. It points to the carelessness of these smugglers".

Eritrean man in London

"When they put their leg on the boat, they are caught, then pay again for another chance. Some people are paying 3-4 times for the same journey".

Senior Somali community leader in Tripoli, Libya

"The conditions in the boat were very difficult. We could see people die, we saw dead bodies. There could have been more than 50 people on board".

Sudanese man in London

found dead after it had docked at the Lampedusa port.

- In June 2012, a boat with 55 migrants left Libya, drifted in the Mediterranean for 15 days; the only survivor was an Eritrean found floating on the remains of the boat who reported that all the others had died from dehydration.
- On 7 September 2012, a boat with 130 people on board coming from Tunisia, sank about 12 nautical miles away from Lampedusa. Italian authorities rescued 56 migrants, at least one died and the others remain missing.³³²
- On 3 October 2013, a boat sank off the coast of Lampedusa; 366 people, mostly from Eritrea, died (see the text box below).

BOX 17 The Lampedusa boat disaster of 3 October 2013

Lampedusa constitutes Italy's farthest southern border. It is 205 km from Sicily (Porto Empedocle), yet only 167 km from Tunisia (Ras Kaboudia). Its geographic location makes it the first port of entry for migration flows to Italy from North Africa.³³³ In the ten-year period between 2001 and 2011, 190,425 migrants have arrived by boat in Lampedusa. As explained above, it is estimated that roughly 60% of these boats came from Libya.³³⁴ In the early morning of 3 October 2013, a boat approached the island of Lampedusa. The captain stopped the motor to wait till the morning to offload the passengers. When the boat drifted away, he tried to restart the motor, which did not work. To attract attention, he started a fire in a basket. This went wrong and the boat caught fire. In panic, passengers moved to one side and the boat capsized.³³⁵ A total of 366 people - mostly from Eritrea - died when the boat sank off the shores of Lampedusa. The disaster prompted an unprecedented call for action by EU leaders and citizens. In December 2013, the European Commission launched a press release, proposing concrete action in five areas:³³⁶

1. Border surveillance to help saving lives. According to FRONTEX estimations, the deployment of additional assets would amount to some USD 19.4 million in 2014. The newly operational European Border Surveillance System (EUROSUR; also see the section on European policy) is part of these efforts. Moreover, shipmasters and merchant vessels should be reassured once and for all that helping migrants in distress will not lead to sanctions.
2. Assistance and solidarity. Countries dealing with high migratory pressure need particular support. The Commission announced setting aside funding (including emergency funding) of up to USD 69.3 million. In support of Italy USD 41.6 million has been

332 FRA, 2013, p. 31.

333 Altai Consulting, 2013, p. 130.

334 Ibid, p. 131.

335 Van Reisen, Estefanos and Rijken, 2013, p. 121.

336 European Commission, 2013.

set aside, including for border surveillance operations under the FRONTEX mandate. For other Member States USD 27.7 million has been allocated in order to improve reception capacity, processing capacity, screening and registration capacity. Member State officials will be deployed to frontline countries in order to help processing asylum applications in an efficient and effective manner.

3. Fight against trafficking, smuggling and organised crime. Europol will be given a stronger role and resources to coordinate other EU agencies working in the field of smuggling of human beings and fight against organised crime. Existing EU law on human smuggling will be reviewed; capacity-building programmes to address smuggling and trafficking in human beings in North Africa, key countries of origin and countries of first asylum will be further supported.
4. Regional protection, resettlement and legal ways to access Europe. According to the EC, resettlement is an area where Member States could do more to ensure that those in need of protection arrive safely to the EU. In 2012, 4,930 persons were resettled in the Union by twelve Member States (Czech Republic, Denmark, Germany, Ireland, Spain, France, Lithuania, Netherlands, Portugal, Finland, Sweden and United Kingdom). The US in the same year resettled over 50,000 persons. The EC also announced it will explore possibilities for protected entries in the EU, which could allow non-EU nationals to access the asylum procedure from outside the EU, without embarking on difficult journeys to reach Europe. To enhance protection capacities in the regions from which many refugees originate, existing Regional Protection Programmes should be reinforced and expanded. Finally, the EC stated that the EU and Member States should seek to open new legal channels to access Europe.
5. Actions in cooperation with third countries. Finally, Mobility Partnerships (as are in place between the EU and a number of third countries) to identify more channels for regular migration and to help those countries developing their capacities to offer protection in the region and to respect human rights in their territory. Moreover, diplomatic action will be targeted at achieving further results in mobility dialogues with third countries.

Although the Lampedusa disaster prompted an international response, shortly before and after the Lampedusa disaster there were several other incidents as well. For example, only one week after the Lampedusa disaster, at least 27 people died when a boat carrying more than 200 migrants capsized in the Mediterranean. Italian and Maltese ships rescued 203 people.³³⁷ On 30 September, at least 13 people on a migrant boat arriving in eastern Sicily drowned. Most of migrants on board of this boat were Eritreans.³³⁸

337 BBC, 2013b.

338 Reuters, 2013.

Response in Ethiopian refugee camps

The disaster also prompted a response in the refugee camps in Northern Ethiopia. Sources confirm that many of the 'Lampedusa' victims, reportedly 80 out of 366, had lived in the camps. The Eritrean refugees in Ethiopia feel trapped in a cycle of despair. Out of the three so-called durable solutions by UNHCR³³⁹, return to Eritrea is not an option for Eritreans. There is also a lack of possibilities for local reintegration. That leaves resettlement as the only durable solution. However, as mentioned above the number of resettled refugees (especially to European countries) is very low. Some refugees have already been waiting for 16 or 17 years for their resettlement. As a consequence, they give up. Large numbers are leaving the camps in Northern Ethiopia on a daily basis, because they no longer believe they will ever get resettled. Additionally, many do not feel safe anymore because of the kidnappings in East Sudan. This leads to an increasing level of tension in those camps. In the aftermath of the tragedy in Lampedusa tensions led to riots in the camps in which three people were killed.³⁴⁰

Continuing sea crossings early 2014

Even in the early days of 2014, the sea crossings continued, which is unusual because the boat journeys from Africa to Italy usually fall off in the winter months, when the trip is far more dangerous. In the first 48 hours of 2014, Italian authorities rescued more than 1,000 migrants. On Thursday January 2nd 2014, they rescued 823 migrants on board four overcrowded boats. On the 1st of January, the Italian navy saved 233 migrants, mainly from Eritrea, Somalia and Nigeria, off a boat just south of Sicily.³⁴¹ Boats were also rescued by the Libyan coast guard in early 2014. Early April 2014, the Italian navy rescued 6,000 migrants in 4 days off the shores of Sicily and Calabria from more than 40 boats, including large numbers of women and children, among them newborns and unaccompanied children. Most of them came from Syria, Eritrea, Somalia, Nigeria, Gambia, Mali and Senegal. It is estimated that, as of 11 April 2014, 18,000 migrants had arrived in Italy by sea since the start of 2014.³⁴² The Italian Interior Minister was quoted in some media saying up to 600,000 migrants from Africa and the Middle East were ready to set off from Libyan shores.³⁴³

BOX 18 Use of social media in irregular migration trajectories

Many respondents, both migrants in transit and in the diaspora in Europe, point to the use of social media (such as Facebook, YouTube and online fora) to acquire the latest information on, for example, irregular migration routes and weather conditions.

339 Return to the country of origin, resettlement in a third country or local integration in the host country

340 Van Reisen, Estefanos and Rijken, 2013, p. 40.

341 The Wall Street Journal, 2013.

342 UNHCR, 2014d.

343 The Local, 2014.

Little research has been conducted on how, from the perspective of individuals in countries of origin, social media may factor in to the decision to migrate and the choice of location.³⁴⁴ Nevertheless, available research shows that social media can provide a means of communication with weak ties that are relevant when organising the process of migration and settlement. Moreover, social media is a rich source of unofficial insider knowledge on migration. It is therefore concluded that social media is transforming migration networks and thereby lowering the threshold for migration. Particularly in the case of irregular migrants, information on social media is immensely valuable because they cannot go to regular consultative structures for immigrants to request information or assistance. For them, social media forms an underground communication structure in the domain of illegality, where information can be shared.³⁴⁵

Awareness about the risks and life in Europe

The majority of refugees and migrants are well aware of the dangers of the journey. However, they see little alternative and are willing to risk everything for a chance that they reach Europe.³⁴⁶ All experts and migrants interviewed in the context of this study confirm that migrants are well aware of the dangers. They also think the risks will not apply to them or they do not trust official campaigns. This points to the importance of engaging trusted sources (the diaspora) in information / awareness raising campaigns.

They are, however, less aware of how difficult life in Europe can be, and often come with unrealistic expectations. This is partly caused by smugglers, who persuade people and paint an unrealistic picture of life in Europe, thereby creating false expectations. Although basic human rights are largely safeguarded in Europe, many migrants suffer from a lack of employment, proper housing and benefits. It often takes migrants some time to realize life in Europe is different from what they expected.

Additionally, migrants who succeeded in reaching Europe, might also paint a positive picture to others in their countries of origin. They try to show the best image and do not want to look back. "Facing forward makes them survive" as one representative from an NGO in Malta framed it.

Migrants interviewed for this research often had family members and friends in Europe who they sought to be reunited with. As this report shows, the diaspora communities play an active role supporting migrants en route by providing information, funding their journeys and making payments if they are extorted for funds. The supportive role that transnational communities and social networks play in assisting refugees to settle is well recognised.³⁴⁷ They are often the first people a migrant in transit calls to ask for assistance and are a vital source of information for analysts seeking to better understand

"I look on the internet for the weather to check [when to go]".

Somali migrant in Tripoli, Libya

"Smugglers are painting a kind of wrong picture about life in Europe. People are shocked; they just don't believe what you are saying when explaining about life in Europe. Their expectations are much higher than what is offered in Europe".

NGO in London

"We always heard about Libya that it is the gate to Europe. Our dreams will become true once our foot reach Italy".

Group of 5 Somali UAMs between 14-17 years old in Tripoli, Libya, 8 November 2013.

344 McGregor and Siegel, 2013, p. 17.

345 Dekker and Engbersen, 2012, p. 2; p. 12.

346 Hamood, 2006, p. 59.

347 Crisp, 1999; Ghai, 2004.

"My clothes were very dirty. People think you're crazy, they are scared. If they see me, they run. So I stayed in Victoria Station for two days. Then I found someone from Somalia".

Sudanese man in London, shortly after arrival in the United Kingdom

"Desperation is a big issue. Even though people are aware of these things; when your life is in danger you don't really think about the routes. Whether they are aware of the dangers or not, they want to get out".

NGO in London

"[The] Somali government is speaking about the risks of taking these journeys (just as European governments are) but youths are happy to hear something different, they are told [by the smugglers] it will only be 2 days to Libya and 18 hours by sea to Europe. Poor people listen to these people".

Senior Somali community leader in Tripoli

this phenomenon. However, their role in funding journeys means that they are also directly supporting the human smuggling trade. This study adds to a growing body of research highlighting the role that diasporas play in funding the movement of co-nationals including paying for smugglers and facilitating ransom payments. The diaspora are not just bystanders seeing their community members being smuggled, robbed and kidnapped. They are partly funding the journeys and are aware of the risks people take. They play an important role at all points of the journey, which warrants greater attention. Diaspora communities could be more actively engaged in information campaigns to raise awareness of the risks of routes.

6.2 Reaching Europe

Numbers of migrants reaching Europe

Exact numbers of those who reach Europe are unknown, because there are migrants who enter Europe irregularly, but are not intercepted and do not apply for asylum. In the words of officials in the Netherlands, "the dark number is unknown". UNODC reports that since 2000 the frequency and numbers of arrivals from North Africa have risen to unprecedented levels, with most of the crossings originating in Libya. UNODC reported a remarkable rise in the number of migrants coming to Sicily from sub-Saharan Africa since 2002, using Libya as a transit point. The growth in the importance of Libya as a country of transit was attributed to a decrease in the importance of routes originating in Albania, Tunisia and Turkey, and to the reduction of flows from Morocco to Spain.³⁴⁸

- In 2004, ICMPD estimated that 100,000 to 120,000 irregular migrants cross the Mediterranean Sea each year, of whom 35,000 come from the sub-Saharan region, 30,000 from other countries and 55,000 from countries bordering the Southern or Eastern Mediterranean.³⁴⁹
- In 2008 there were 54,000 recorded arrivals in Europe.³⁵⁰ According to the European Commission this was a sharp increase in the number of irregular migrants brought to Italy and Malta by smugglers, which corresponded to increased migratory pressure from irregular migration on Libya's southern borders.³⁵¹
- In 2009 and 2010 the numbers fell sharply, reportedly due to Italy's policy of intercepting and returning migrant boats to Libya (see chapter 6 on EU and Italian policy).
- In 2011 crossings surged again as a result of the chaos and conflict in North Africa.³⁵² In Italy alone there were 62,692 boat arrivals by third country migrants in 2011.³⁵³ By the end of 2011 the number of arrivals decreased again.

348 UNODC, 2010, p. 11.

349 Ibid, p. 6.

350 Human Rights Watch, 2012b, p. 2-3.

351 European Commission, 2010, p. 7.

352 Human Rights Watch, 2012b, p. 2-3.

353 FRA, 2013, p. 21.

- However, throughout 2012, detections steadily increased and by the end of 2012 they totalled more than 10,000 detections. Most migrants were from sub-Saharan countries (particularly Eritrea and Somalia) and had departed from Libya.³⁵⁴
- In the first six months of 2013, about 7,800 illegal migrants and asylum seekers landed on the coast of Italy, according to UNHCR.³⁵⁵
- In July 2013, UNHCR reported an increase in the number boats departing from Libya, with 21 boats with approximately 3,317 persons, including refugees from Syria, reaching Italian and Maltese shores.³⁵⁶
- After July 2013, the number of arrivals increased dramatically. In October 2013, UNHCR reported that 30,000 arrived in Italy in 2013, an increase of more than 22,000 in three months, more than 200 arrivals per day. In a typical pattern of mixed migration, it is currently reported that Syrian and Egyptian refugees are among sub-Saharan migrants who arrive illegally by boat in southern Italy.
- In 2013, in total an estimated 45,000 migrants made the crossing of the Mediterranean to land in Malta or Italy in 2013, including 9,800 from Eritrea and 3,200 from Somalia.³⁵⁷
- It is estimated that, as of early April 2014, 18,000 migrants had arrived in Italy by sea since the start of 2014. Since the Italian government set up the rescue operation Mare Nostrum on October 2013, following several boat accidents in which over 600 people died, more than 20,000 people have been rescued at sea.³⁵⁸

Since 2010 in particular, the number of detected illegal border crossing by Eritreans and Somalis on the so-called central Mediterranean increased. According to FRONTEX figures, the number of Eritreans detected increased from 55 (2010) to 641 (2011) to 1,889 (2012) and the number of detected Somalis increased from 82 (2010) to 1,400 (2011) to 3,394 (2012).³⁵⁹ Separate figures for the Central Mediterranean route for the whole of 2013 were not available at the time of writing. However, the number of detected Eritreans at the EU's sea borders in 2013 increased from 10 (Q1) to 1,891 (Q2) to 6,619 (Q3). The number of detected Somalis increased from 364 to 1,336 to 2,807.³⁶⁰ After only three quarters, the 2013 figures of detected Somalis and Eritreans thus already exceed the 2012 total figures.

6.3 Italy

The two primary countries of destination for irregular Horn of Africa migrants in southern Europe are Italy and Malta. According to the *Dublin II act*, agreed upon by EU interior ministers in 2003, refugees must apply for asylum in the country where they first entered the EU. That means they are not allowed to travel on to other EU countries to apply for asylum, but must do so in their first country of arrival. As a result, certain countries are affected more than others due to their geographic location. Greece and

"My sister said: I better die in my search for dignity and happiness, instead of staying here and die".

Somali woman in the Netherlands

"The dangers of migration are well known within the Eritrean community. But people say: what is the alternative?"

Eritrean man in the Netherlands

354 FRONTEX, 2013a, p. 28.

355 BBC, 2013a.

356 UNHCR, 2013d.

357 IOM, 2014a.

358 UNHCR, 2014d.

359 FRONTEX, 2013a.

360 FRONTEX, 2014.

Spain are examples³⁶¹, as are Italy (its southern islands) and Malta, which are both located in the proximity of the North African coast.³⁶²

Italian policy on irregular migration and cooperation with Libya

Over the years, Italy's policy on guarding its southern borders had a profound impact on migration flows from North Africa and in particular Libya. Italy concluded a number of agreements with the Libyan authorities under Gaddafi, which included direct references to migration control and provided financial and technical assistance for migration control activities. Italy also agreed that people attempting the sea crossing to Europe could be returned to Libya but, according to Amnesty International, no processes were established to prevent human rights abuses occurring in this context.³⁶³ Under these agreements, surveillance operations have been carried out in the Mediterranean Sea with the aim of intercepting boats attempting to reach Europe and pushing or diverting them back to Libya.³⁶⁴

In 2008, Italy and Libya signed the *Treaty on Friendship, Partnership and Cooperation*, after which Gaddafi began to curb the departure of migrants from Libya to Europe.³⁶⁵ Italy agreed to pay USD 6.9 billion in instalments of USD 347 million per year for 20 years to finance various programmes: the construction of a highway linking the Tunisian and Egyptian borders, the payment of pensions to Libyans who had served in the Italian army, scholarships for Libyan students, and the installation of a radar system to control Libya's southern borders.³⁶⁶ The work was to be carried out by Italian companies with funds managed directly from Italy and consequently no funds were to have been transferred to Libya.³⁶⁷

Impact of Italian policy and cooperation with Libya

As mentioned, the result of these agreements, combined with the Italian policy aimed at intercepting migrants at sea and systematically returning them to Libyan shores, was a significant reason for the decrease in the number of migrants arriving on Italy's shores from Libya.³⁶⁸ According to the International Federation for Human Rights, when Italy entered agreements with Libya, the government knew or ought to have known that irregular migrants, refugees and asylum-seekers were subjected to arbitrary and

361 Over 4,300 people, mostly migrants from West-Africa, entered the two Spanish enclaves in Morocco (Ceuta and Melilla) in 2013, compared to 2,804 in 2012 (Human Rights Watch, 2014c). During the first few months of 2014, there have been several incidents with migrants attempting to enter the enclaves. Early February 2014, 15 immigrants drowned when they tried to enter Ceuta during a mass attempt to reach the town along the coast. A few days later, Spain's Interior Minister – Jorde Fernandez Diaz admitted that police had fired rubber bullets to prevent them from swimming to shore. On March 18, around a thousand migrants made an attempt to scale the seven-metre high fence that separates Morocco from Melilla. This was one of the largest groups to have tried to do so in recent years. Several migrants were injured, others ended up in hospital after wounding themselves on barbed wire (France24, 2014).

362 Deutsche Welle, 2013.

363 Amnesty International, 2012b, p. 7.

364 Ibid, p. 10.

365 FIDH/Migreurop/JSFM, 2012, p. 13.

366 Ibid, p. 14.

367 Ronzitti, 2009.

368 FIDH/Migreurop/JSFM, 2012, p. 14.

prolonged detention, beatings and other human rights abuses in Libya and that Libya suspended the already limited operations of UNHCR.³⁶⁹

Italy-Libya cooperation after the fall of Gaddafi

During the Libyan conflict in 2011, the foreign population massively fled the country. More than 96 per cent fled to Egypt and Tunisia, with a very small proportion arriving on European shores. Yet, European states, fearing an invasion, put extraordinary maritime surveillance measures in place and the Italian foreign minister warned of the risk of a “Biblical exodus”.³⁷⁰ Gaddafi, particularly furious against its former ally Italy for joining the NATO coalition, forced migrants stranded in coastal ports onto boats to Europe, thereby further fuelling European and Italian fears of an African invasion.³⁷¹

After the fall of Gaddafi, Italy did not wait for the creation of an official government; in June 2011, Italy signed a *Cooperation Accord* with the then rebel National Transitional Council, agreeing to share information on illegal migration and cooperation on repatriating migrants. The rebels also agreed to honour the earlier agreements signed between Italy and Gaddafi, including the deportation of irregular immigrants without proper status. On 3 April 2012, Italy and Libya signed a Memorandum of Understanding (MoU) on security, to combat the unauthorized departures of migrants from Libya. It provided the Libyan police forces with training and technical tools for controlling the border; proposed mechanisms for information sharing on irregular migrants and illegal smuggling networks; and proposed construction of a detention centre in Kufra for irregular migrants.³⁷² It also requested the European Commission’s financial support to re-establish migrant reception centres in Libya.³⁷³

Italy’s policy criticized

Italy has been criticized for its policy. The unlawful expulsions to Libya and its denial of the right to seek asylum to some who arrived in Lampedusa were condemned by UNHCR, the European Parliament and the European Court of Human Rights (ECHR).³⁷⁴ Moreover, NGOs report that screening for trafficking was inadequate among the large number of refugees and migrants coming from Libya and Tunisia, making it possible that authorities missed opportunities to identify victims of trafficking among these groups.³⁷⁵ In May 2009, a complaint was filed with the ECHR on behalf of 24 Eritrean and Somali survivors who were part of a group of about 200 people who left Libya aboard three vessels. The vessels were intercepted off the island of Lampedusa by three Italian military ships and the Italian coast guard. The occupants were transferred onto Italian ships and returned to Tripoli where they were handed over to the Libyan authorities. In February 2012, the Grand Chamber of the ECHR (in the so-called *Hirsi case*³⁷⁶) condemned Italy, underlining that states which intercept individuals in international waters must respect international human rights law. Italy had breached *Article 3 of the European Convention on Human Rights* by exposing the

“The Italian coastguard, as well as the Maltese, do not always do what they’re supposed to: saving human lives. I think [they do this] on purpose, to discourage people to come, to prevent more immigrants from coming”.

Eritrean man in the Netherlands

369 Amnesty International, 2012b, p. 9.

370 FIDH/Migreurop/JSFM, 2012, p. 20.

371 Ibid.

372 Fargues and Fandrich, 2012, p. 6.

373 FIDH/Migreurop/JSFM, 2012, p. 36.

374 Human Rights Watch, 2006, p. 96.

375 US Department of State, 2013, p. 210.

376 *Hirsi Jamaa and Others v Italy* (Application No 27765/09), 23 February 2012.

migrants to the risk of inhuman or degrading treatment in Libya, and from there possible forced return to Eritrea and Somalia.³⁷⁷

Italy also has been criticised for the lack of assistance and integration possibilities it offers to asylum seekers and as a consequence the conditions in which many of them have to live. A 2011 study by the Swiss Refugee Council and Juss Buss (a student-run legal aid clinic at the Faculty of law, University of Oslo), for example, described how Italians are reluctant to let immigrants rent apartments. As a result, squatting in abandoned houses had become common in the larger Italian cities. Large buildings, such as abandoned school buildings, generally not suitable for habitation, are home to 300–400 and at times up to 700 people, mainly with a permit and no other accommodation offer. People sharing the same regional background usually live together; for example, Eritreans, Ethiopians, and people from Somalia and Sudan may share the same building. Conditions are inhuman; women and adolescents reported that they had been victims of sexual harassment, access to drinking water is limited, several hundred people share the same toilet, electricity may be cut off for months, even during wintertime.³⁷⁸

However, it is not only Italy to blame. As the authors conclude, this should be of great concern to all other European governments when they consider returning asylum seekers to Italy through the Dublin II Regulation, especially because Italy has already been overwhelmed by the large influx of refugees since 2011 and the large number of returned refugees in the context of the Dublin II Regulation.³⁷⁹

In December 2013, only two months after the Lampedusa disaster, Italy was embarrassed by images (secretly filmed on a mobile phone) broadcasted on state television showing how migrants at the reception centre on Lampedusa were being stripped naked in mixed company while a worker hosed them down. The images also showed migrants queuing up in a crowded, open-air courtyard in cold, winter conditions, where they had to strip completely naked. The mayor of Lampedusa, Giusi Nicolini, said the video made the centre look like a “concentration camp” and that Italy as a whole should be “ashamed”.³⁸⁰

6.4 Malta

Arrivals in Malta

Since 2002 Malta has also received many refugees and migrants who have set off from Libyan shores, probably heading for Italy but finding themselves on Maltese territory by accident.³⁸¹

377 FIDH/Migreurop/JSFM, 2012, p. 15.

378 Swiss Refugee Council / Juss Buss, p. 32-33.

379 Ibid, p.39.

380 BBC, 2013c.

381 Hamood, 2006, p. 49.

Statistics from the Office of the Refugee Commissioner indicate that:

- Between 2008 and 2013 over 92% of asylum applicants (10,372 applicants compared to 995 who had arrived via different channels) reached Malta by boat.³⁸²
- Between 2002 and 28th August 2013, a total of 18,317 migrants reached Malta by boat.
- The largest groups in terms of country of origin are Somalis (6,995) Eritreans (2,988), Egyptians (1,528), Nigerians (1,094), Sudanese (791), Ivorians (667) and Ethiopians (645).
- More recently, in 2012 and 2013 boat arrivals in Malta consisted almost exclusively of Eritreans and Somalis (together 89% in 2012 and 86% in 2013).³⁸³

According to Maltese authorities, close to 100% of the boats that arrive in Malta originate from Libya, with only a few boats departing from Egypt. Sources in Malta confirm that most migrants arriving in Malta never even heard about Malta before. Most migrants intend to leave Malta as soon as possible and move on the mainland Europe, where they have friends and relatives. Except for some Somalis who have connections with the growing Somali community on Malta, most migrants do not want to stay in Malta, because it is a small, highly educated labour market, not providing many possibilities for employment.

Although there is a relatively high number of women and unaccompanied minors among the migrant population arriving in Malta, the majority of arrivals are males. According to Maltese authorities, there is a least one pregnant woman on board of every boat that arrives. One interviewee in Libya confirmed that amongst some communities there is a perception that being pregnant will fast track a decision and that boats are more likely to be rescued if women are on board. If this is to be the case there could be an alarming increase in the number of women and children taking risky boat journeys.

Since July 2013, it seems the number of people on board a single boat have started to increase. On the 4th of July for example, a boat with 291 passengers arrived. According to Maltese authorities, such a large boat could never have left Libya without being detected. After that, many more large boats arrived, which shows a level of organization and potentially awareness or even involvement of Libyan authorities.

Onward movement from Malta

UNHCR estimates that 30% of the people who arrived are still in Malta. The others have been reintegrated, resettled (in the USA and some in Europe) or left for mainland Europe, many of them irregularly. One agency in Malta estimates the price for a boat trip to Italy to be about USD 1,100. Migrants also use someone else's passport or a fake passport to leave and post the passport back once they reached mainland Europe.

"They have the idea that if they are pregnant they will get better treatment" – claims will be processed quicker/sooner or will get legal status sooner".

Senior Somali community leader in Tripoli, Libya

382 Gauci and Mallia, 2013, p. 8.

383 Unpublished document provided to RMMS by the office of the Refugee Commissioner, Malta.

Malta's policy criticized

Malta has been criticized by the EU for its efforts to keep the refugees out. Although Malta has never been involved in push-back measures of the nature described in the *Hirsi v. Italy* case, there have been several cases of *refoulement* since 2002.

- In 2002 Malta deported some 230 individuals to Eritrea. International human rights organization collected stories from the deportees and found that many of them had been rounded up, imprisoned and tortured by Eritrean authorities upon their return.³⁸⁴
- In 2004, 6 members of a group of 24 who arrived in Malta after being intercepted by a Maltese patrol boat were returned after 20 days detention at the Police headquarters, during which they were not given the opportunity to apply for asylum or to speak to a representative of UNHCR. In Libya, they were subject to beatings and torture, being hit repeatedly and being electrocuted. They were imprisoned for one year in inhumane conditions and in 2005 they were driven out to the desert and left there.³⁸⁵
- In 2010, a group of 55 Somalis were rescued at sea from a vessel in distress by Maltese and Libyan authorities. 28 were taken to Malta, while the others were returned to Libya. The decision of who would be disembarked appears to have been ad hoc and arbitrary.³⁸⁶
- In July 2013, authorities in Malta were planning on sending a group of African refugees (part of group of 102 Somali migrants intercepted by the Armed Forces of Malta and brought to Malta) back to Libya, as soon as they arrived in Malta without checking for asylum claims. A last-minute decision from the ECHR prevented this. The ECHR warned the Maltese government that they were in violation of EU and international law if they denied refugees the possibility of an asylum application.³⁸⁷ According to the Jesuit Refugee Service Malta, this "would have been clearly illegal, a complete negation of the spirit and letter of Malta's international obligations. If returned to Libya, the Somalis would have faced a real risk of inhuman, cruel and degrading treatment and would have been unable to exercise their right to apply for asylum."³⁸⁸

Detention of migrants in Malta

Since 2005 detention is mandatory in Malta for all non-documented arrivals. Some groups are, however, eligible for early release such as unaccompanied minors, pregnant women and so-called vulnerable cases. Others move out of Open Centres where they do get government allowances to rent privately (particularly West Africans).

According to Human Rights Watch, Malta routinely detains an average of 1,500 people per year, including children, who arrive in the country by boat "irregularly." Boat migrants arriving in Malta are taken straight to detention if they lack an entry visa.³⁸⁹ Malta detains migrants for entering the country without "right of entry," and without the necessary documents. Essentially,

384 Gauci and Mallia, 2013, p. 25.

385 Ibid, p. 26.

386 Ibid, p. 27.

387 Deutsche Welle, 2013.

388 JRS, 2014, p. 2.

389 Human Rights Watch, 2012a, p. 1.

this means all boat migrants are detained, even though 93 percent apply for asylum.³⁹⁰ Asylum seekers who arrive by boat are detained for up to 12 months, and migrants who do not apply for asylum, or whose asylum claims are rejected, can be detained for up to 18 months.

In a 2012 report, Human Rights Watch concluded that the Maltese detention policy operates in an automated, indiscriminate, and blanket manner in violation of international law. Malta also routinely detains unaccompanied migrant children whose age is in question, as well as families with children, elderly people, and people with mental or physical disabilities, although most are released before the 12 or 18 month time limit. Human Rights Watch found that the prolonged detention takes a huge mental toll on migrants, and children may particularly experience declining mental health. Although Human Rights Watch acknowledges that Malta's burden is disproportionately large (in 2012 Malta had the highest number of asylum seekers relative to the national population of any country in the industrialized World; in the years 2007-2011 Malta, a country of only 400,000 people, received 20.1 asylum seekers per 1,000 inhabitants) detention is neither a legal nor a sound response to boat migration in the central Mediterranean.³⁹¹

Conditions in Malta and lack of integration opportunities

The conditions in which migrants have to live in Malta have also been criticized. A 2010 study concluded that the system in Malta did not provide the necessary social assistance or welfare benefits to beneficiaries of subsidiary protection, increasing migrants' vulnerability to destitution.³⁹² The study further concluded that poverty and destitution may lead to severe psychological problems, which could, coupled with the traumatic experiences many migrants go through while travelling through the Sahara desert and making the perilous crossing of the Mediterranean, lead to a prolonged feelings of hopelessness. These conditions make it hard to integrate and become self-sufficient.³⁹³ Human Rights Watch also concluded that, after release from detention, migrants can find it hard to integrate into Maltese society. They sometimes experience xenophobia and racism, have trouble finding work, and have uncertainty about their legal capacity to stay.³⁹⁴

6.5 Onward travel in Europe

Dublin II Regulation

According to European regulations fingerprints should be taken of all newly arrived refugees, unless they carry official identification, which is rarely the case. This way, it can be determined in which European country they first arrived, which is, according to the *Dublin II Regulation*, the country where refugees have to apply for asylum. As the database with Dublin claims does not include country of origin, but only the country where the asylum seekers first arrived (ie. country of re-lodging), the origins of people who are moving on in Europe and are then apprehended or make claims in other countries is not known.

"After I get my paper as God wills I don't want to stay in Italy... they don't fingerprint us in Italy, so about 10 people went to Germany, they tell us Germany is good".

Eritrean man in Italy

390 Human Rights Watch, 2012a, p. 29.

391 Ibid, p. 1-4.

392 JRS, 2010, p. 12.

393 Ibid, p. 13.

394 Human Rights Watch, 2012a, p. 21.

"In Italy, they are thrown in the gutters literally. There is no policy of helping refugees to build their lives. It is quite miserable in Italy".

Eritrean man in London

As many refugees do not want to apply for asylum in Italy, research participants confirm that it happens that they mutilate their fingertips, so that fingerprints cannot be taken. Moreover, several respondents, including authorities, confirm that Italy has been lax with taking the fingerprints of newly arrived migrants, which made it easier for migrants to travel onwards in Europe and apply for asylum in the preferred countries of destination, such as Germany, Norway, Sweden and the UK.

Most refugees do not want to stay in Italy. There is no systematic procedure at the national level to facilitate the integration of refugees in Italy. According to the Italian Council for Refugees, these people are often left in the street, particularly in big cities like Rome and experience difficulties in being self-reliant, even if granted the right to stay in the country.

Migrant smuggling in Europe

Although outside the scope of this study to discuss in detail, smuggling does not stop after arrival in Italy. Migrants are often taken to cities in Northern Italy, mainly Milan. In Milan, migrants have to find another smuggler who can arrange their travel to Northern Europe, for which trains and Eurolines buses are commonly used. One of the research participants provides the example of 220 people from Somalia, Eritrea and Syria who got stuck at the central rail station in Milan in October 2013, among them many females and babies. After 2 days they had been accommodated in shelters by the municipality of Milan, but 70 of them already travelled north.

To get to Sweden from Italy, migrants pay approximately USD 1,600 to smugglers. As elsewhere along the journey, Eritrean migrants mainly use Eritrean smugglers. One of the respondents reported how it happens that smugglers have under-aged Eritreans pay to be smuggled to Sweden and then drop them 20 kilometres outside of Milan, from where they have to find their own way back to Milan to look for more reliable smugglers. Most Eritreans who apply for asylum in the Netherlands tell authorities they came with smugglers, who arranged their travel in cars and trucks. According to Dutch authorities they paid approximately USD 11,000 for the whole journey to the Netherlands.

Final countries of destination

Within Europe, Scandinavian countries are the preferred destination for Eritrean and Somali migrants. It is important to acknowledge that these are countries with large Eritrean and Somali diasporas, and in the face of strict family reunion policies, many people use unauthorised means as a way to be reunited with family members. Dutch authorities, for example, report that currently a large number of Eritreans are detected in Germany, just across the border with the Netherlands, who say they are on their way to Sweden (although Eritreans are currently also in the top-3 in terms of asylum application in the Netherlands itself). On the other hand, while Scandinavian countries might be the preferred final destination countries, many irregular migrants decide to stay in Southern European countries (particularly Italy) for some time before moving on. As several respondents pointed out, Southern European countries tend to have a larger informal economy, providing more irregular employment opportunities for migrants than in North-Western European countries. However, the severe economic crisis in Italy made the country less attractive for economic migrants. In

2013, Eritreans were also increasingly detected hidden on vessels at the UK sea border.³⁹⁵

onward travel
in Europe

European policy

6.6 European policy

Externalization of border and immigration control

European countries have increasingly sought to prevent people from reaching Europe by boat from Africa. As such they have “externalized” their border and immigration control. Externalization refers to a range of border control measures including measures implemented outside of the territory of the state – either in the territory of another state or on the high seas. It also includes measures that shift responsibility for preventing irregular migration into Europe from European countries to countries of departure or transit.³⁹⁶ Via special agreements with states in North Africa, the EU militarized the European borders to deter migrants (and asylum seekers) from entering.³⁹⁷ According to Boubakri, Europe turned “into a “fortress” against migration, “defended” by a ring of so-called third countries whose job is to act as a buffer between Africa and Europe, by monitoring the exit points to Europe while at the same time policing the southern borders with Africa”.³⁹⁸

Libya is one of the partners in the E.U.’s externalization agenda. As will be described in the next section, Italy has even been running ahead of the EU in its bilateral cooperation with Libya, working to bolster Libya’s capabilities to intercept people who attempt to reach Italian shores.³⁹⁹

In its Libya 2011-2013 strategy paper – issued in 2010 when the Gaddafi regime was still in place – the EU states that the objective to more effectively address irregular migration in the Mediterranean region (which largely comes from Africa and transit through Libya) has been identified by the European Council of 19 June 2009 as a priority objective of the EU.⁴⁰⁰ Jointly addressing the challenge of managing migration is one of the three main priorities in EC-Libyan cooperation.⁴⁰¹

EUs Global Approach to Migration and Mobility

The Libya strategy is also underpinned by the EUs *Global Approach to Migration (GAM)*, which aims to address migration in a balanced manner, by taking into account all aspects of this phenomenon on the basis of dialogue and cooperation between all destination, origin and transit countries.⁴⁰² In 2011, the European Commission launched an updated version of the GAM and labelled it the *Global Approach to Migration and Mobility (GAMM)*, in which it expresses the objective to launch a dialogue on migration, mobility and security with Libya (as had been done with Morocco and Tunisia) as soon as the political situation permits.⁴⁰³ Furthermore, the GAMM

395 FRONTEX, 2014, p. 28.

396 Amnesty International, 2012b, p. 3.

397 Campbell, 2009, p. 2-3.

398 Boubakri, 2004, p. 5-6.

399 Human Rights Watch, 2006, p. 91.

400 European Commission, 2010, p. 5.

401 Ibid, p. 16.

402 Ibid, p. 15.

403 European Commission, 2011, p. 2.

highlights the extensive cooperation with non-EU countries (encompassing Egypt, Tunisia and Libya) under *Regional Protection Programmes* (RPPs) aiming to strengthen asylum policy frameworks and protection capacity in non-EU countries.⁴⁰⁴

“Coming to Europe to seek protection, to seek asylum, is much more difficult these days compared with 20 years ago. It is difficult because it is much more expensive but also much more dangerous. [This is] because of all the new policies [and] the new immigration legislation that has been created all over Europe”.

NGO in London

Europe’s policy criticized

The European policy of regulating migration pressure on its southern borders has elicited significant criticism over the years. Due to the massive border control operations, the EU forces people to find different routes through the services of smugglers and traffickers. It also places more responsibility on the countries at the EU’s external borders, which became countries of destination and have to deal with huge pressures.⁴⁰⁵ According to observers, a tension exists between the EU’s heightened focus on democracy promotion and the EU’s and EU Member States’ external aspects of migration policy.⁴⁰⁶

Several respondents therefore question this externalization policy. If Europe is increasingly pushing back migrants or supporting transit countries (such as Libya) to pull back migrants (leave aside the effect this may have on the treatment of migrants in these countries) there is a risk that transit countries will start pushing back migrants over their borders as well. Thereby, migrants are getting pushed further and further back to their countries of origin.

Europe’s policy in relation to the situation in Libya

While the measures taken by European countries has made access to Europe more and more difficult, Libya – as discussed in the previous sections – ceased to become a safe place for migrants with a rise in attacks and violence against sub-Saharan Africans after the fall of Gaddafi.⁴⁰⁷ The International Federation for Human Rights states that it is very worrying that: “although the European political establishment is well aware of the situation of insecurity faced by migrants and asylum seekers in Libya and the serious violations of their human rights, the objective of controlling migration continues to outweigh all other considerations”.⁴⁰⁸ No genuine European or international proposal exists to find sustainable solutions for refugees in Libya, especially those from countries in the Horn of Africa.⁴⁰⁹ In 2006, Human Rights Watch criticized the EU for not setting a number of conditions as a basis for its cooperation with Libya, namely that Libya accedes and implements the *Refugee Convention*, that it cooperates with UNHCR, and that it implements the *Migrant Workers Convention*.⁴¹⁰

In a more recently published report, the UN Special Rapporteur on the human rights of migrants criticized the EU for the externalization of border control by encouraging, financing and promoting detention of “irregular migrants” in non-EU border countries as a means of ensuring that irregular migrants in third countries are stopped prior to entering the

404 European Commission, 2011, p. 17.

405 Caritas Europe/MigraMed/Caritas Italiana, 2012.

406 Fargues and Fandrich, 2012, p. 13.

407 van Reisen, Estefanos and Rijken, 2012, p. 87.

408 FIDH/Migreurop/JSFM, 2012, p. 34.

409 Ibid, p. 38.

410 Human Rights Watch, 2006, p. 96.

European Union.⁴¹¹ According to Amnesty International, EU assistance to the Libyan authorities does not appear to be driven by principles enshrined in the *Return Directive*⁴¹² and calls included in the *European Parliament's resolution, but instead contributes to perpetuating human rights abuses*.⁴¹³ Despite the above criticism, the EU did express its concerns over the situation of migrants in Libya. In 2012, the European Parliament adopted a resolution on the situation of migrants in Libya in which it, among other things:

BOX 19 European resolution on the situation of migrants in Libya

Calls on Libya to adopt and enact legislation in line with its international obligations, in particular with regard to ensuring respect for universal human rights;

- Expresses its concern about the particularly vulnerable security and human rights situation of foreigners currently in Libya, especially those coming from sub-Saharan and Eastern Africa in search of work or political asylum and those still in prison
- Expresses deep concern about the extreme conditions of detention to which foreign persons, including women and children, are subjected – many of them victims of sexual and gender-based violence – and about their lack of recourse to an adequate legal framework and protection, causing indefinite detention and no possibility of appeal against deportation;
- Urges the Libyan authorities to protect all foreign nationals, regardless of their immigration status, from violence, exploitation, threats, intimidation and abuse;
- Expects the new Libyan authorities to ratify without delay the *1951 UN Convention relating to the Status of Refugees* and the *1967 Protocol* thereto, and adopt asylum legislation consistent with international law and standards;
- Calls on the new Libyan authorities immediately to grant legal status to the UNHCR and facilitate its work;
- Invites Libya to enact legislation in order to regulate the entry and stay of foreign nationals in the country, including a functioning asylum system; calls on the EU to provide Libya, its neighbour, with technical and political assistance in this task, including measures to improve the current detention facilities;

411 UN General Assembly, 2013.

412 The Common Standards on Return (or the so-called Return Directive) provides for clear, transparent and fair common rules for the return and removal, the use of coercive measures, detention and re-entry, while fully respecting the human rights and fundamental freedoms of the persons concerned. It promotes the principle of voluntary departure, provides a minimum set of basic rights pending removal, limits the use of coercive measures and detention. The budget of the European Return Fund over the period 2008-13 amounts to more than USD 832 million. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/return-readmission/index_en.html.

413 Amnesty International, 2013b, p. 7.

- Calls on the EU and its Members States to act considerably when negotiating future cooperation agreements and migration control agreements with the new Libyan authorities, ensuring that such agreements include effective monitoring mechanisms for the protection of the human rights of migrants, refugees and asylum seekers.⁴¹⁴

Since the fall of Gaddafi, contacts between the EU and Libya have been restored, especially on the issue of border controls. At the beginning of 2013, an EU panel of experts gathered information on the migration issue. Among other matters, funding for a three-year (2012–2014) migration-related cooperation plan was discussed, drawn up in the context of the “Euro-Med Migration III” project, and launched in Brussels on 30 May 2012. This project involves ten countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and the Occupied Palestinian Territory) and is elaborated in the framework of the *European Neighbourhood Policy* (ENP). It aims at “[...] strengthening cooperation in the management of migration so as to build up the Mediterranean Partners’ capacity to provide an effective, targeted and comprehensive solution to the various forms of migration. It will assist them in creating mechanisms to promote opportunities for legal migration, support for measures to promote the linkage between migration and development and the stepping-up of activities to stamp out people trafficking⁴¹⁵ and illegal immigration, and strengthen their border management capacities”.⁴¹⁶

Asylum applications in regions of origin and resettlement opportunities

Several respondents feel that asylum applications should be dealt with in the region already, so that people do not have to undertake such dangerous journeys. There should be more possibilities to apply for asylum with embassies in the region, to avoid instances where genuine asylum seekers such as Eritreans have to make dangerous journeys. In the Netherlands, for example, there has been an enormous increase in asylum applications from Eritreans, who are now amongst the top-3 in terms of asylum applications (together with Somalis and Syrians). Currently, in many European countries, as long as Eritreans are able to prove that they are Eritrean and left Eritrea irregularly, chances of getting granted asylum are very high. Yet they still have to undertake these dangerous journeys to get there. Similarly, many respondents feel that there should be more possibilities for resettlement. As mentioned in the textbox on the Lampedusa disaster, the European Commission aims to increase the number of resettled refugees and announced its decision to explore the possibilities of opening up more legal ways to enter Europe. It, however, remains to be seen to what extent these

414 European Parliament, 2012b; see <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-465> for the resolution’s full text.

415 Such as peer to peer session and training focused on the identification of and the assistance to victims of trafficking; <http://www.euromed-migration.eu/project-components/irregular-migration/>.

416 FIDH/Migreurop/JSFM, 2012, p. 37-38.

measures will prove feasible. Particularly because the labour markets are still recovering from the economic crisis, unemployment is relatively high in many European countries, and anti-immigrant sentiment seems to be on the rise.

New actions to prevent loss of life in the Mediterranean

As aforementioned, the European Commission announced concrete actions to prevent the loss of life in the Mediterranean and better address migratory and asylum flows in December 2013. One of the measures announced, is the creation of a *European Border Surveillance System* (Eurosur) to improve coordination among EU Member States. Eurosur will serve as a platform for EU Member States and Schengen-associated countries to exchange border management information among themselves and with FRONTEX. Eurosur is a toolkit for sharing operational and analytical information on the EU's external maritime and land borders and aims to enhance knowledge of smuggling patterns and enable a more targeted deployment of assets. According to the European Fundamental Rights Agency (FRA), Eurosur potentially raises two main fundamental rights concerns: that information on migrants shared with third countries might expose them to the risk of, for example, *refoulement* or inhuman treatment, and that personal data might be used inappropriately. According to the FRA it also remains to be seen whether the life-saving potential of the system will be fully utilised.⁴¹⁷

417 FRA, 2013, p. 60.

- AFP. (2014). 10 migrants die, hundreds rescued in Sudan-Libya desert. Available: <http://www.afp.com/en/node/2343038>. Accessed 30 April 2014.
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Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe is the fifth study of the RMMS mixed migration series explaining people on the move. It contributes to a growing body of evidence highlighting the importance of the westward route of mixed migration from the Horn of Africa to Libya and Europe. It also charts the dynamic and changing nature of smuggler/migrant routes being used in the Horn of Africa and Yemen region and leaving it with especial focus on Eritreans, Ethiopians and Somalis on the move. The southern route is still 'open' and much used by smuggler / migrants but information and research indicates that the new trend is 'Going West.'

What is presented in this report succeeds in adding strong and repeated qualitative information on the modalities of movement, the political economy of the smuggling / trafficking activities between the Horn of Africa and Europe and the severe human rights deficits facing those on the move. It is also successful in collating known academic, government level and research-based data while adding new information established in the course of this multi-country study – as such it is, as of June 2014, the most up-to-date collation of known information concerning mixed migration along these routes.



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