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A Roadmap for Advocacy, Policy Development, and Programming: Protection in Mixed Movements along the Central and Western Mediterranean Routes 2021

Synthesis

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Introduction

In February 2021, the Mixed Migration Centre (MMC) partnered with the United Nations High Commissioner for Refugees (UNHCR) to organise a virtual Policy Workshop on Protection Challenges on the Central and Western Mediterranean Migration Routes. The workshop brought together a diverse group of 41 participants, including researchers, humanitarian and development programming partners, policy actors and people with a displacement experience from North, West, East and the Horn of Africa as well as Europe and North America. Over the course of three days, participants actively engaged in identifying persistent challenges and gaps and sharing their experiences and lessons learned on how to enhance the protection of refugees and migrants in mixed movements (also referred to as "people on the move").

Discussions around humane asylum and migration policies affecting people on the move are as timely as ever. We still witness grave abuses along the various mixed movement routes towards the Mediterranean Coast. On a daily basis, people intercepted at sea are brought back to Libya, with many ending up in detention and in horrific conditions. In July 2020, UNHCR and MMC launched a joint report, offering compelling evidence on the scale of violations faced by refugees and migrants engaged in mixed movement, where these violations are happening and who the perpetrators are.[1] Such reliable data are needed as a first step towards effective action, and more humane and smarter approaches to strengthen protection in mixed movements.

This brief presents the key recommendations arising from 25 research papers and firsthand experiences aimed at informing policy, programming and advocacy, presented at the policy workshop and published in the extended volume resulting from the workshop: "A Roadmap for Advocacy, Policy Development and Programming: Protection in Mixed Movements along the Central and Western Mediterranean Routes 2021." The recommendations herein also stem from workshop discussions and debates and have been validated by all workshop participants.

This synthesis aims to be a **roadmap for strategic engagement** with different asylum and migration stakeholders at local, national and international levels. It offers concrete ways forward for a number of issue-areas key to the protection of people on the move: the important role of local authorities and community-based approaches to protection, the need for a stronger focus on children and youth on the move, and more sustainable approaches to combatting trafficking in persons, to name a few.

With the intention to be a more effective call to action, this roadmap includes observations and voices of people who have experienced some form of displacement along the Central and Western Mediterranean Routes. Refugees and persons of concern must stand at the front lines of research and ideas for change, as both subjects and investigators. Together with them and all participants of the workshop, we hope that this report will stimulate concrete action for improving protection for all people on the move.

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[1] UNHCR and MMC (2020). 'On this journey, no one cares if you live or die'. Abuse, protection and justice along routes between East and West Africa and Africa's Mediterranean Coast.

Photo credit: © MMC / Kawakb Almaloumat

A Roadmap for Advocacy, Policy Development and Programming on Protection in Mixed Movements

This synthesis is a roadmap for strategic engagement with different asylum and migration stakeholders at the local, national and international levels. It is a call to action which provides tailored recommendations to improve the protection of refugees and migrants in mixed movements along the Central and Western Mediterranean Routes (CMR and WMR).

1. Emphasising systemic factors

Pro-actively consider what macro-level factors impact protection challenges for people on the move along the CMR and WMR including, but not limited to, trafficking in persons, human smuggling and gaps in protection frameworks.

Photo credit: © UNHCR / John Wendle

Sudanese asylum-seeker Fatima* is living at UNHCR's humanitarian centre near Agadez, Niger. *Name changed for protection reasons.

Systemic or contextual factors are the broader geopolitical, economic, ideological and social forces – among others – that impact and determine the experiences and decision-making of people on the move, as well as the ability of protection actors to design and implement effective interventions. Without an understanding of what these forces are and how they impact persons of concern, policies and programming will fail to be sustainable and may result in unintended consequences for people on the move along the CMR and WMR.

- **Stakeholders working on counter-trafficking programme design** or with survivors of trafficking should work together with **researchers and academics** to identify structural factors that lead to trafficking in persons. Understanding from a holistic perspective how socio-cultural norms, gender norms, poverty and household livelihood strategies, on the one hand, and labour markets, rights regimes and limited legal pathways for movement, on the other, affect the cycle of trafficking is key for designing durable counter-trafficking interventions.

- **Policy makers** should ensure that "policy regions," such as those established by the Khartoum and Rabat Processes, capture and respond to actual movement patterns and dynamics, which often cross regions in non-linear ways. Within this sphere, these actors should be prompted to consider how particular labels have conditioned their understandings of and responses in these regions (e.g. focusing on "mixed movement" in the Horn of Africa and "labour migration" in the Arabian Gulf despite high degrees of interconnectedness). In other words, all intra- and inter-regional patterns of movement, even beyond the defined geographies of specific regions, should be considered in policy processes, to ensure that the drivers of movement are fully understood and reflected in informing policy decisions.

- Without increased legal pathways for regular and safe movements and the adoption or implementation of national protection frameworks in all countries on these routes, smuggling will inevitably continue to exist and flourish with impunity. **Policy actors** should consider multi-faceted approaches to disincentivise smuggling activities, which include working together with **researchers and academics** to understand how community and society-level factors impact human smuggling. In Agadez, Niger, programmes around demobilisation and amnesty have aimed at fostering opportunities in the formal economy and at disrupting smuggling and trafficking activities. So far, this has been met with mixed results, and such approaches should form an area of future research to better understand potential good practices.

2. Implementing flexible and adaptive protection programming

Implement protection programmes that are designed to respond to the changing needs and protection concerns of people on the move along the CMR and WMR.

أتمنا أن أعيش في أمان
#EndHumanTrafficking
UNHCR
The UN Refugee Agency

Photo credit: © UNHCR / Hassan Gamary
Nineteen-year-old Rumaysa from the host community holds up a sign saying "I want to live in safety" during the UNHCR campaign against human trafficking in east Sudan.

It is not always evident who the most vulnerable are among people on the move along the CMR and WMR. The vulnerability of persons of concern heightens the longer they spend in transit: they are exposed to different forms of extortion and abuse, severe resource constraints and physical and mental stress, to name just a few. In addition, shifts in irregular routes, fluctuating conflict dynamics, economic volatility and, not least, the continuing effects of the COVID-19 health crisis, can suddenly change the needs, decisions and locations of persons of concern.

- **Encourage donor agencies** to design calls for proposals and fund projects that provide for flexible programming and adaptations to emerging crisis contexts. In turn, it is key that donors and programming actors work with researchers in the field to understand shifts in context. Particularly a shift in terms of needs, intentions and aspirations spurred by the outbreak and continuing impact of COVID-19 is a key contextual change in all mixed movement contexts across the regions.

- Improve the capacities of **national and local authorities, including border guards**, to identify vulnerable people on the move at borders and other points of entry, and to provide documentation and registration facilities for vulnerable individuals unable to call on their country of nationality or habitual residence. Increase the presence and coordination of **protection personnel** in dangerous border areas, specifically on child protection and trafficking in persons.

- **Protection actors** should improve cross-sectoral coordination and information-sharing, specifically in key mixed movement hubs and gathering points, whilst always respecting the human rights of the data subject and the humanitarian principle of 'do no digital harm'. As part of these coordination efforts, **actors as well as beneficiaries** should have a clear understanding of who does what, how and where. Greater and more systematic usage of tools such as the "4Ws" and forums, including mixed migration working groups (MMWG) or migrant and refugee platforms (MRP), would assist in these efforts.

- Within the context of flexible and effective programming, **national authorities** should enable **programming actors** to directly fund, support, partner and coordinate with **local authorities and community-based organisations**.

- **Protection actors, policy makers as well as local authorities or community liaisons** should widen their scope, taking into consideration abuses and violations that occur along mixed movement routes and through people on the move's interactions with smugglers, particularly in key countries along mixed movement routes such as Libya, Niger and Sudan; and not solely focus on abuses in countries of origin. Protection is a continuous framework.

3. Mobilising local support for national and regional protection frameworks

Adopt community-based and "whole-of-society" approaches to support local civil society and their advocacy and solidarity efforts in calling for enhanced protection frameworks.

Photo credit: © Taha Loukil
The Medina, Tunisia, 2020.

Community-based approaches can serve as catalysts for national and regional legal developments, including asylum and migration legislation. While achieving broad policy change can take time, success often depends on the political will fostered by civil society. When inclusive practices are in place at the local level to enhance protection for people in mixed movements, bridging such legal gaps on a national level might become more tangible and politically acceptable.

- Inter- and intra-regional and university-to-university initiatives have sought to strengthen the dialogue on providing protection to people in mixed movements, often in the form of **alternative or complementary protection pathways**, including for higher education migration. Local authorities are key actors in this effort, brokering relationships with **higher education institutions** and showing how their communities can be enriched through such partnerships.

- International actors as well as national and local authorities should invest in the creation of **local public or semi-public agencies** that can function as one-stop shops, training staff in human rights principles. States should protect the right to asylum, and disseminate information on rights and access to services in languages spoken by people on the move.

- **National authorities** should involve their local counterparts and civil society initiatives in the planning and implementation of policies responding to mixed movements. **International organisations and UN agencies, including development actors through their engagement in local service planning**, should be further encouraged to engage with **local authorities** to advocate for their inclusion in the planning and implementation in these policy processes.

4. Collaborating with cities and municipalities on urban mixed movement initiatives

Increase local capacity-building and delegate more responsibilities and adequate resources to local governing bodies to improve the protection of persons of concern in communities.

Photo credit: © MMC / Clément Arbib
View of the Medina of Tunis, 2020.

In North Africa, where countries are places of origin, transit and destination, local authorities often do not have the legal authority to respond, regulate and manage the presence and stay of people on the move transiting or settling in their communities. Against this backdrop, a number of municipalities across the region, such as in Sfax in Tunisia and Oujda in Morocco, have taken a pro-active stance towards socio-economic inclusion, going beyond their legal responsibilities, recognising that policies which exclude provisions for refugees and migrants lead to segregation and impede durable solutions. Good practices exist of cities exchanging information and lessons-learned on socio-economic inclusion like the International Centre for Migration Policy Development (ICMPD)'s Mediterranean City-to-City Migration Project (MC2CM), the Mayors Migration Council and UNHCR's Cities Network.

- An extension of some actionable responsibilities from **national to local authorities, and better cooperation between the two**, could help overcome current asylum and migration governance stalemates, translating national policies into workable local outcomes.

- Foster a community-based approach aimed at building trust between persons of concern and their **local authorities** and **service providers**. This includes making information and asylum documentation available in languages other than Arabic, English and French, and offering interpretation services where needed.

- Develop **multi-level partnerships** that engage a range of stakeholders, from **local authorities to the private sector**, to increase the resilience and agility of communities to respond to crises. Partner with development actors who hold experience in operating and investing in local communities.

- **Active engagement among local authorities** to strengthen their information-sharing (**whilst upholding data protection principles**), especially on the adaptation of innovative approaches to hosting people on the move. Information-sharing could promote coordination around more equitable burden and responsibility-sharing.

- Foster solidarity between **host communities** and people on the move to promote social inclusion and combat discrimination and xenophobia, which appeared to experience a resurgence during the COVID-19 pandemic in some countries along the CMR and WMR.

- Increase opportunities on education and training for **local stakeholders** working on issues of sexual violence and discrimination, gender-based violence, trafficking, torture and forced labour, to name a few.

5. Creating more comprehensive approaches to combatting trafficking in persons

Work towards more comprehensive solutions to combat trafficking in persons, and implement long-term measures to protect victims and potential victims in their communities of origin, transit and destination or resettlement.

Photo credit: © MMC

Counter-trafficking programming often targets the prosecution of perpetrators and protection of victims through a retro-active approach, leaving aside more difficult-to-design, pro-active prevention and identification activities. When counter-trafficking interventions occur, they tend to be short-term, do not address the societal issues that contributed to the process of trafficking, and lack cross-country and cross-regional coordination mechanisms. As a result, victims remain vulnerable to re-trafficking, and exposure to new instances of trafficking and other protection violations continues.

- Bolster **support for programming** to identify victims and potential victims of trafficking, as well as their communities at risk, to better understand what factors at the individual and community levels make people vulnerable to being trafficked. As part of such efforts, design activities aimed at building trust between **local authorities** and victims and potential victims of trafficking.

- Enhance coordination among programmes and **programming stakeholders at local, national and intra-regional levels**, and in key cities along the CMR and WMR, in particular in the identification of victims and potential victims of trafficking.

- **Civil society, non-governmental organisations (NGOs) and local authorities** should coordinate on enacting long-term monitoring and follow-ups with survivors returning and reintegrating into home communities to assess the risk of re-trafficking, stigmatisation and alienation, and should ensure survivors' continued access to basic services.

- **UN agencies and governments** should support the resettlement of victims of trafficking when repatriation might not provide adequate protection, especially if trafficking is persistent within the community in question.

6. Unpacking the complex roles and dynamics within smuggling networks for more targeted policies

Develop a more nuanced policy approach on smuggling, taking into account smuggling dynamics and moving beyond the criminalisation of smugglers.

Photo credit: © UNHCR / Sylvain Cherkaoui
"We saw people fleeing and then watched the army retreat. We weren't going to sit and wait for the threat to arrive. I fled and left everything behind. We left our fathers, our brothers, our children ... Sometimes we hear news. The news we get is okay but there are no guarantees. As women, we couldn't sleep in Mangaize because of the insecurity there. Here we can all sleep at night."

National, regional and international policies and frameworks do little to distinguish between the varied roles of different actors within human smuggling networks and the implications for criminal law and prosecutions. Human smuggling is often subject to blanket criminalisation; and there is limited research on the diversity in profiles of smugglers, and the demographic, economic and social factors that lead to the formation of smuggling networks and on the individuals seeking out smugglers. Conceptual lines are blurred when smugglers share the same identities and experiences as those who are being smuggled, or when the wide range of activities that support the organised, irregular movement of people make it difficult to distinguish where smuggling activities start and where they end.

- **State authorities, international non-governmental organisations (INGOs) and UN agencies** should work together with researchers and academics to understand how "recruiting smugglers" target refugees and migrants, to inform people on the move on awareness-raising initiatives on smuggling, for instance in camps in Eastern Sudan and in contexts of urban displacement in countries of first asylum and migration where recruiters operate.

- **Authorities and local security forces** should prioritise finding alternatives to policies and practices focused on containment or extra-territorialisation, such as in the case of Libya through the detention and interception at sea of people on the move. These measures can unintentionally fuel the demand for smuggling or incentivise smugglers to use more precarious routes, increasing the exposure of people on the move to protection incidents.

7. Advancing child- and youth-centered mixed movement programming and policies

More research is needed on the experiences, aspirations, capabilities as well as vulnerabilities of children and youth on the move, to make screening and service provision more appropriate to their needs. At the same time, age categories should not limit service provision for children and youth.

Photo credit: © MMC / Kawakb Almaloumat

Forced displacement and mobility may be due to protection risks in the country of origin or asylum, or be a part of the coping strategies of children and youth, and their attempts to seek out educational and other opportunities not available in their home countries affected by conflict and crisis. At the same time, children and youth may experience protection violations while travelling along precarious, irregular routes and age categories used by protection actors may be misaligned with their needs. In extreme cases, as exemplified in the detention of children and youth on the move in Libya, children may transition to the age of adulthood while experiencing grave protection violations, and because of a lack of services for young people, may lose access to services they are heavily reliant on.

- **NGOs and UN agencies** should increase their vulnerability screening and monitoring of children on the move, who should not be discriminated against on the basis of their nationality and migration status, and ensure that those who are underserved benefit from specific outreach and inclusion efforts.

- **NGOs, UN agencies and civil society organisations** should develop more programming for youth up to the age of 25 to ensure that when children reach the age of 18, they do not face new risks from no longer being able to access certain forms of assistance while still being in need.

- **Work towards alternative pathways** for those who are unable or do not want to return home, especially for those who have no prospect of being able to settle in their current locations. This includes putting in place the Best Interest Procedure (BIP) for children and protection case management to meet the needs of children and others on the move.

- **Humanitarian actors** should explore alternative care and accommodation options for children and youth on the move in crisis or in conflict situations where there is no access to return or resettlement – including providing greater opportunities for foster care or, in the case of Libya, opening shelters for those with specific protection needs, and supporting individuals or groups living outside shelters.

8. Advocating for solutions to enhance the protection of people on the move

In the absence of basic legal safeguards for refugees in some North African countries, and the criminalisation of irregular migration, advocating for creative solutions to improve the protection of those on the move requires collective action and collaboration

Photo credit: © UNHCR / Scott Nelson
An Egyptian fishing boat heads to sea from the port of Alexandria in 2016. Such boats were often used to smuggle asylum seekers from Africa and the Middle East to Europe, sometimes with catastrophic results when they capsized, drowning many of their passengers.

People on the move often face widespread abuses and are disproportionately affected by protection incidents, as perpetrators are well aware of their vulnerability, lack of support networks and inability to seek justice and redress. Until states adopt legal frameworks that offer protection to refugees and migrants, and move away from criminalising irregular migrants, people on the move will continue to be exposed to heightened protection risks.

- The **international community** should continue to advocate for the improvement of the protection space in national jurisdictions along the routes. This requires strong, coordinated and high-level engagement with the authorities and stakeholders (including those with de facto effective control of territory), at both national and local levels.

- **International and national humanitarian actors** should improve their coordination around a joint advocacy response, such as on interceptions at sea off the Libyan coast and arbitrary deportations taking place from countries along the routes (for example from Libya and Algeria).

- When there is a lack of legal safeguards for people on the move, **international organisations** should advocate with authorities to establish safe spaces for refugees and migrants, and develop alternatives to arbitrary detention.

- Engage in a policy dialogue with authorities on a human rights-centered approach to migration management. This includes taking an integrated approach to search-and-rescue, which involves adherence to human rights as well as to maritime law by **States, private actors (such as NGOs and shipping companies) and international organisations**.

- The **international community** should clarify and formalise rules for disembarkation, and avoid using delayed disembarkation as a lobbying tactic for responsibility-sharing.

- The **private sector, including shipping companies**, should use their individual and collective bargaining power to pressure States to improve the regulation of search-and-rescue, and to ensure the swift and safe disembarkation of all rescued persons in a place of safety. At the same time, their practices need to be monitored to ensure their compliance with legal obligations, forming part of an integrated approach followed by all stakeholders involving adherence to human rights principles, due diligence obligations, as well as law of the sea requirements.

9. Placing evidence and research at the centre of programming and policy

While evidence and research on people on the move are growing, particularly along the Central and Western Mediterranean routes, it often risks not reaching the right audience or intended targets. This stems from a lack of coordination between research "producers" and potential "users" and, at times, a lack of incentives to use evidence and research for programme design, implementation and adaptation.

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Photo credit: © Tienko Dima
Cairo, Egypt.

- **Policy and programme actors** should work together with **researchers and academics** to ensure the timely integration of evidence and research throughout all stages of policy and programming cycles, particularly on the political, economic, social and environmental macro-level factors impacting the protection of people on the move.

- Support **evidence and research** on the different roles played by individuals involved in human smuggling networks (e.g. as recruiters, intermediaries or transporters) and their interactions with people on the move to contribute to policies that move beyond simplistic labels for smugglers that do not take into account a diversity in profiles. While some smugglers are committing sanctionable abuses and grave protection violations, not all smugglers or smuggling intermediaries are committing such abuses.

- **Researchers and academics** should increase the evidence base on the characteristics of children in mixed movements and their strategic decision-making and aspirations and **engage protection organisations** working with children and youth to inform their programming.

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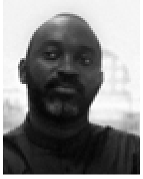

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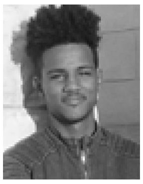

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Disclaimer: This publication serves as a synthesis and does not aim to be fully exhaustive of all recommendations presented in the "A Roadmap for Advocacy, Policy Development and Programming on Protection in Mixed Movements" available here. Moreover, the recommendations set out here do not necessarily reflect the official policy or position of the Mixed Migration Centre (MMC), the Danish Refugee Council (DRC) nor the United Nations High Commissioner for Refugees (UNHCR).

Note on terminology: In light of the partnership between UNHCR and MMC in publishing the volume based on the policy workshop, the term 'mixed movement' is used. MMC applies the term "mixed migration" to refer to cross-border movements of people including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. See MMC's full definition here. UNHCR applies the term "mixed movement," defined as: The cross-border movement of people, generally in an irregular manner, involving individuals and groups who travel alongside each other, using similar routes and means of transport or facilitators, but for different reasons. People travelling as part of mixed movements have different needs and profiles, and may include asylum-seekers, refugees, victims of trafficking, unaccompanied or separated children, stateless persons and migrants (including migrants in irregular situations or migrants in vulnerable situations). See more on UNHCR's approach to mixed movements here. In light of the partnership between UNHCR and MMC in publishing this synthesis based on the policy workshop, the term "mixed movement" is used.

The movement of refugees and migrants along the Central and Western Mediterranean routes, from sub-Saharan Africa to North Africa and onwards to Europe, often encompassing a multitude of step-wise, circular and return movements, is a longstanding, historic phenomenon. Driven by persecution, insecurity and conflict, and socioeconomic instability and stagnation in their home countries, and seeking better lives and opportunities elsewhere, thousands of people continue annually to risk their lives on dangerous, irregular journeys by land and sea on the routes, or use the limited legal pathways that are available, such as visa-free entry to countries like Morocco and Tunisia.

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About the Mixed Migration Centre (MMC)

The Mixed Migration Centre (MMC) is a leading source for independent and high-quality data, information, research and analysis on mixed migration. Through the provision of credible evidence and expertise on mixed migration, MMC aims to support agencies, policy makers and practitioners to make well-informed decisions, to positively impact global and regional migration policies, to contribute to protection and assistance responses for people on the move and to stimulate forward thinking in the sector responding to mixed migration.

The MMC is part of, and governed by, the Danish Refugee Council (DRC). While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector.

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About the United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) — the UN Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people. UNHCR works in over 130 countries, protecting millions of people and delivering life-saving assistance. UNHCR helps safeguard fundamental human rights and develops solutions that ensure that people have a safe place to call home where they can build a better future.

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