

Background Note

Protection in Mixed Movements: UNHCR-MMC Policy Workshop on Protection Challenges on the Central & Western Mediterranean Routes

27 October 2020

1. Introduction

UNHCR and the [Mixed Migration Centre \(MMC\)](#) propose to convene a policy workshop to discuss ways of strengthening protection in mixed movements¹ of refugees and migrants along the Central and Western Mediterranean routes. This [Background Note](#) provides greater detail on the cross-regional context for the workshop and the issues it aims to address.

Movement of refugees and migrants within African regions and from Sub-Saharan Africa to North Africa is a longstanding, historic phenomenon. Conflict and insecurity as well as a lack of socio-economic stability and opportunity in countries of origin have been significant drivers of this movement. Many Sub-Saharan states generously continue to host large refugee populations and ongoing efforts by the African Union, the Economic Community of West African States (ECOWAS), the East African Community (EAC) and other regional bodies promote freedom of movement, stability, investment, trade and infrastructure development in the spirit of African integration. However, longstanding and new conflicts, development challenges, food insecurity, malnutrition and the effects of climate change are impacting the physical safety and socio-economic wellbeing of many Sub-Saharan populations as well as the effective protection of refugees and other persons of concern. These factors also continue to provoke new population displacement, both internal and across borders, and foster onward mixed irregular movements of refugees and migrants in search of protection and / or better living conditions. This situation has now been aggravated by the COVID-19 pandemic and containment measures to limit the spread of the virus have dealt a devastating blow to many African economies.

¹ 'Mixed movement is a term used by UNHCR. MMC normally 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 of mixed migration and associated terminology [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 to develop this joint workshop, the term 'mixed movement' is used.

In this context, thousands of people annually continue to risk their lives at the hands of traffickers and smugglers on dangerous, irregular journeys by land and sea to countries along the Mediterranean's shore in North Africa and Europe. Others arrive legally to North African countries such as Morocco and Tunisia, benefiting from family links or visa-free entry for certain nationalities. Many of these people see countries in North Africa as their destination, while others plan to continue their journey towards Europe. Both refugees and migrants face grave threats to their physical security on the Central and Western Mediterranean routes where weak or absent legal and social protection, reception capacities and counselling services in countries of asylum, transit and destination across the regions exacerbate risks, particularly for persons with specific needs.

Large scale irregular sea arrivals in Italy, Malta and Spain over the last decade have led their governments and the EU to engage bilaterally and collectively with countries of origin and transit in Sub-Saharan Africa, as well as countries of departure in North Africa, in order to reduce these irregular flows. Pressures to stem irregular, dangerous sea crossings and prevent loss of life have led to increased and better-resourced rescue-at-sea and interception activities by North African countries. Many of those attempting irregular crossings of the Mediterranean are nationals of the countries of departure; 37.5% of irregular sea arrivals in Italy and 43% of arrivals to Spain in 2019 were nationals of North African countries. However, the majority come from other countries, mainly in sub-Saharan Africa but also from the Middle East and as far away as South Asia.² Of those refugees and migrants who reach North African countries, lower numbers managed to reach Europe by sea across the Mediterranean in 2019³ in stark contrast to the larger scale of arrivals from 2016-2018. Numbers increased again starting in the first months of 2020 and boat arrivals and maritime search-and-rescue operations continue to be a subject of political contention in Europe. As a result, ensuring refugees and migrants rescued at sea have access to safe disembarkation, adequate reception conditions and appropriate screening and referral mechanisms to ensure access to asylum remains a challenge. European governments also continue to face challenges in implementing the mandatory return to countries of origin or previous residence of those found not to need international protection. In parallel, the increasing scale of rescue/interception and return to North African countries has the effect of holding increasing numbers of refugees, asylum seekers and migrants in

² UNHCR, *Spain: Sea and Land Arrivals, 1 Jan – 31 Dec 2019*,

<https://data2.unhcr.org/en/documents/download/73591>.

UNHCR Operational Data Portal, *Mediterranean Situation: Italy*,

<https://data2.unhcr.org/en/situations/mediterranean/location/5205>, accessed 29 January 2020.

So far in 2020 (through 17 June), North African nationals made up 29.7% of sea arrivals to Italy and 42% of sea arrivals to Spain.

³ 11,478 arrivals by boat in Italy, 3,309 arrivals in Malta. See UNHCR Operational Data Portal, *Mediterranean Situation*, fn2.

North Africa and outpacing the limited reception and processing capacity in those countries.⁴ The trend also poses multi-faceted challenges for these countries in terms of de facto socio-economic absorption and protection of these populations and finding solutions for them. Governments and the international community have taken steps to respond to the substantial human rights and migration/asylum management challenges presented by this situation. Assistance has aimed to help States in both North Africa and Europe to ensure proper reception, protection safeguards, and access to fair and efficient asylum procedures and basic services for persons of concern. It has also supported States to exercise their sovereign right to effectively manage and, where appropriate, strengthen border control measures in line with international standards. UNHCR aims to improve protection and enable solutions for refugees and asylum seekers as part of its Central Mediterranean Risk Mitigation Strategy, which recognises the complex drivers of mixed movements along the Central Mediterranean route and encompasses activities in countries of origin, transit and destination.⁵

2. Protection Context: Sub-Saharan Africa

In Sub-Saharan Africa, particularly in the Central Sahel and Lake Chad Basin, but also in the Horn of Africa, conflict and insecurity continue to pose severe dangers and to displace people from their homes, both internally and across borders. While countries of first asylum in the regions continue to show great hospitality towards refugees and asylum seekers, many of these host countries also have large internally displaced populations and face their own internal challenges with socio-economic development, terrorism-related insecurity and the impact of the recent Covid-19 pandemic. And despite important efforts by the African Union⁶ and regional bodies such as ECOWAS⁷ and IGAD to promote the enjoyment of free movement protocols for Africans, to stimulate inclusion and development on the Continent and build

⁴ The number of registered refugees and asylum seekers in Tunisia in February 2020 was 4,288, up from 771 at the end of 2017. In Egypt, the population of concern registered with UNHCR has grown from 197,425 on 31 January 2017 to 249,709 in August 2019. In Libya, the number of refugees and asylum seekers registered with UNHCR grew from 40,259 in March 2017 to 48,621 as of 27 March 2020.

UNHCR Tunisia, *Fact Sheet – January 2018*, <https://data2.unhcr.org/en/documents/download/62867>.

UNHCR Tunisia, *Operational Update – 29 February 2020*, <https://data2.unhcr.org/en/documents/download/74654>

UNHCR Egypt, *Monthly Statistical Report, as of 31 January 2017*,

<https://data2.unhcr.org/en/documents/download/53805>.

UNHCR Egypt, *Fact Sheet – August 2019*,

http://reporting.unhcr.org/sites/default/files/UNHCR%20Egypt%20Fact%20Sheet%20-%20August%202019_0.pdf.

UNHCR Libya, *Update – 27 March 2020*, <https://data2.unhcr.org/en/documents/download/74955>.

UNHCR Libya, *Registration Fact Sheet, January-March 2017*,

https://reliefweb.int/sites/reliefweb.int/files/resources/unhcr_libya_registration_jan-mar_2017.pdf.

⁵ UNHCR, *Central Mediterranean Risk Mitigation Strategy – Central Mediterranean Route: Working on alternatives to dangerous journeys*, October 2017,

<http://reporting.unhcr.org/sites/default/files/UNHCR%20Risk%20Mitigation%20Strategy%20for%20Central%20Med%20Route%20-%20October%202017.pdf>.

⁶ Protocol to the Treaty establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of establishment, https://au.int/sites/default/files/treaties/36403-treaty-protocol_on_free_movement_of_persons_in_africa_e.pdf.

⁷ ECOWAS/979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment

comprehensive community protection space,⁸ the pace of progressive implementation has been slow. Other important efforts by African states in cooperation with the World Bank, other development actors and UNHCR to promote the inclusion of refugees in national and provincial development plans and existing services are still new and limited and will need time to expand and mature.⁹

In this context, the pressure placed on refugee and host populations from conflict and insecurity, border closures and the related blockages in trade and commerce, food insecurity, malnutrition and weak access to health services, education and livelihood opportunities continues to drive displacement. As one example, violent attacks in the Sahel's hotspots rose by 37% percent between mid-March and mid-April 2020, and the number of IDPs in Burkina Faso, Mali and Niger increased by 370,000 people (33%) in March alone. Across the region, such pressures are disrupting and weakening community and family resilience. This in turn has weakened community and family protection structures particularly for children and youth exposing them to heightened risks, most prominently SGBV and the resort to negative coping mechanisms (survival sex, early or forced marriage and child labour). These developments, while unrelated to the COVID-19 pandemic, may affect movements not only towards North Africa, but also towards coastal States in West Africa.

The COVID-related death toll in African countries has been limited so far relative to other regions, though it is too early to predict the extent of its long-term public health impact. It is, however, clear that jobs and livelihoods, especially in the informal sector, have been severely affected. The consequences are particularly grave for the millions of people living in countries or regions where welfare services, social safety nets and other social protection mechanisms are weak or even absent, including in geographically remote areas where the majority of refugees, internally displaced persons and their host communities are located. In terms of the global poverty impact, Sub-Saharan Africa might be the hardest impacted.¹⁰

These elements are combining to help drive mixed irregular movements of refugees and migrants in and between African regions but predominantly along the Central and Western Mediterranean routes toward North Africa and to Europe. Many borders remain porous and the impact of official border closures on the movement of people is currently difficult to ascertain, with government efforts to control borders often hindered by geography or lack of

⁸ Protocol on Free Movement of Persons in the IGAD Region at: <https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2373-protocol-on-free-movement-of-persons-endorse-at-ministerial-meeting>

⁹ 'World Bank pledges \$2.2B for refugees and host communities', accessible at <https://www.devex.com/news/world-bank-pledges-2-2b-for-refugees-and-host-communities-96259>.

¹⁰ UNHCR & IOM, 'COVID-19 and mixed population movements: emerging dynamics, risks and opportunities', UNHCR/IOM Discussion Paper. 14 May 2020, p3.

capacity. Smugglers and traffickers are capitalising on this situation, adapting their business models and diversifying their offers to potential takers.

3. Protection Context: North Africa

In North Africa, efforts to improve the protection environment for refugees and asylum seekers include the League of Arab States' Arab Regional Consultative Process on Migration and Refugee Affairs (ARCP), pledges at the Global Refugee Forum by Mauritania and Egypt, expanded search-and-rescue capacity and improved cooperation with other governments, including in Europe. North African States have signed most of the key international human rights and refugee protection related conventions. However, protection space remains limited and no North African country has established an asylum system or comprehensive legal framework dealing with refugees.¹¹ Effective migration management is also compromised by the absence of functioning returns processes for persons not in need of international protection. UNHCR runs refugee status determination in all North African countries, and UNHCR registration generally provides protection against refoulement, but few durable solutions are available and resettlement is reserved for very small numbers of emergency cases. Many persons of concern to UNHCR in North Africa face high risks of trafficking, sexual and gender-based violence, extortion and discrimination, and the lack of refugee-related national legal and social protection frameworks compounds these protection risks, helping to spur irregular onward movement towards Europe.¹²

Risks to refugees and migrants are particularly acute in Libya, where human rights violations have been widely reported for several years, and particularly since the outbreak of civil war in 2014. The risks posed by the ongoing conflict are compounded, for refugees and migrants, by extreme difficulty accessing livelihood opportunities and arbitrary detention in overcrowded and unsanitary conditions. Armed groups across the country commit summary executions and other unlawful killings and unlawful deprivation of liberty of civilians including activists, IDPs, children, women, politicians on account of their origin, opinions and perceived political or tribal affiliations.¹³ In this concerning context, UNHCR continues to urge governments against

¹¹ UNHCR North Africa, *Plan Overview (2019)*, <http://reporting.unhcr.org/node/34?y=2019> accessed 2 April 2020.

¹² See:

UNHCR Morocco, *Plan Overview*, <http://reporting.unhcr.org/morocco> accessed 29 January 2020.

UNHCR, 28 November 2019, *Operation: Algeria – 2020 Planning Summary*, <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GA2020-Algeria-eng.pdf>.

UNHCR, *Egypt: Protection Deliverables 2019, Mid-Year*, https://www.unhcr.org/eg/wp-content/uploads/sites/36/2019/09/UNHCR-Egypt_mid2019-Protection-Deliverables.pdf. In Egypt, UNHCR is responsible for the Refugee Status Determination (RSD) process on behalf of the Egyptian government based on a memorandum of understanding signed in 1954.

¹³ UNHCR, *Libya Protection Sector Strategy 2018-2019*, 1 December 2017, available at: <https://www.refworld.org/docid/5b641f854.html>.

by people not in need of international protection who seek to register with UNHCR in order to stay legally in some North Africa countries while their cases are processed.

4. Protection Context: Mediterranean & Search-and-Rescue

In Europe, maritime arrival of refugees and migrants continues to cause political contention, despite a significantly lower number of arrivals in 2019 than in the period from 2016 to 2018. Loss of life at sea remains a major concern, with 1,336 people believed to have died or gone missing crossing the Mediterranean in 2019. UNHCR continues to call for greater search and rescue capacity in the Mediterranean to avoid deaths at sea, particularly considering the effects of COVID-19 on NGO rescue activity and the cessation of EUNAVFOR MED Operation Sophia.

For those refugees and migrants who are rescued, safe and timely disembarkation is frequently lacking and reception conditions sometimes inadequate. Multiple efforts have been made to better coordinate fair and timely procedures for disembarkation through new 'solidarity mechanisms'.¹⁸ However, disagreement continues in this area, and quarantine requirements have contributed to further delays in disembarkation during the COVID-19 pandemic. The increasing number of people crossing to Europe in 2020 has highlighted ongoing disputes around effective search-and-rescue coordination between NGOs, European governments and coast guards in North Africa.

5. Responding to Protection Challenges

Africa-Europe cooperation will play a crucial role in ensuring effective protection for refugees and asylum seekers in countries in the Central and Western Mediterranean theatre. The European Commission, informed by criticism of and strain on the Common European Asylum System¹⁹, issued a new Pact on Migration and Asylum in September which is currently being reviewed for adoption by member states. More broadly, 2020-21 is a crucial period in determining the future of Africa-Europe cooperation. A February 2020 meeting of the AU and EU Commissions in Addis Ababa agreed the need to reinforce a joint strategic approach to refugee, migration and mobility issues.²⁰ A "partnership on migration and mobility" is one of

¹⁸ *Joint Declaration of Intent on a Controlled Emergency Procedure – Voluntary Commitments by Member States for a Predictable Temporary Solidarity Mechanism*, 23 September 2019, available at

<https://www.statewatch.org/news/2019/sep/eu-temporary-voluntary-relocation-mechanism-declaration.pdf>.

See also Human Rights Watch, 'EU Moves Toward Agreement on Sharing Responsibility for Migrants and Refugees', 25 July 2019, available at <https://www.hrw.org/news/2019/07/25/eu-moves-toward-agreement-sharing-responsibility-migrants-and-refugees>.

¹⁹ European Parliamentary Research Service, *Dublin Regulation on international protection applications – European Implementation Assessment*, February 2020,

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642813/EPRS_STU\(2020\)642813_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642813/EPRS_STU(2020)642813_EN.pdf).

²⁰ European Commission, *10th European Union-African Union Commission-to-Commission Meeting*, 3 March 2020, https://ec.europa.eu/international-partnerships/news/10th-european-union-african-union-commission-commission-meeting_en.

five pillars in the European Commission's proposals for a new EU Strategy with Africa, to be defined at the AU-EU Summit which has been postponed to 2021.²¹ This partnership is intended to build on existing cooperative mechanisms, including the Joint Valletta Action Plan and the Khartoum and Rabat processes. It should, in principle, also be linked to the 2020 review of the Cotonou Agreement establishing cooperation between the EU and the ACP countries.²² These important ongoing reviews will establish in concrete terms the path of future Africa-Europe cooperation on asylum and migration, and will therefore have a significant impact on the provision of protection and solutions to refugees and asylum seekers in North Africa, the sub-Saharan regions and in Europe.

The challenges for refugee protection along the Central and Western Mediterranean routes in Sub-Saharan Africa, North Africa and Europe remain great in both scope and complexity. A new and emerging dimension in this complexity is the growing role of North African countries as countries of destination. Far greater political and media attention, however, has been focused on the cross-Mediterranean dimension of irregular movements of refugees and migrants towards Europe. Although these movements and the human suffering associated with them are an issue of critical importance, the singular focus on them has meant a lack of dedicated fora and attention for responding to the challenge of developing and implementing strategies to provide protection and solutions to persons of concern who do not cross to Europe, particularly those in North Africa, and to jointly manage mixed movements in a sustainable manner.

In Sub-Saharan Africa, the challenges to overcome on are grounded first in "silencing the guns", mostly in the areas in conflict: the Sahel; the Lake Chad Basin; Central African region; eastern Congo, the Horn of Africa; Sudan; South Sudan and Libya. However, AU member states that are at peace also have a role to play in conflict prevention, focused on controlling illegally acquired light weapons used in crime, urban violence and cattle rustling and addressing inter-communal violence provoked seasonally when transhumance vies for place with the crop farming.²³ Creating the conditions for rolling out implementation of the SDGs, Agenda 2030 and AU Agenda 2063 is fundamental to progress in allowing people to stay and build lives in their own countries, and to strengthening effective protection for refugees in asylum countries through meaningful socio-economic inclusion in host societies and communities. The link between asylum space, effective protection and development is being explored and activated

²¹ European Commission & EU High Representative, *Towards a comprehensive Strategy with Africa*, 3 March 2020, https://ec.europa.eu/international-partnerships/system/files/communication-eu-africa-strategy-join-2020-4-final_en.pdf.

²² The Cotonou Agreement aims "to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment." Revised text available at: https://www.europarl.europa.eu/intcoop/acp/03_01/pdf/mn3012634_en.pdf.

²³ 'Silencing the Guns campaign kicks off in 2020', 23 December 2019, Africa Renewal. Accessible at <https://www.un.org/africarenewal/magazine/december-2019-march-2020/silencing-guns-campaign-kicks-2020>.

by UNHCR with the World Bank and other development partners in the framework of the GCR and the CRRF, but progress in this area is currently hindered by continued insecurity in many African regions.²⁴

6. Objectives of the Policy Workshop

In this context, UNHCR and MMC are convening a workshop of policy influencers, practitioners, academics and civil society advocates to discuss the challenges for refugee protection along the route, across countries of origin, transit and destination. The workshop will highlight gaps as well as emerging and promising practices and identify possibilities for improving protection space and fostering solutions in and from the regions. The workshop will also involve participation by refugees to provide a vital practical perspective on the themes and proposals discussed.

The three-day workshop will provide a forum for discussion of the critical policy issues that have emerged in the context of UNHCR operations as well as MMC data collection and research on mixed movements from countries of origin, across the three regions. It will aim to bring an interdisciplinary focus to the analysis of these issues and associated challenges and responses to them from legal, policy and operational perspectives, and with due attention to gender, age and diversity dimensions.

Taking this approach, it will set out to critically explore:

- a) ***Good practices and gaps in the formulation, implementation, monitoring, and adaptation of legal and social protection frameworks impacting people of concern on the move along the Central and Western Mediterranean routes.***
- b) ***The effectiveness and challenges of strategic, cross-regional cooperation on asylum and its relation to migration management between Sub-Saharan Africa, North Africa and Europe. This includes bilateral partnerships, regional organisations, international organisations and other partners and stakeholders (for example, within the Khartoum and Rabat Process, Joint Valletta Action Plan, and addressing needs in the future EU-AU strategic partnership).***
- c) ***Examining coordination between and among local, national and international actors on human trafficking and the smuggling of asylum seekers, refugees and migrants. This includes information-sharing protocols and pursuing judicial remedies across regions to strengthen the access of victims of trafficking to protection and solutions.***

²⁴ See World Bank, 2017, *Forcibly Displaced: Towards a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts*, available at <https://openknowledge.worldbank.org/handle/10986/25016> and UNHCR, 2018, *Two Year Progress Assessment of the CRRF Approach*, available at <https://www.unhcr.org/5c63ff144.pdf>.

The workshop will bring together academics, practitioners, civil society advocates, policy influencers and refugees and other persons of concern, to highlight protection challenges and identify opportunities for advocacy, policy development and reform. The workshop aims to yield a set of strategic recommendations to engage asylum and migration policymakers at the local, national and international level.