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Refugees and Displaced persons in Europe
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1. The number of refugees worldwide – just over 8 million - is at its lowest level in almost a quarter of a century. Sizeable repatriation operations have contributed to this decrease, led by Afghanistan where more than 4 million people have returned home since 2002. Since the end of the war in Bosnia and Herzegovina, over a million people have gone back. There have also been large refugee returns to Angola, Liberia and Sierra Leone, to name but a few.
2. In Europe, the number of asylum-seekers in 2006 was the lowest in 20 years. The continent received 54 per cent fewer asylum applications in 2006 compared to 2002.
3. But this downward trend is not uniform in all regions. In the Middle East, for example, we have witnessed over the past two years the most significant population displacement since the dramatic Palestinian exodus of 1948. One in eight Iraqis is displaced internally or externally. Up to two million Iraqis are estimated to have sought refuge in neighboring countries, primarily in Syria (1.2 million) and Jordan (750,000). Another two million are displaced internally within Iraq. How best to address the humanitarian needs of Iraqi refugees in the neighbouring countries and the internally displaced was the subject of the just concluded two-day Conference convened by UNHCR in Geneva.
4. The fall in numbers does not signal only good news either. We fear that behind the decline in asylum applications in Europe are also the hefty barriers that have been erected to deter and control irregular migration. These entry barriers are not necessarily aimed at refugees, but they are blunt instruments which do not differentiate between the various categories of people “on the move.” And the less they differentiate, the fewer refugees and asylum-seekers will overcome them. Let me at this point reflect a little on the asylum/migration nexus, and the impact migration control measures have on refugee protection.
5. Much of the international migration currently taking place is uncontroversial, involves no protection or human rights issues, and does not attract media attention. Tourism, business and student travel, as well as the movement of contracted workers, all fall within this category. Indeed, recognizing the economic and social value of such migratory movements States in several parts of the world – the European Union, West Africa and South America, for example – have taken significant steps to abolish controls on the movement of people and to facilitate the process of intra-regional migration.
6. It is thus evident that States generally acknowledge the positive value of international migration when it takes place in a regulated and predictable manner. They are alarmed, however, by irregular migratory movements, especially when

they involve the arrival of people who come from unfamiliar cultures and who bring little financial capital with them. Such fears have contributed to the widespread belief that many people seek asylum in other countries not because they have a valid claim to international protection, but because they want to improve their standard of living and wish to circumvent established forms of migration control. In the process, the line between “migrant” and “refugee” blurs, and so does the distinction between migration control and refugee protection.

7. Confronted with the growing scale of irregular migration, States have introduced wide-ranging measures intended to obstruct or dissuade people from gaining access to their territory – visa restrictions, carrier sanctions, gunboats intercepting within territorial waters or on the high seas vessels suspected of carrying undocumented travelers, infra-red surveillance of borders and electric fences. Should some succeed to enter a State’s territory and are apprehended, they are as a general rule subjected to lengthy detention.
8. But as recent events have shown time and again, control and deterrence measures by themselves will have little lasting impact when the need to move prevails. So long as certain basic necessities of life are not met in one’s own country, the imperative of survival will continue to dictate the path elsewhere irrespective of the geographical, legal, political and financial barriers erected along the way.
9. It has also become clear that the more governments seek to obstruct movement, without addressing its root causes, the more human smuggling flourishes. And people smuggling more often than not results in serious violations of human rights of those who are smuggled, including total disrespect for the right to life. People smugglers are as inclined to toss people overboard, bound and gagged, as to land them in safety. Those who make it have often had to travel in inhumane conditions and have regularly been victims of exploitation and abuse, including rape and other sexual violence.
10. Governments’ concentration on irregular migration as largely a problem of border control also limits awareness of the desperate conditions that migrants have to tolerate to arrive or remain in their destination countries irregularly. There is much silence on the rightless existence that irregular migrants lead in Europe and elsewhere. While some of them constitute an underworld, many live and work in the mainstream of the host societies with governments turning a blind eye to the illicit, cheap labour they provide to fill the less glamorous jobs that nationals are not inclined to take up. Finding themselves outside the protections of criminal and civil law and with no legal avenues by which to claim humane treatment, they are often vulnerable to exploitation, abuse and deception by employers.
11. Regardless, they keep on coming – often paying extortionate fees to smugglers and crammed in unseaworthy boats or hidden in sealed compartments in the bottom of trucks. In 2006, nearly 30,000 people made the hazardous sea crossing from Senegal to Spain’s Canary Islands. It is sobering to compare this to arrivals in the Canaries in 2005, which totaled 4,700 persons. The scene is not so dissimilar in neighboring countries. In Italy, for instance, there were some 22,000 sea arrivals in 2006, of which over 18,000 landed on the tiny island of Lampedusa in the middle

of the Sicilian Channel. And these figures of boat arrivals on Europe's southern shores multiply themselves many times when one takes into account the huge numbers of people arriving in a similar manner in Yemen or Libya, or those passing across the Indian sub-continent, or through South East Asia.

12. Every year, an unknown number of people taking to the sea in search of work, better living conditions and educational opportunities, or international protection against persecution or violence drown in the Mediterranean Sea and other waterways around the world, as their unseaworthy and overcrowded vessels capsize. A few lucky ones are rescued by passing ships – for the most part merchant vessels – that heed to the moral and legal imperative to assist persons in distress at sea. But vessels fulfilling their humanitarian duty have encountered problems as States have occasionally refused to let some undocumented migrants and refugees rescued at sea disembark. This state of affairs put ship owners and companies in a difficult situation, even threatening the integrity of the time-honoured humanitarian tradition to assist those in peril at sea regardless of their nationality or status. A tradition that has in modern times become more than just a moral obligation, and is now enshrined in international law.
13. The refugee and asylum component of those arriving in the southern shores of the European Union is small, however there are also among the group some people with protection concerns and UNHCR has a responsibility to advocate for a system which can distinguish them from the broader population of irregular migrants. And States have assumed refugee protection responsibilities under international law which is in their collective interest to honour.
14. This being said, clearly, responses to the problem of mixed and irregular migratory movements of migrants, refugees and asylum-seekers also need to go further back along the continuum, in the countries of origin and transit, where concerted efforts are warranted to address the problem in a more coherent and comprehensive manner. But measures to strengthen the protection capacities of counties in the region of origin cannot be at the expense of Europe's own responsibility to provide asylum to those who need it. Europe is, and must remain, a continent of asylum.
15. European protection standards and approaches have a considerable “export value” for the rest of the world. That is why UNHCR readily embraced from the outset the EU asylum harmonisation process as the most promising effort for strengthening refugee protection not only in Europe, but globally. Over the last years, we have worked assiduously with EU Member States and the European Commission to contribute to the successful development of harmonized European asylum policies which could result in a clear distinction between refugee protection imperatives and migration control priorities; ensure fair treatment of all in need of international protection, and establish workable mechanisms for equitable sharing of asylum responsibilities both within the European Union and between the Union and other regions. How far have EU Member States been willing and able to effectively reconcile the competing responsibilities between their duty to protect their common borders from unauthorized entry and their human rights and humanitarian commitment to refugees? The answer is mixed.

16. The Treaty of Amsterdam brought an increased political will to respond to asylum-seekers arriving on the European Union territory in a common pursuit of European ideals of co-operation and solidarity. As a first step towards the establishment of a common European asylum system, Member States have adopted through legally binding measures of European community law minimum standards of harmonization for the reception, status determination and protection of refugees. Many aspects of the harmonisation are very positive and reflect agreed international standards for the protection of refugees. In some others, we have seen a convergence around the lowest common denominator of protection.
17. As I now move towards a conclusion, let me sum up this presentation in five simple propositions.
18. Firstly, people will continue to move across international borders in the coming many years, as they have done in the past. Some will move from choice, some because they are forced to, and others for reasons that include elements both of choice and coercion. If one door narrows or closes, the pressure is directed at another one.
19. Secondly, migration needs to be managed effectively. Effective management of migration requires integrated policy responses at various levels. Basically it involves, on the one hand, designing positive admission policies once having defined the objectives migration can serve from the perspective of both receiving and source countries as well as the migrants and, on the other hand, dealing effectively with irregular migration. It is generally believed that where migration policies offer legal avenues, the clandestine alternatives for entry lose attraction. In designing and implementing comprehensive migration policies, European Union States may have to also begin to embark on a more serious consideration of their own demographic future. How large a population is the European Union aiming for in the longer-term? At what rate of growth? With what proportion of immigrants? At what cost?
20. Thirdly, border controls, visa regimes, carrier sanctions and interception of vessels may help in the management of migration flows, but only as short-term defensive measures and with adverse consequences for refugees in need of protection. These control measures often do not distinguish between refugees and migrants. In fact, there is a willful and misleading confusion between refugees and migrants. And where refugees are subsumed into the broader class of “migrants,” the control of their movement is likely to take precedence over meeting their protection needs. The refugee problem is not a migration problem, and refugees must be appropriately extricated from the web of undifferentiated border controls. The distinctive situation of refugees, their need for international protection, and their right to seek and to enjoy asylum must be maintained.
21. Fourth, given the tyranny of distance and the absence of opportunities, only few of those on the move for refugee-related reasons make it beyond their region of origin. Preserving the institution of asylum in those States that find themselves

geographically proximate to major refugee-producing countries necessarily requires a sustained commitment to asylum on a global level.

22. Fifth, it is important that the tenor of the migration debate and the manner in which immigration controls are carried out do not give the impression that migration is a security or social threat even when it is properly managed. Such misperceptions only further inflame xenophobia and discrimination against foreigners. Across Europe, there is already a growing backlash against immigrants and asylum-seekers by reason of their racial or national origin or religious background. Clearly, the prevailing situation requires all Governments throughout Europe to exercise strong political leadership and to develop and defend a coherent policy agenda on migration and asylum that responds to legitimate concerns, neutralises extremist tendencies and safeguards the institution of asylum.
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