monthly trend report
covering mixed migration to, through & from NORTH AFRICA

About: MHub is the regional knowledge hub and secretariat for the North Africa Mixed Migration Task Force, comprising of DRC, IOM, OHCHR, RMMS, Save the Children, UNHCR, UNICEF and UNODC. It promotes a human rights-based approach to ensure the protection of people moving in mixed and complex flows to, through and from North Africa.

Scope: This bulletin covers mixed migration trends in Algeria, Egypt, Libya, Mali, Morocco, Niger, Sudan, Tunisia, Spain, Greece and Italy.

Terminology: Throughout this bulletin the terms migrant, refugee and asylum seeker are used together to cover all those comprising mixed migration flows. If the original source specifies a particular category, the relevant term will be used.

Sources: Data is drawn from a wide variety of sources, including government, civil society and media.

HIGHLIGHTS

Minister Salvini proposes a controversial new security decree

Submission to ICC seeks to prosecute EU member states for deaths in the Mediterranean

Deaths off the coast of Tunisia

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European court rules that refugees cannot be returned even after the commission of serious crimes

On 14 May, the Court of Justice of the European Union (CJEU) ruled that refugees who have committed serious crimes in EU countries cannot be returned to their countries of origin if doing so will place them at risk of torture and degrading and/or inhuman treatment. The case was brought before the CJEU after national courts could not rule on the cases of an asylum seeker and two refugees who were convicted of serious crimes in Belgium and the Czech Republic. The asylum seeker’s application for asylum was denied and the two refugees had their refugee statuses revoked following their convictions. The CJEU ruled that, while the Geneva Convention allows states to derogate from the principle of non-refoulement in cases where a refugee has committed a serious crime or poses a threat to the state of asylum, the European Charter on Fundamental Rights prohibits any actions that might expose persons to torture and inhuman or degrading punishment or treatment. As a result, EU states cannot deport refugees under any circumstances if the face the threat of such treatment upon their return.

Submission to ICC seeks to prosecute EU member states for deaths in the Mediterranean

A legal submission to the International Criminal Court (ICC) in the Hague seeks to prosecute the EU and Italy, Germany and France for ‘crimes against humanity’ for the deaths of thousands in the Mediterranean since 2014. The submission claims that the EU’s deterrence-based migration strategy “intended to sacrifice the lives of migrants in distress at sea, with the sole objective of dissuading others in similar situation from seeking safe haven in Europe.” The legal case, submitted by two international lawyers, claims that officials were aware that the switch from the successful Mare Nostrum operation to Triton in 2014 could lead to a higher number of fatalities but proceeded with the plans anyway. The submission goes on to state, “In order to stem migration flows from Libya at all costs … and in lieu of operating safe rescue and disembarkation as the law commands, the EU is orchestrating a policy of forced transfer to concentration camps-like detention facilities [in Libya] where atrocious crimes are committed.”

Swiss funding to support refugee camps in Algeria

The UN World Food Program (WFP) welcomed additional funding in the total of CHF 2 million (US$1.96 million) from the Government of Switzerland that will go towards WFP’s school feeding programme in refugee camps and covering the basic food needs of thousands of refugee families. Speaking about the funds, Romain Sirois, WFP’s representative in Algeria, said, “WFP is grateful to the people and the Government of Switzerland for being long-term supporters of the school feeding programme in the Sahrawi refugee camps,” and added, “Swiss contributions over recent years have been key in ensuring the continuity of this programme. And we’re delighted we can use the funds to support other important activities as well.”

Egypt deports migrants who attempted irregular crossing into Libya

Egyptian officials reported on 17 May that authorities had deported 33 Sudanese migrants who were apprehended in Egypt’s western governorate of Marsa Matruh earlier in the month in relation to irregular migration. The group in question was apprehended along with Egyptians and other migrants as they reportedly planned to cross irregularly into Libya and to travel onwards by boat to Europe.
MOROCCO

International organizations express concern for migrants and asylum seekers

Maritime updates

According to IOM figures, 1,214 migrants, refugees and asylum seekers were returned to Libyan shores by the Libyan Coast Guard in May. This is a significant spike in attempted departures possibly instigated by the unrest in Tripoli and its possible ramifications for the rest of Libya. No bodies were retrieved during the month of May but six migrants, refugees and asylum seekers have gone missing off the coast of Libya during that period.

International organizations express concern for migrants and refugees in Libya

IOM and UNHCR have expressed concerns for the safety and wellbeing of migrants and refugees in Libya. IOM released a statement on 14 May pointing to the deteriorating humanitarian situation in Tripoli and its neighbouring areas and urging action to stop trafficking in human beings.

Following IOM's DTM, as of 23 May, 8,460 families, or approximately 82,300 individuals, have been displaced by the unrest in Tripoli (since the onset of hostilities on 4 April). In the absence of a ceasefire it is expected that more families will be displaced. Speaking about the situation, IOM Libya's Chief of Mission, Othman Belbesi, said, "While our teams on the ground continue to provide emergency humanitarian assistance to conflict-affected populations, we recognize that more needs to be done from all sides to ensure the safety of civilians," and added, "We are worried about the dramatically deteriorating humanitarian situation in Tripoli and reiterate that there is an urgent need to end the detention of migrants in Libya and stop displacement." IOM's statement also expressed concern for the return of migrants and refugees to an unsafe port and their possible interment in detention centres. "While we provide health assistance, non-food items, emergency food assistance and Voluntary Humanitarian Return support to migrants wishing to return home, we reiterate that IOM cannot guarantee the protection of detained migrants and continues to call for an urgent end to detention," reads the statement.

UNHCR: Thousands fleeing Nigeria to Niger

• On 29 May, the Moroccan House of Representatives unanimously approved a draft law to set up the African Observatory for Migration and Development (OAMD) in Rabat. According to the draft text of the law, the observatory will expand on the knowledge base on migration by collecting data and making available information that will facilitate coordination among African states on issues of migration.

• Morocco’s Foreign Minister, Nasser Bourita, has also highlighted Morocco’s successes in curbing irregular migration to Europe citing arrival figures in Spain, with arrivals in May 2019 reportedly 40% lower than arrivals in May of last year (please refer to the section on Spain). Minister Bourita further highlighted the importance of Moroccan-Spanish relations and cooperation in tackling issues of migration.

The African Observatory for Migration and Development

• On 26 May, the Moroccan House of Representatives unanimously approved a draft law to set up the African Observatory for Migration and Development (OAMD) in Rabat. According to the draft text of the law, the observatory will expand on the knowledge base on migration by collecting data and making available information that will facilitate coordination among African states on issues of migration.

Moroccan commission on human trafficking

• On 23 May, the Prime Minister of Morocco, Saadeddine Othmani, chaired a ceremony establishing the Moroccan National Commission for Coordination of Measures to Combat and Prevent Trafficking in Human Beings. The commission is a step towards strengthening Morocco’s human rights infrastructure and addressing the issue of human trafficking which Prime Minister Othmani has described as a modern form of slavery that cannot and will not be tolerated. Under its mandate, the commission will be able to present proposals to the government with regards to prevention and awareness raising, building, deterrence, and protection mechanisms against human trafficking.

Reports of concerning treatment of migrants, refugees and asylum seekers

• The NGO Watch the Med Alarm Phone has reported an increase in the repression and poor treatment of migrants, refugees and asylum seekers in Morocco. Watch the Med based its assessment on interviews, videos and pictures depicting worsening conditions for migrants in Moroccan transit hubs. The NGO linked the reported deterioration in conditions to Morocco’s increased cooperation with Spain, with Morocco acting as Spain and the EU’s “watchdog at the South-western EU border.”

NIGER

IOM opens recreational centre for minors

• On 17 May, IOM opened a new recreational centre for minors in Zinder province in Niger. The centre, dubbed the Centre to Update the Emergency Plan and Control Mechanisms of Organizational Development, Dominik Bartsch, added, “To update the emergency plan and control mechanisms of organizational development, we have developed the Centre to Update the Emergency Plan and Control Mechanisms of Organizational Development.”

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UNHCR: Thousands fleeing Nigeria to Niger

• A spokesperson for UNHCR announced that roughly 20,000 persons have fled from northwest Nigeria to Niger since April of this year due to an increase in violence in the area. UNHCR spokesperson, Babar Baloch, said that the new wave of displacement is not related to the Boko Haram insurgency but is due to a number of factors. Speaking about the situation, he said, “People are fleeing due to multiple reasons, as far as we understand, including clashes between farmers and herders of different ethnic groups, vigilante attacks, as well as kidnappings for ransom in Nigeria’s Sokoto and Zamfara states.”

Three migrants die in Nigerien desert

• Nigerian officials have revealed that three Nigerian migrants died from thirst after their vehicle broke down in the Nigerien desert while on their way to Libya. Roughly 10 migrants were rescued when Nigerian army personnel spotted the vehicle. The group were lost while searching for one of two wells on their itinerary.

TUNISIA

International organizations assess Tunisia’s readiness to receive and process migrants

• On 16 May, representatives from UNHCR, WHO and the Tunisian Ministry of Health visited regions in Tunisia bordering Libya to assess the readiness of and resources available in those areas in case of a mass influx of migrants and refugees fleeing the violence in Tripoli. The visit was an attempt to prevent a humanitarian emergency such as the one reported in 2011 after the fall of the Gaddafi regime. UNHCR had already begun to meet with officials from the Tunisian government and took steps "to update the emergency plan and control mechanisms of intervention in light of developments in the country.”

While international organizations were assessing Tunisia’s preparedness to receive a mass influx of migrants and refugees, médecins Sans Frontières (MSF), the international humanitarian medical NGO, made statements saying that Tunisia should not be considered a place of safety for migrants and refugees. MSF released a report on 3 June saying, “Tunisia has a highly inefficient asylum system in place and thus cannot be defined as a place of safety for immigrants and refugees. The nearest places of safety for refugees in the Central Mediterranean are #Italy or #Malta.” MSF cited a recent incident involving 75 migrants, refugees and asylum seekers as a main reason for their assessment.
• MSF cited a recent incident where migrants, refugees and asylum seekers saved at sea were not allowed to disembark in Tunisia and were left aboard a crowded vessel for over a week. The group in question were brought aboard an Egyptian tug boat after they were found adrift at sea. According to the captain of the vessel, both Italian and Maltese authorities were informed of the situation before the boat made its way to Tunisia. Once in Tunisia, those aboard were refused disembarkation. Speaking to a news outlet, the captain of the vessel said, “We’re in a critical situation, we’re nearly 100 on board and we don’t have more than two days of supplies of water and food.”

Deaths off the coast of Tunisia
• In one of the deadliest single incidents in the Mediterranean this year, 65 migrants, refugees and asylum seekers drowned off the coast of Tunisia on 10 May when their boat sank. The persons in question departed from the Libyan port of Zuwara on 9 May but, according to Mongi Slim, a Red Crescent official in Zarzis, “…were transferred into a smaller inflatable boat which was overloaded, and 10 minutes later it sank.” Mr. Slim further added, “The migrants indicated they spent eight hours in the cold water and to have been saved…by Tunisian fishermen.” Speaking about those who have lost their lives, one of the survivors said, “One after one they let go, they departed under the water, one after one.”
• Later in the month, IOM Tunisia announced that it had returned the first group of 19 out of a total of 85 survivors from two separate shipwrecks to their countries of origin, one of which is the incident in described above. The first group, comprising 18 Bangladeshis and one Egyptian, left Tunisia on 20 and 22 May. As of 31 May, 20 of the survivors had applied for refugee status in Tunisia.

GREECE
Arrivals to Greece by sea
• 2,867 migrants, refugees and asylum seekers arrived in Greece by sea in May. This is an over 30% increase from a similar reporting period the previous month. This figure represents an 18% increase from figures for May of last year.

Man charged with people smuggling
• A 22-year-old man was charged with smuggling in persons in Thessaloniki after police discovered eight migrants, refugees and asylum seekers in his vehicle, two of whom were in the trunk of the vehicle. The discovery happened along the Turkish-Greek border as the man was attempting to smuggle the asylum seekers and refugees in question irregularly into Greek territory.

ITALY
Arrivals to Italy by sea
• 782 migrants, refugees and asylum seekers arrived in Italy by sea in May, which is roughly two times the number of arrivals for a similar reporting period the previous month. This figure represents a roughly 80% decrease from figures for May of last year.

Minister Salvini proposes a controversial new security decree
• Italy’s Minister of Interior, Matteo Salvini, announced in May a new security decree that would crack down on NGOs supporting migrants, refugees and asylum seekers. Minister Salvini has previously proposed and passed a controversial security decree. The newly announced, second security decree has spawned further political turmoil with members of the Five Star Movement already calling for a halt to the process. Article 1 of the decree, one of the most contentious and potentially detrimental to the preservation of lives at sea, would fine rescue NGOs between €500 and €5,500 per person rescued if they do not ‘abide by the instructions of countries responsible for the rescue area’. The same article also threatens to revoke the licenses of organizations in ‘serious cases’ thereby effectively ending their operations in the Mediterranean.

• This decree has come under heavy criticism from rights organizations and international human rights actors who see it as imperilling the lives of migrants, refugees and asylum seekers and hampering efforts of well-meaning organizations to preserve lives and rights at sea. A number of UN human rights experts have addressed a letter to the Italian government urging it to halt the decree. Among those who have signed the letter are, Felipe González Morales, special rapporteur on the human rights of migrants, Nils Melzer, special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Maria Grazia Giammarinaro, special rapporteur on trafficking in persons, especially women and children. A section of the letter reads, “The right to life and the principle of [not returning people to a country where they are in danger] should always prevail over national legislation or other measures purportedly adopted in the name of national security... We urge authorities to stop endangering the lives of migrants, including asylum seekers and victims of trafficking in persons, by invoking the fight against traffickers. This approach is misleading and is not in line with both general international law and international human rights law... Restrictive migration policies contribute to exacerbating migrants’ vulnerabilities and only serve to increase trafficking in persons.”

• Minister Salvini hit back against the UN’s criticism with a letter addressed to Prime Minister Giuseppe Conte and Foreign Minister Enzo Moavero Milanesi. In his letter, Minister Salvini called the allegations ‘baseless’ and added, “It is unwarranted interference in our government’s political programme, spawned by ideological preconceptions shared by those who oppose the new direction in our national migration policy.”

• UN experts were not alone in criticizing the decree, Human Rights Watch (HRW) also spoke out against the proposed decree with the organization asking the coalition government to reject what HRW sees as a thinly veiled attempt at discouraging sea rescues. Responding to news of the decree, the organization said, “The proposed measure is based on a partial and deeply flawed reading of international law. The law of the sea governing rescue operations imposes obligations on shipmasters to respond to situations of distress at sea and to take the people rescued to safe places. This includes a general obligation to cooperate with and follow instructions from coastal states that have assumed responsibilities to conduct and coordinate rescue operations in their declared search-and-rescue region.”

Catania prosecutor’s office finds no connection between NGO and smugglers
• After a long investigation, Catania’s public prosecutor’s office has requested an investigation into Spanish NGO Proactiva Open Arms be archived after no evidence was found of collusion between the NGO and people smugglers or traffickers. The investigation was launched into commander Marc Reig Creus and the head of mission Ana Isabel Montes Mier after it was alleged that there was a connection between the NGOs rescue activities and smugglers. Speaking about the decision, a representative for Proactiva said, “We are happy to learn that one more step towards the truth it has been done, we reiterate that we have always operated in compliance with international conventions and the law of the sea and that we will continue to do so with a single objective: to defend life and the rights of the most vulnerable people.” The organization has repeatedly denied any such connection and insisted that it only acted to preserve lives.
Arrivals to Spain by sea
• 1,315 migrants, refugees and asylum seekers have crossed from Morocco to Spain by sea in May of this year, which represents a 44% decrease from figures for a similar reporting period the previous month of April and approximately 63% decrease from figures for a similar reporting period last year.

Arrivals to Spain by land
• 613 migrants, refugees and asylum seekers have crossed into Spain via its land borders with Morocco (through Ceuta and Melilla) in May, this represents a roughly 42% increase from the previous month of April. This figure represents a roughly 48% increase from land arrival figures for May of last year.

RESEARCH OF INTEREST

Rescue at Sea: A guide to principles and practice as applied to refugees and migrants - International Maritime Organization (IMO), the International Chamber of Shipping (ICS), and the Office of the United Nations High Commissioner for Refugees (UNHCR)
IMO, ICS and UNHCR developed a guide for shipmasters, ship owners, Governments, insurance companies and other parties involved in search and rescue operations. The guide provides information on relevant legal provisions, practical procedures to ensure the prompt disembarkation of rescued persons, as well as measures to meet their specific needs.

Gone with the wind: International migration - Global and Planetary Change
This study explores how climate change has become a more important push factor than economic inequality or conflict.

MULTIMEDIA & EDITORIALS OF INTEREST

Migrants and startups: a match made in the EU - EU-Startups
This piece discusses how startups may help migrants in host countries, and how the latter benefit from them.

European migration stories told one object at a time – InfoMigrants
This piece presents a virtual migration museum in Germany and its archive of migration stories.

Setting the Record Straight About African Migration – Project Syndicate
This commentary addresses misconceptions about migrant flows from Africa and highlights ways of improving migration management in the continent.

Hundreds of Europeans 'criminalised' for helping migrants – as far right aims to win big in European elections – Open Democracy
This piece discusses the punishment and criminalization of individuals who help and rescue migrants in Europe.

*MHub does not vouch for the accuracy or reliability of articles in its Monthly Bulletin.