

The 2015 Mediterranean Migration Crisis and European Human Rights Values: Security Comes Before Responsibility to Protect

أزمة الهجرة عبر البحر الأبيض المتوسط عام ٢٠١٥ وقيم حقوق الإنسان الأوروبية:
الأمن يأتي قبل المسؤولية عن الحماية

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Abstract:

One of the most pressing challenges confronting the contemporary world is the subject of illegal migration, a phenomenon which has been exacerbated by a plethora of compounding factors including, inter alia, climate change, demographic shifts, economic shocks, fragile social fabric, and growing political instability, but also motivated by increasingly excessive restrictions on legal and proper admission regimes, almost exclusively imposed by the target Northern countries, contributing to the rise in using hazardous routes, by both migrants and refugees, usually relying on smugglers or, even worse, traffickers, eventually risking their lives and triggering multiple problematic repercussions at their end as well those of both the transit and final destination countries, in case they make it to the latter.

The migration crisis dates back to 2015 when the flow of both migrants and refugees jumped significantly from 153,000 in 2008 to more than 1 million in 2015.¹ This was primarily due to the growing number of Syrians, Iraqis, Libyans, Afghans and Eritreans fleeing war, ethnic conflict, or economic hardship.² This has posed serious challenges to the EU on multiple political, operational, security, and economic frontiers but also raised questions on the trade off and potential conflict among the approaches employed by the EU as well as a number of key human rights foundations of the EU itself.

This paper aims to analyze the response of the EU to the 2015 Mediterranean Migration Crisis and whether it has undermined European core human rights values.

In doing so, the paper will deploy the Responsibility to Protect (R2P) to whether the EU responses has been mainly determined by its own internal security consideration, from a purely realist perspective, or dictated by ones respecting and upholding core liberal values enshrined in various international conventions as well as in the Treaty on the European Union (TEU).

المستخلص:

إن أحد التحديات الأكثر إلحاحاً التي تواجه العالم المعاصر هو موضوع الهجرة غير الشرعية، وهي الظاهرة التي تفاقمت بسبب مجموعة كبيرة من العوامل المركبة بما في ذلك، على سبيل المثال لا الحصر، تغير المناخ، والتحول الديموغرافية، والصدمات الاقتصادية، والنسيج الاجتماعي الهش، وعدم الاستقرار السياسي المتزايد، ولكنها مدفوعة أيضاً بالقيود المفروطة على نحو متزايد على أنظمة القبول القانونية والسليمة، والتي تفرضها بشكل شبه حصري البلدان الشمالية المستهدفة، مما يساهم في زيادة استخدام الطرق الخطرة، من قبل المهاجرين واللاجئين، الذين يعتمدون عادة على المهربين أو، الأسوأ من ذلك، المتاجرين، مما يعرض حياتهم للخطر في نهاية المطاف ويؤدي إلى عواقب إشكالية متعددة في نهايتهم وكذلك في بلدان العبور والوجهة النهائية، في حالة وصولهم إلى الأخيرة.

تعود أزمة الهجرة إلى عام ٢٠١٥ عندما قفز تدفق المهاجرين واللاجئين بشكل كبير من ١٥٣ ألفاً في عام ٢٠٠٨ إلى أكثر من مليون في عام ٢٠١٥. وكان هذا يرجع في المقام الأول إلى العدد المتزايد من السوريين والعراقيين والليبيين والأفغان والإريتريين الفارين من الحرب أو الصراع العرقي أو الصعوبات الاقتصادية. وقد فرض هذا تحديات خطيرة على الاتحاد الأوروبي على العديد من الحدود السياسية والعملية والأمنية والاقتصادية، ولكنه أثار أيضاً تساؤلات حول المقايضة والصراع المحتمل بين الأساليب التي يستخدمها الاتحاد الأوروبي بالإضافة إلى عدد من أسس حقوق الإنسان الرئيسية للاتحاد الأوروبي نفسه.

يهدف هذا البحث إلى تحليل استجابة الاتحاد الأوروبي لأزمة الهجرة عبر البحر الأبيض المتوسط في عام ٢٠١٥ وما إذا كانت قد قوضت قيم حقوق الإنسان الأساسية الأوروبية. ومن خلال القيام بذلك، سوف ينشر هذا البحث مسؤولية الحماية (R2P) حول ما إذا كانت استجابات الاتحاد الأوروبي تتحدد بشكل أساسي من خلال اعتبارات الأمن الداخلي الخاصة به، من منظور واقعي بحت، أو تم إملؤها من منظور احترام ودعم القيم الليبرالية الأساسية المنصوص عليها في مختلف الاتفاقيات الدولية وكذلك في معاهدة الاتحاد الأوروبي (TEU).

Introduction:

The Mediterranean crisis of 2015 marked a significant turning point in the EU's approach to migration and asylum policies. The surge in arrivals of migrants and refugees fleeing conflict, persecution, and poverty in the Middle East and Africa posed a significant challenge to European countries, testing their commitment to upholding human rights values while also ensuring their own national security. The paper delves into the complex interplay between security concerns and R2P during this crisis, exploring whether European nations prioritized security over human rights obligations.

Through a comprehensive review of the R2P and qualitative analysis of the case study of the EU's response to the crisis, the paper examines the challenges confronted by the EU to balance between the competing concerns of security and human rights of migrants.

Key data sources encompass academic literature on R2P and securitization, EU policy documents and public statements, as well as reports from relevant international organizations.

The findings regarding EU response to the crisis will be contrasted to existing international and European human rights values, security and R2P to draw a conclusion.

The paper aims to contribute to the analysis of the EU's response to the 2015 crisis and its implications on the European human rights values and R2P, providing insights into the dilemma of securitization of migration. The timing of the writing is crucial as the topic is gaining momentum particularly with the exacerbation of the situation in Sudan, both on the side of human rights violations and displacement (9 million IDPs and 2 million refugees so far), as well in the across-the-board deterioration in humanitarian funding, which has reached 8% of the actual need as per UNHCR with potential and perceived onward movement to the North via the Mediterranean, noting that as per the High Commissioner for Refugees, Sudanese reaching Europe in 2024 are fivefold last year.

This calls back to the front stage the 2015 Mediterranean Crisis, the arguments that were made at that time in the face of the unexpected influx, and the implications on multiple frontiers, including the human rights and security ones, to draw lessons and enhance preparedness for the currently evolving situation in a practical manner that aligns with the EU's relevant regional and international obligations.

The paper will use the term migrants as a general category to include migrants, asylum seekers, and refugees.

The first part depicts a brief background on the 2015 Migration Crisis. The second part provides an overview of European human rights values and the R2P concepts since its inception, the third part analyzes the EU's attempts to balance security and human rights to see how it securitized the migration issue, and the final part details the human rights violations instigated by EU actions or inaction.

I. Background on the 2015 Migration Crisis:

In 2015 the European refugee crisis began when the flow of migrants increased dramatically from 153,000 in 2008 to more than one million in 2015.³ As of 7 December 2015, more than 911,000 migrants and refugees had arrived on European shores since the year began and some 3,550 lives had been lost during the journey. This was predominantly due to the mounting number of those escaping from Syria, Afghanistan or Iraq, but also Libya and Eritrea, either fleeing war, ethnic conflict, or economic hardship.⁴ UNHCR's reports confirmed that that more than 60% of the refugees who risked their lives in the Mediterranean during the first 6 months of 2015 were nationals of Syrians, Somalis,

Afghans, and Eritreans who fled their countries due to war, atrocities, or regime repression. Others, mostly from Mali, Senegal, Gambia, and Nigeria, were aiming to enhance their economic situation.⁵ Some migrants who have resided in Libya, since before the hostilities broke out in May 2014, were fleeing insecurity and violence in Libya.⁶

With the prolific numbers of migrants and refugees, the EU was expected to react in solidarity and subsidiarity, given the magnitude of the crisis and the effect on all member states. The first receiving countries at the shores, such as Greece and Italy, were receiving the migrants and refugees, who then moved to other favored member states, such as Germany, which offered more flexible and appealing procedures as well as longer-term stability and support.

Attempting the crossing to Europe, the humanitarian situation escalated dramatically as overcrowded boats capsized, leading to tragic loss of life, and raising the public expectation towards the envisaged EU response. To examine how the EU handled this crisis, in the next section the paper will test applicability of European human rights values through the lens of R2P.

II. European human rights values, R2P in international law and in Europe:

Since its foundation, the EU has publicly committed itself to the principles of democracy and human rights, as enshrined in Article 2 of TEU: EU values. The EU's founding values clearly refer to 'human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.'⁷ Moreover, given the importance of mainstreaming human rights in the EU, the Council adopted in 2012 a Strategic Framework on Human Rights and Democracy, with an action plan to implement the framework, defining the principles, objectives, and priorities with the aim of enhancing the effectiveness and consistency of the respective EU policy over the next decade, mainstreaming human rights into all EU policies (as a 'silver thread'), encompassing situations when both internal and external policies overlap, and pursuing a more tailored approach.⁸

Given the link between the R2P concept and the protection of refugees, particularly ones fleeing mass atrocities, the 2015 crisis was a real test for the European R2P and the commitment to humanitarian measures. Historically, the concept of R2P has gained significant traction in the field of international law as a guiding principle for addressing atrocities and protecting populations from mass human rights violations. It is based on the idea that all states have a responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and that the international community has a responsibility to intervene when states fail to do so.

The concept recognizes the importance of international cooperation and collaboration in addressing human rights violations that transcend national borders. It emphasizes the need for states to work together to prevent conflicts, promote peace, and uphold the rule of law to protect the rights of all individuals, regardless of their nationality or background.⁹ In sum, R2P encompasses three key pillars, namely “the protection responsibilities of the state, international assistance and capacity building, and timely and decisive response”.¹⁰

In practice, the application of R2P in international law has been a subject of debate and controversy. While the principle is endorsed by the United Nations and many member states, there are challenges in translating it into concrete actions. One of the main concerns is the potential for abuse of R2P by powerful states to justify military intervention for political purposes.¹¹ The lack of clear criteria for when and how to intervene also poses challenges for its effective implementation.¹² R2P has been invoked in Libya in 2011 to protect civilians from Gaddafi regime, and in Syria trying to protect Syrians from Assad regime. In the first case Gaddafi was toppled down leaving Libya in severe chaos, while in the second case Assad is still in power, yet Syria is still suffering from the war there. The two cases illustrate the complexity of applying R2P and how it might be considered by some as a smokescreen for intervention. The concept thus needs clearer guidelines and mechanisms for implementation.

As Bellamy argues, R2P and refugee protection has always been linked¹³, though refugee and migrant protection is not explicitly mentioned in one of the three R2P pillars.¹⁴ When atrocities are being committed in homelands against certain populations, people tend to escape to preserve their survival and security. The forcibly internally displaced IDPs remain within the boundaries of their home states, while refugees' cross international borders to seek refuge in neighboring countries. Yet, many casualties occur during their attempts to escape while pursuing dangerous means, they also face issues with legal and dignified access to territory and procedures. Even afterwards their most elementary needs of food, shelter and medical services are often difficult to meet, either at the emergency level or on the longer term, due to the inherent complications associated with mass influxes compounded with the most probable prevailing conditions of the receiving states that makes it unable, or sometimes unwilling, to meet those needs either due to socio-economic situation or legal barriers. The inadequate allocation of the burden among states makes it even harder, particularly for developing countries who usually host large populations of refugees due to their geographical proximity to the countries of origins, as well as their policies that mostly aim to block refugees from reaching their territories.¹⁵ Due to the restrictive refugee and immigration regulations implemented by developed countries, 86% of the world's refugee population is living in low-income countries that are in the vicinity of the regions of conflict.¹⁶

III. Has the EU response balanced security and human rights considerations?

This part of the research will focus on the migration-security nexus adopting the securitization framework which focuses on the social construction of threats, to serve in construing how the EU has transformed migration into a core security issue. This securitization of migration has motivated the entire EU to institutionalize migration as a security issue in its mainstream policies.

“Migration is identified as being one of the main factors weakening national tradition and societal homogeneity. It is reified as an internal and external danger for the survival of the national community or western civilization.”¹⁷ This rhetoric identifies migrants as aliens who are dangerous to the European communities. Thus, migration has always been a common threat to all EU members states since the implementation of the Schengen Agreement in 1990. Maastricht Treaty and the Justice and Home affairs intergovernmental pillar put the migration side by side with law enforcement subject-matters, including organized crime and terrorism, which reflected how the EU securitized migration issues.¹⁸ Yet, the Amsterdam Treaty improved this by transforming it into a community pillar.¹⁹

This displays the nexus between security and human rights, which should be theoretically two sides of the same coin. While security is crucial for protecting humans from threats, human rights protect their dignity, freedoms, and equality. The challenge for states is to balance between the two, ensuring security of citizens by adopting measures to protect them from internal and external threats, while also adhering to human rights. Protecting human rights while maintaining security becomes particularly challenging in the context of migration. Migration is a complex issue that has significant implications for European security, both in terms of managing borders and addressing the needs of migrants.

The influx of migrants into Europe has raised concerns about security threats, leading some states to adopt strict border control measures to prevent unauthorized entry, as discussed in the following section.

These measures must theoretically be implemented in a way that respects the human rights of migrants, including their right to seek asylum and protection from persecution. States have a responsibility to provide a safe and secure environment for migrants while also addressing the root causes of migration through international cooperation and development initiatives.²⁰

The following section will examine the EU’s response to the 2015 migration crisis and the measures adopted by European countries aiming to manage the flow of migrants, while addressing key European security concerns.

Following the death of over 1000 people in one single week in April 2015, border controls were tightened, and cooperation agreements were forged with transit countries to stem

irregular migration. The prioritization of security considerations was evident in the emphasis placed on border protection, law enforcement, and deterrence strategies to control migration flows. Accordingly, the whole comprehensive approach to migration of the EU, including mobility partnerships, have incrementally acquired a prejudice towards security concerns, in contrast to development, as well as human rights, which have taken more of a back seat.²¹

The responses of EU member states differed. For example, Germany was among the most welcoming states who exemplified openness to migrants, accepting over one million, mainly Syrians. On the other hand, a country like Hungary refused the quotas proposed to it by the European Commission. All over Europe, populist right-wing parties perceived the arrival of predominantly Muslim migrants as an existential threat to Europe.²²

Thus, on May 13, 2015, the European Commission (EC), the EU's executive body, presented a "European Agenda Migration" with proposals for a common migration policy.²³ The proposed reform to the Common European Asylum System (CEAS) was to replace the Dublin System, which regulated the distribution of asylum applications among EU countries, primarily placing a heavy burden on those states with external no EU countries as "those receiving countries which are the first entry points were the ones responsible for processing asylum claims."²⁴ The Commission also proposed the extension of Frontex mandate, to act as the European Border and Coast Guard Agency, with the core objective of "fortifying the management and security of EU's external borders and supporting national borders guards."²⁵ Hence, Frontex mission turned to be the prevention of boats from reaching EU shores.²⁶

Additionally, the European Commission sought to develop a comprehensive European approach to migration, encompassing the reduction of incentives for irregular migration; better border management and broader control measures; a strengthened common asylum policy and procedures to ensure a more coordinated approach and a new policy on legal migration.²⁷ Among the measures taken also was an increased cooperation with non-European countries to address the root causes of migration and to manage the flow of migrants more effectively. EU member states started working with countries of origin and transit to address root caused such as poverty, conflict, and human rights violations that drive people to flee their countries.

Mobility partnerships also aimed at achieving positive impacts of migration on development by responding to the needs of countries of origin in terms of skill transfers and mitigating the impact of brain drawing.²⁸ The main aims were mainly to stop migrants from leaving the countries of origin. However, the partnerships were mostly contingent on security-related assurances requested from those third countries as a criterion for initiating the negotiation process. They were thus an innovative way to enhance

management of legal movement of people between third countries and the EU, against satisfaction of certain security related conditions, and fighting illegal migration.²⁹ The clearest example is the EU- Turkey statement of 2016 has been deployed by the EU as a tool for migration diplomacy, where the two countries have come to an agreement to handle the massive influx of refugees into the EU with an action plan to tackle the problem of asylum claimants and refugees smuggling.³⁰

According to the agreement, for every Syrian Turkey allows entry from the Greek islands, the EU would take a Syrian from Turkey.³¹ Under this agreement, the EU assumed Turkey was a safe third country, from which asylum claimants and refugees may apply for international protection as per the 1951 Refugee Convention. Yet, the return from Greece to Turkey was violating the principle of non-refoulement codified in international as well as European laws and conventions.

Among the most criticized European missions to combat migration is also the Italian-Libyan Cooperation in Migration issues. Though this bilateral cooperation has been in force since the late 1990s, the peak of cooperation was reached in late 2004 under the leadership of Gaddafi and Berlusconi. The famous incident of Lampedusa where more than 4000 migrants were returned from Italy to Libya was loudly criticized as a clear violation of non-refoulement.³²

With the upheavals of 2011 toppling down Gaddafi who was one of the main partners in the Migration Cooperation, the agreement was compromised by the events in Libya. With the employment of the R2P, there was still an international failure to adequately address disarmament and reconciliation. This failure to restore Libya's sovereignty and capacity to control its border thus escalated the migration problem to Europe. With the escalation of hostilities in Libya in 2014, the migration issue gained momentum, contributing to the migration crisis of 2015.

Hence, attention of the EU has been directed towards combating smuggling and capacity building of Libya to curb the phenomenon. It also aimed at improving prospects for citizens in countries of origin and transit through European Neighborhood Policies, particularly ENP of 2015.³³

All the above mentioned measures reflect how the dominant aspect of the migration policies of the EU appeared to be following the process of securitization.³⁴

IV. **Human Rights Concerns in the 2015 Migration Crisis: A Closer Look at Violations of the Right to Life, Dignity, Non-Discrimination, and the Right to Seek Asylum**

The migration crisis of 2015 brought to light, among other things, numerous human rights concerns as people from war-torn countries and regions of conflict sought refuge in safer and more stable nations. This influx of migrants and refugees sparked a global conversation on the respect for human rights and the protection of vulnerable populations. This section will examine the violations of the right to life, the right to dignity and non-discrimination, and the right to seek asylum that occurred during the 2015 migration crisis.

The crisis has clearly shown that rights assigned to a person, as per the international as well as the European standards, laws, and conventions, are largely questioned in a situation of forced migration, particularly when it is securitized, and migrants and refugees are perceived as a threat.

Among the rights violated was the right to life and protection from cruel, inhuman, and degrading treatment. The European Convention of Human Rights (ECHR) has two articles which prohibit the return of persons who face risks of inhumane treatment. While Article 2 tackles the right to life, Article 3 covers the prohibition of torture, inhuman or degrading treatment, both underpinning the non-refoulement of vulnerable persons who might face any violations of those articles.³⁵ States are responsible for violation of their obligations stipulated in ECHR.³⁶ With more than 3,770 casualties, 2015 has been the deadliest year for migrants and refugees attempting to cross the Mediterranean to reach safety in the EU.³⁷ Lives were lost at sea, in overcrowded boats, or due to harsh conditions during their journey. The failure of some countries to provide adequate search and rescue operations led to preventable deaths and raised serious concerns over the protection of the right to life for all individuals, regardless of their legal status whether migrants or refugees. Both the 1974 International Convention for the Safety of Life at Sea (SOLAS) and the 1982 United Nations Convention on the Law of the Sea (UNCLOS) oblige all shipmasters to provide assistance swiftly to persons in distress, and states to ensure effective communication.³⁸

Additionally, reports of violence, exploitation, and human trafficking along migration routes highlighted the risks faced by migrants and refugees and their vulnerability to abuse.³⁹ The failure of governments to address these risks and provide adequate protection further underlined the violations of the right to life experienced by migrants and refugees during the 2015 crisis.⁴⁰

The principle of non-refoulement was also applicable in the context of non-admission and rejection at the borders.⁴¹ The principle of non-refoulement is explicitly reflected in Article 78(1) of the Treaty on the Functioning of the EU. Articles 18 and 19 of the EU

Charter also tackles the prohibition of refoulement, which is further specified in secondary EU law and applies to refugees, asylum applicants, and migrants in an irregular situation. These provisions reiterate international human rights obligations undertaken by EU Member States. Under Articles 3 and 4 of the Schengen Borders Code (Regulation (EU) 2016/399), border control has to respect the rights of refugees and people requesting international protection and must fully comply with the requirements of the 1951 Refugee Convention and the obligations related to access to international protection, in particular the principle of non-refoulement.⁴² Article 6 of the Asylum Procedures Directive (2013/32/EU) requires Member States to register an asylum application within established deadlines.⁴³ Under Article 8 of the directive, Member States must provide asylum applicants with information on the possibility to lodge their claims.⁴⁴ Under Article 9 of the Asylum Procedures Directive (2013/32/EU), asylum applicants can remain in the territory of an EU Member State until a decision is made on their application. Return procedures must be affected considering the best interests of the child, family life, the state of health of the person concerned, and the principle of non-refoulement (Article 5 of the Return Directive, 2008/115/EC).⁴⁵

In practice, refoulement was prevalent during the 2015 crisis, highlighting the disregard for the principle which is part of customary international law, and the duty to provide sanctuary to those in need. For instance, in April 2016, over 130 persons were deported from the Greek Island of Lesbos on Frontex ships, as part of the deal between Turkey and the EU, by which irregular migrants crossing from Turkey to Greece would be returned to Turkey as a temporary and extraordinary measure against the principle of non-refoulement.⁴⁶ This was an illustration of Europe's lack of commitment to protect refugees as per the international law and shows how security came before R2P. In this example the European humanitarian values have been abandoned.⁴⁷

Regarding the right to seek asylum, Article 18 of the EU Charter explicitly guarantees the right to asylum. The right to seek asylum is a universal one afforded to individuals fleeing persecution, conflict, and human rights abuses emanating from the UDHR and codified in multiple international and regional instruments including the International Covenant on Civil and Political Rights (ICCPR). To be protected from arbitrary removal, people should have access to fair and efficient asylum procedures and get sufficient information on the relevant procedures in a language they understand, as well as a right to legal advice. The European Court of Human Rights (ECtHR) has, for instance, emphasized the importance of interpretation to ensure access to asylum procedures.⁴⁸

In practice, the right to seek asylum was among the most violated rights, though explicitly enshrined in various international conventions, as well as EU laws and regulations. Numerous EU countries blocked migrants from entering their territory by implementing restrictive asylum policies, enacting stricter legislations, utilizing strong borders controls, and deploying police and military forces to the borders to physically prevent migrants

from entering its territory. Hungary was the most criticized example by its installation of a wire fence along its borders with Chechen Republic. Hungary also introduced a criminal term for illegal entry into it, which clearly violated Article 31 of the Refugee Convention.⁴⁹⁵⁰ Many European governments implemented restrictive asylum policies, border controls, and deterrence measures that hindered access to asylum procedures and denied individuals the opportunity to seek protection in accordance with international law. This was the case though even robust search and rescue operations need to be accompanied, by law, by sustained efforts to ensure the right to seek asylum enshrined in the Universal Declaration of Human Rights and guaranteed in the EU's Charter of Fundamental Rights.

Another right that was clearly violated is the Right to Dignity and Non-Discrimination. The recognition of dignity under law rose with the adoption of the Universal Declaration of Human Rights in 1948 by the UNGA. UDHR asserted that recognition of inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world and further affirmed that all humans are born free and equal in dignity and rights.⁵¹ According to McLain and others, migration with dignity emphasizes six fundamental elements, namely: 1) movement, 2) security, 3) equality, 4) standard of living, 5) access to services, and 6) civil and political rights.⁵² Movement entails the availability of proper channels and routes for such movement. Security assumes means that does not enforce on their physical and psychological wellbeing and safety. Equality presumes that they are treated equally without discrimination on any basis. Standard of living advocates of minimum standards that ensure their basic needs as well as self-reliance, respect, and esteem. Access to services encompasses the availability of effective and operational key sectors coupled with easy reach and affordability. Civil and political rights recognize the inherent need of migrants to practice those rights as part of their wider entitlement for human rights and in pursuance of the larger aim to place within a sense of normality.

During the 2015 crisis, and applying McLain's six elements test, there is clear evidence that the respective individuals were subjected to undignified treatment, including overcrowded and unsanitary living conditions in reception centers, detention facilities, and makeshift refugee camps. Placing refugees in detention like facilities or situations clearly contradicts the ECHR, which prohibits unlawful detention, as well as Article 26 of the Refugee Convention, which states that contracting states shall guarantee to refugee lawfully in their territories the right to choose their place of residence and to move freely within the respective country subject to any regulations in place for aliens in the same circumstances.⁵³ The lack of access to basic necessities, such as food, water, shelter, and healthcare further undermined the dignity of migrants and emphasized the failures of some governments to uphold their human rights obligations.

Furthermore, discriminatory practices and xenophobic attitudes towards migrants and refugees were widespread during the 2015 crisis, leading to stigmatization, social exclusion, and marginalization of vulnerable populations. The denial of basic rights and services based on one's migration status or nationality not only violated the principle of non-discrimination but also perpetuated a cycle of inequality and injustice for those seeking safety and protection.

The rise of radical right-wing movements and parties, and resistance to the admittance of migrants was fueled and sustained by negative representations of them in the public arena, and by the popular view that migrants threaten members of the host society. These attitudes served to reinforce the crisis, providing a rationale for significantly limiting the admittance of refugees to many Western countries.⁵⁴

Applying the 6 fundamental elements for migration with dignity, the migrants did not have the right to free movement, their security was at stake. Criminal networks were often involved in migrants smuggling, which might have included human trafficking and sexual exploitation. Statistics show that up to 80% of women and girls experience rape and sexual assaults during migration.⁵⁵

Conclusion:

The 2015 migration crisis brought to light several pertinent issues in relation to how the EU has handled the crisis and contributed, in one way or another, not only to its exacerbation but its emergence in the first place, at one point in time, through explicit and implicit unpreparedness, and catalyzing action or inaction measures.

The migrant crisis turned into a human rights crisis, acting as a litmus paper seriously scrutinizing European human rights values, as well as solidarity between EU members states. Furthermore, it highlighted the inadequacies of existing EU migration and asylum policies, revealing deep disparities in the treatment of individuals seeking refuge within Europe, and the lack of a coherent and common policy, being the result of, inter alia, national sovereignty concerns.

More importantly, the crises questioned the viability and validity of the securitization approach, and whether it has numerically caused a decrease in the number of migrants and refugees aiming to reach Europe. Arguably, the EU's traditional response to flows of migrants and refugees, at a time of severe humanitarian crises around the world, has contributed to the crisis in the Mediterranean. Statistically, attempts to prevent crossings were and remain likely to fail as this approach overlooks the reasons people are willing to risk their lives to attempt such deadly sea-passage, including armed conflicts and

persecution, as well as deeper underlying cultural and developmental root causes. Nevertheless, the EU has until recently focused on preventing departures and limiting arrivals, while within the EU the unequal sharing of responsibility for arriving migrants and refugees and gaps in protection among member states prevented the devising of a transparent, consistent, and rights-based approach solidly anchored in relevant international human rights and refugee rights standards.

On the other hand, the EU interpretation of the R2P seems to be confined to the protection of people facing atrocities before they leave their home countries and cross international borders, based on the restrictive interpretation of R2P principles of assistance and capacity building, particularity with countries that produce and transit refugees. The EU in that case has been dealing with the countries bilaterally and not with the people themselves, thus stressing clearly core elements of realism rather than liberalism.

Over and above, the 2015 migration crisis exposed significant human rights concerns related to violations of the right to life, dignity, non-discrimination, non-refoulement, and the right to seek asylum, ones that do not only breach international standards, whether human rights or refugee ones, but also longstanding EU ones.⁵⁶

The paper thus concludes that:

First: The European response to the 2015 crisis exposed limitations to liberal humanitarianism and R2P due to an overemphasis on security considerations. It is evident that the EU does not explicitly use the R2P in relation to refugees and migrants, rather it is used for intervention in other countries for humanitarian purposes. Nevertheless, the R2P does not impose a clear obligation on states to welcome refugees and migrants from other states, especially if it affects one's own national interest and security. The R2P thus needs to be conceptually expanded and interpreted liberally to incorporate the international human rights and refugee law standards as enshrined in multiple human rights conventions as well as the 1951 Convention and its protocol, particularly the principle of non-refoulement.

Second: While security considerations undoubtedly played and will continue to play a significant role in shaping responses to crisis of similar nature, it is essential to remember that security and human rights are not mutually exclusive. Finding a balance between safeguarding national security interests and fulfilling human rights obligations remains a complex and ongoing challenge for Europe. Moving forward, it is imperative for European nations to prioritize human rights values in their policies and practices, ensuring a more coherent and rights-based approach to migration governance.

Third: The integration of migrants into European society is essential for social cohesion, peaceful coexistence, and security, not to mention their potential role as an active labor force in multiple fields. States are obliged to ensure that migrants have access to basic rights and services, such as healthcare, education, and employment, to prevent social exclusion, resort to negative coping mechanism, and radicalization. Promoting mutual understanding and tolerance among migrants and host communities is vital for building trust and cooperation in addressing security challenges.

Fourth: The EU needs to realize the danger in handing over control of their borders to warlords and autocrats in Libya and Tunisia. Instead, the emphasis should be on measures that link the short-term imperative to appear in control of migration to longer-term initiatives that reduce the need for people to make the move in the first place. Experience has demonstrated that Externalization has not prevented irregular movement into Europe, nor has it given Europeans greater control over migrant flows. It has, however, changed the EU's and member states' relationships with their southern neighbors. The massive funds and resources currently allocated by the EU to securitization and externalization projects should be diverted to cultivating democracies, funding development, and supporting the empowerment of civil society in countries from where migrants originate.

Fifth: As we reflect on the challenges faced by migrants and refugees during this crisis, it is critically imperative to recognize that governments, civil society, and international organizations should have worked, and must work, together to address these violations, protect the fundamental rights of all individuals, and uphold the values of compassion, solidarity, and respect for human dignity.

So, to sum up, the EU with all its member states must consider reevaluating their approach to migration, placing more emphasis on upholding core human rights values enshrined in its founding treaties. It should also work on stretching international cooperation as one of the three pillars of R2P, as well as properly addressing the root causes of migration. By reflecting on the lessons learned from this 2015 crisis, the EU policy makers should move on a more right-based approach to migration to better respond to foreseen influx of migrants and refugees that might take place with the ongoing Sudanese crisis, as well as other crisis in the region.

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