



European Commission, DG Migration
& Home Affairs

A study on smuggling of migrants

Characteristics, responses and cooperation with third
countries

Case Study 2: Ethiopia – Libya – Malta/Italy

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1 Executive Summary

This case study has been developed in the framework of the EU-funded “Study on smuggling of migrants: characteristics, responses and cooperation with third countries”. Five case studies served as an information collection tool to contribute to the data collection of the larger study, in order to provide detailed information on the phenomenon of migrant smuggling and policies to address it as occurring in particular countries or along particular route segments.

The rationale for the decision on case study countries and route segments covered has been made based on their relevance according to indicators such as the number of irregular migrants apprehended (particularly based on Frontex data), border type, modus operandi, migration route and relationship with third countries, following the requirements in line with the tender specifications for the Study.

In this case study Ethiopia was selected as the country of departure, with Libya chosen as a transit country and Malta and Italy as the countries of first entry to EU. This case study covers the land border from Ethiopia via Sudan to Libya, as well as the sea border from Libya to Malta and Italy. It focuses on the East Africa route and the Central Mediterranean sea border route.

Methodological note

Research methodologies used included desk research, legal and policy analysis, qualitative research and interviews in specific countries along the selected route segments. Information has been collected over the course of the first half of 2015. Thus, the most recent dynamics in regard to flows and policies along the selected routes are not reflected in the case studies. Fieldwork was conducted locally in Ethiopia, Italy and Malta. Due to the security situation, fieldwork was not conducted within Libya, and instead contact was established through Skype with experts on Libya who were residing in other locations. Interviews were conducted with a variety of stakeholders, including migrants, migrant smugglers, government representatives, international organisations, civil society organisations, and journalists. Interview partners were selected based on their key expertise on the topic of migrant smuggling for the countries selected and/or along this route.

OVERALL TRENDS

Ethiopia serves as both a country of origin for Ethiopian migrants and a country of transit for particularly Somali and Eritrean migrants. There are indications of migrant smuggling across the border between Ethiopia and Sudan at a large scale, but there are not reliable estimates on the number of migrants crossing. Research suggests that Eritreans in refugee camps in Ethiopia engage in secondary movements from Ethiopia on a large scale, but less is known about Ethiopians migrating to Sudan and Libya.

From Ethiopia, a key destination is Libya, with most migrants transiting through Sudan. Not all migrants on this geographical route have Europe as their intended final destination. Libya and Sudan may be considered a final destination, although some migrants may later decide to continue onward due to the difficult situation in the host country or for other reasons. Libya has historically been a country of destination; before the Libyan crisis of 2011, the labour migrant population in the country was large and diverse, and even in recent years migrants are still drawn to the country due to competitive salaries. However political instability and lawlessness has pushed many migrants to make the decision to attempt to cross the Mediterranean. Libya, and Tripoli specifically, is traditionally a hub where migrants can seek out various services or attempt to make enough finances to continue their journey towards Europe, and due to institutional ineffectiveness in the country it continues to operate as such a hub. The increase in migrant smuggling across the Mediterranean is linked to the instability in Libya, making anti-smuggling procedures difficult to enforce.

Overall, in 2014, the route from Libya accounted for the majority of all detected illegal entries to the EU and majority of the fatalities at sea. The Italian Ministry of Interior estimated a total of 170,100 irregular migrants landed in Italy in 2014, of which 18,190 were women and 13,026 were unaccompanied minors. Since 2002, Malta has received

between 1000-2000 irregular migrants by sea each year, with the exceptions of 2010 and 2014, when numbers dropped dramatically due to the Libyan crackdown on irregular migration, and the Mare Nostrum operation, which unintentionally sheltered Malta from irregular arrivals, respectively.

Malta is rarely the intended destination for migrants; most aimed at landing in Italy and either ended up on Maltese territory by mistake or, more commonly, were rescued within the Maltese search and rescue zone and subsequently disembarked in Malta. Historically, most of these migrants were from the Horn of Africa (mainly Somalia and Eritrea), with considerable numbers from other African countries such as Nigeria or Sudan. Recently, however, for both Italy and Malta, the number of migrants from Syria has increased dramatically, accounting for the largest number of arrivals in 2014.

MODUS OPERANDI OF MIGRANT SMUGGLING OPERATIONS

There is no evidence to suggest that there is a single, unified migrant smuggling network that exists between Ethiopia and Malta/Italy. The modus operandi of migrant smugglers on the respective route legs is diverse and dynamic. However, in general, those smuggling networks that operate from Ethiopia to Libya (primarily through Sudan) and from Libya to Malta and Italy do not provide highly sophisticated services such as fraudulent documents, but rather depend on low cost methods to transport large numbers of migrants – with increased risks to migrants’ lives. Moreover, rarely are travels to Europe purchased entirely in advance but instead are organised in a more step-by-step fashion, which can also involve periods of time working in countries along the route.

While there is evidence of well-organised smuggling networks operating across the Sahara and the Mediterranean, migrant smuggling in the Horn of Africa typically consists of chains of local, often informal networks with limited international scope. Sometimes, there is an overlap of smuggling migrants and smuggling goods or other forms of organised crime. On the Ethiopia-Sudan-Libya section of the route, the research identified two main types of actors in the smuggling operation:

- ★ Brokers (or “connection men”) who establish contact with migrants and provide information.
- ★ Operators/smugglers, who organise and/or transport migrants and usually own the main assets involved (e.g. cars, boats, etc.).

On the route from Ethiopia to Libya via Sudan, some migrants cross the border to Sudan irregularly without utilising smugglers, while others – particularly migrants who could not obtain visas to Sudan – do choose to use smugglers to cross the border. For smuggled migrants, they were generally passed from Ethiopian smugglers to Sudanese smugglers when crossing the border by foot. From Sudan to Libya, the journey is made primarily overland with different types of vehicles. Many of those migrants continuing onwards to Libya spend significant amounts of time in Sudan working and raising money for the next portion of the journey.

For Ethiopia, Sudan and Libya, smugglers were normally identified through word of mouth, or (for Sudan and Libya) through social media, including Facebook. For payment of the smugglers used on the Ethiopia/Sudan/Libya section, the *hawala* system of informal money transfer, or the practice of leaving money with a trusted third party, who releases payment to the smuggler after the safe arrival of the migrant at the destination, are both common.

When departing for the Central Mediterranean crossing from Libya, migrants leave from port cities, and the journey can take from 1 to 5 days, depending also on rescue operations. The departure times are often based on activities of Libyan and international security operations, with smugglers taking advantage of the opportunity to not take migrants the full distance to Europe.

The condition of the boats are often unseaworthy, overcrowded and lacking basic safety features like life jackets, and the smugglers do not see the need to have these boats returned. In order to increase the profitability of the journey, hundreds of migrants are crammed onto such boats, compounding the risk of shipwreck. For this section of the journey, migrants are required to pay in advance. Amounts paid for the journey vary according to nationality and also

according to size (and safety) of the boat; West Africans pay less than Syrians, as Syrians typically have more access to financial resources.

In Ethiopia and Libya, corruption and bribery have been identified as key aspects of the operation. For Libya, research indicated that security forces, or ex-military personal may be involved in smuggling operations. For Ethiopia there are reports of bribing border guards, even when the migrants had a visa to legally enter Sudan.

Competition also plays a key role in the provision of smuggling services. This competition enhances the business aspects of smuggling, as smugglers try to attract business by offering extra services and cheaper prices. In Metema, Ethiopia, for example there are reportedly many smugglers with fierce competition between them. In Libya, the collapse of state structures and the corresponding legal vacuum implies that the smuggling of migrants goes largely unpunished. This has resulted in an inflation of supply, which in turn has enhanced competition, driven down prices, led to the sharp growth in crossings of the Mediterranean and is ultimately responsible for the ever increasing death toll along this route.

The distinction between migrant and facilitator is at times blurred: migrants themselves almost always pilot the vessels that cross from Libya, and migrants who run out of money may become a facilitator or broker to fund their continued journey. Recently, Egyptian, Tunisians, Palestinians, Syrians, Iraqis, Moroccans, Algerians and migrants from West African countries have been arrested as skippers, sailors and facilitators along the Central Mediterranean route, with many claiming that they were financing their own journey by providing this service in lieu of the actual smugglers.

POLICY RESPONSES: Institutional framework and cooperation

Policy responses along this route have shaped and channelled irregular migration routes and smugglers have amended their services and directions according to policies that have been enacted along the route. International operations and cooperation to combat irregular migration have been highlighted as successful, however on the one hand such actions can divert migratory flows towards other routes, and on the other, ineffective state implementation during crises can re-establish these routes, such as has occurred with smuggling operations from Libya.

A key international framework that is central to policy responses is the UN Protocol Against the Smuggling of Migrants, a supplementary protocol to the UN Convention against Transnational Organized Crime. In 2012, this Protocol was ratified by Ethiopia, however the legal framework has not yet been put in place. Thus, all migrant smuggling offences are currently prosecuted under other relevant legislation, such as illegal exit, document fraud and unlawful sending of Ethiopians for work abroad. There is also a lack of distinction between migrant smuggling and trafficking in human beings in their Criminal Code. In 2004 Libya transposed this Protocol, however in light of the recent crisis, it is unclear to what extent this legislation is enforced. Both Italy and Malta have ratified this Protocol and transposed it into law.

For Ethiopia, due to the lack of legislation specifically on migrant smuggling, the tasks of policy and operational responses to the phenomenon are diffuse, spread across a number of Ministries depending on their responsibilities, including: the Ministry of Justice (prosecution), the Ministry of Foreign Affairs (negotiations with destination countries, especially on employment), the Ministry of Labour and Social Affairs (regulating labour migration), and the Federal Police (operational response and investigation). Research in Ethiopia has shown that the country's recent ban on legal labour migration abroad has increased the amount of irregular migration from the country. Migrants wanting to work abroad now illegally exit the country in order to circumvent the ban, often relying on brokers and migrant smugglers for assistance with this journey.

For Libya, due to the lack of unified control of the country by a single authority, much of the control of the borders is done by the military or army under the government, or by armed militia or tribal groups. The Coast Guard was highlighted as an important actor, however their capacities have been severely limited recently due to the current unstable situation. For Malta, domestic border control and irregular migration policies are broadly under the responsibility of the Ministry of Home Affairs and National Security, while the practical and operational aspects of

border control are dealt with by the Malta Police Force and the Armed Forces of Malta. In carrying out its maritime patrols, in recent years Malta has received assistance from other EU countries, including under the framework of Frontex, and there has also been increased cooperation with Italy, on intelligence sharing, training of Maltese personnel and assisting in search and rescue operations.

For Italy, as with other EU countries, the main stakeholders involved in developing policies with regard to irregular migration and bilateral cooperation are, respectively, the Ministry of Interior and the Ministry of Foreign Affairs and International Cooperation. In practice, a number of actors are engaged in border control and search and rescue operations, including: the Navy, Air Force, Carabinieri, Guardia di Finanza, Port Authorities and the Police. Italy's national and local policies have had important impacts on migrant smuggling operations along the Central Mediterranean route. Perhaps the most significant recent national policy with regard to migrant smuggling has been the Mare Nostrum Operation, which was primarily a humanitarian assistance and anti-smuggling operation conducted by the Italian Navy from November 2013 to October 2014. It was considered particularly successful for preventing the deaths of migrants at sea, but has also had an impact on smugglers' modus operandi, notably the use of less seaworthy vessels due to smugglers' assumption that boats would be rescued. In terms of local efforts, investigations by prosecutors in Catania and Palermo (particularly *Operazione Glauco*) have focused on dismantling migrant smuggling networks operating on the North Africa to Italy routes. These investigations led to the identification and arrest (or request for extradition) of several high-level migrant smugglers based in Egypt and Libya, with operations extending into Italy.

A number of policy measures have been highlighted by the research, in particular operational cooperation, intergovernmental dialogues and technical assistance. Frontex operation Triton, active since the end of Mare Nostrum, 1 November 2014, has been highlighted as key in coordinating European efforts to address migrant smuggling operations in the Mediterranean. A challenge however has been highlighted in terms of availability of resources as well as the ability of the operation to safeguard lives. In the former case, the strong role that merchant ships have played in terms of rescue operations has been highlighted, which presents a challenge in terms of damage to commercial activities and ability to provide adequate first aid assistance. In terms of safeguarding lives, although this is not the main objective of Triton, in comparison with Mare Nostrum, the fact that Triton does not operate in international waters may limit its search and rescue abilities.

In terms of intergovernmental dialogues, the Mediterranean Transit Dialogue and the Khartoum Process were particularly highlighted with regard to relevant work conducted on irregular migration in general and migrant smuggling more specifically along this route. Cooperative frameworks have also previously been concluded between Libya and the EU (i.e. Association Agreement), Malta and Italy (i.e. Memoranda of Understanding on cooperation and information sharing), but due to the current crisis situation these are currently frozen. Technical assistance programs were also indicated as being important in preventing migrant smuggling, in particular by Italy, for example through training programmes with Maltese personnel and in strengthening police cooperation and training of Libyan officials.

2 Introduction

2.1 The case study purpose

This case study has been developed in the framework of the EU-funded “Study on smuggling of migrants: characteristics, responses and cooperation with third countries”, conducted by Optimity Advisors, the European Council on Refugees and Exiles, and the International Centre for Migration Policy Development.

The main object of the larger study is to identify and outline international developments and structures in the area of migrant smuggling, as well as existing ways to facilitate intergovernmental exchange, and to support the development and implementation of co-operation initiatives.

More specifically the study seeks to:

- ★ List and analyse policies, programmes and operational responses implemented by selected EU Member States and third countries aimed to fight against, reduce and prevent migrant smuggling to the EU;
- ★ Map the characteristics of the phenomenon to establish a comparative picture of its scale, characteristics, trends and patterns. Based on this the study team can draw comparative assessments of practices in various parts of the world where smuggling of migrants occurs.
- ★ Draw conclusions based on data collection and case study outcomes.

In this regard, five case studies **served as an information collection tool** to contribute to the data collection of the larger study. Their more specific aim was to provide detailed information on the phenomenon of migrant¹ smuggling and policies to address it as occurring in particular countries or along particular route segments, through the use of desk research, legal and policy analysis, qualitative research and interviews in specific countries along the selected route segments. Data collection has focused on dynamics of migrant smuggling operations and migrant smuggling routes, as well as existing policies and measures to prevent and tackle migrant smuggling.

Across all case studies, information has been collected over the course of the first half of 2015 for countries of departure (i.e. a country from which migrants leave), countries of transit and countries of first entry to the EU². The most recent dynamics in regard to flows and policies along the selected routes are thus not reflected in the case studies. Despite the choice of specific countries, the case studies should not be understood in terms of a singular route logic. Rather, this approach is informed by the insight that migrant smuggling more often than not involves loosely connected networks of smugglers/facilitators, distinct legs of a wider journey, and in geographical terms hubs in transit areas connecting countries of origin/departure and destination/first entry into the EU.

This report is thus one of the five case studies developed as one method contributing to the Study’s final comparative report. The five case studies are:

- ★ Case Study 1: Syria/Lebanon – Egypt – Italy
- ★ Case Study 2: Ethiopia – Libya – Malta/Italy
- ★ Case Study 3: Pakistan – Turkey – Greece
- ★ Case Study 4: Nigeria – Turkey – Bulgaria
- ★ Case Study 5: Greece – Former Yugoslav Republic of Macedonia – Hungary.

¹ The term “migrant” in these case studies is used to refer to all migrants including economic migrants, asylum seekers and refugees traveling in mixed migration flows. When the research refers to specific flows of asylum seekers and refugees those terms will be used.

² For Case Study 5 (Greece – Former Yugoslav Republic of Macedonia – Serbia/Hungary), Greece is chosen as the “country of departure” in order to study secondary movements along the Western Balkan region, even though it is often the first country of entry to the EU as well.

The rationale for the decision on case study countries and route segments covered has been made based on their relevance according to indicators such as the number of irregular migrants apprehended (particularly based on Frontex data), border type, modus operandi, migration route and relationship with third countries, following the requirements in line with the tender specifications for the Study.

For this case study, **Ethiopia** has been chosen as the country of departure, with **Libya** being chosen as a transit country and **Malta and Italy** as countries of first entry to EU. The case study covers the land route from Ethiopia via Sudan to Libya, and the sea route from Libya to Malta and/or Italy. This case study focuses on the East Africa route and the Central Mediterranean sea border route.

The findings of this case study are organized into four chapters, with additional appendices that follow.

The introductory chapter is divided into four parts: the basic background on the purpose of this case study in relation to the broader Study; a basic and general description of the case study content as an introduction to this specific case study; the methodology used and challenges in conducting empirical work in each of the case study countries; and the background context on migrant smuggling for each of the countries covered in the case study, including broader patterns and basic policy response information.

The second chapter provides a **description of the characteristics of migrant smuggling operations** on each of the route segments covered. It focuses on the numerical scope, patterns and dynamics of migrant smuggling in each country and on the more qualitative characteristics of the phenomenon from the supply and demand side. The analysis includes descriptions of the modus operandi, the financial aspects of the operations, the relationship between smugglers and smuggled migrants and the risks and dangers migrants face during the smuggling journey.

The policy chapter focuses on the frameworks in place both at an international and regional level, paying particular attention to the engagement and participation in bilateral and multi-lateral cooperation dialogues and initiatives aimed at tackling migrant smuggling between the countries on the route segments and the EU. The chapter also collects information on institutional structures, migration management legislation, policies and programmes developed by each case study country relevant to addressing migrant smuggling.

Conclusions are based on both the characteristics of smuggling operations along the route segments and policy responses in the case study countries. This final chapter is followed by additional information/annexes, including a full list of interviews conducted (Section VI provides details on interviews as per country and interview code used, with personal details removed as per requests of anonymity of interviewees) and the list of references.

2.2 General introduction to the case study

This report considers the route from Ethiopia, via Libya, to Malta and Italy. Of course, even the language of 'route' suggests a linear logic to these complex migrations that is completely absent from the intentions of most migrants. Although there are no reliable migration data collected at any point along this 'route', we can say with reasonable certainty that it is a minority, perhaps even a small minority, of total migrant population in this region who even intend to reach Europe, let alone actually make it there. The notion that everyone on the move across this vast swathe of territory is heading to Europe is a myth that has frequently been exposed³, but nonetheless too frequently informs policy arguments and wider public concerns. Research conducted for this report re-confirms this perspective. Only one of the migrants interviewed in Ethiopia had made it any further than Sudan and, for most, Sudan was as far as they ever wanted to go, forming part of a particularly dense cross border migration network of mostly circular labour migration and refugees. The logic of the 'route' is often informed by sampling only the select group of migrants

³ De Haas, H. (2008) 'The myth of invasion. The inconvenient realities of African migration to Europe' *Third World Quarterly* 29(7) 1305-1322. Collyer, M. Ahmed, B., Breines, M., Iaria, V. and Pascucci, E. (2015) 'Beyond root causes: fragmented migration in the MENA region' *Migration Policy Practice* 5(4) in press.

who have reached Europe. Yet even the migrants interviewed for this research in Malta and Italy had mostly not set out with the intention of reaching Europe. Several Somali migrants interviewed in Malta had first headed to Kenya and the West African migrants interviewed in Italy had all intended to end their journeys in Libya; it was only the terrible conditions they encountered there that encouraged them to move on. Moreover, for those arriving in Malta, this was commonly not their objective but rather accidental, rather originally aiming at arriving in Italy. Thus, the route can also diverge when certain aspects are out of the control of the migrant (e.g. boat trajectory, search and rescue operations, etc).

The notion of the 'route' is more applicable to the investigation of migration as a business, in which a product must be sold. This research finds both supply and demand side factors influencing its continuing evolution. The only migrant smuggler interviewed for this research reinforced the notion that smuggling is a business, with client relationships to foster and reputations to protect. Although there is clearly a far more aggressive, abusive, coercive side to this business, it is interesting that, almost twenty years after it was first set out⁴, a business analysis can still explain significant dynamics of people movement in this region, such as the market saturation of smuggling in Libya driving down prices. Yet even here, the structure of the business does not reflect the notion of a singular route. It appears to be very rare for individuals travelling via this route to pay a single price at the beginning of their journey to be smuggled all the way to Europe with a single, transnational organisation. A far more common experience is for individuals to pay for what transport they can and to engage much smaller scale operations for particularly difficult parts of the journey. These smaller organisations work in cooperation with each other, passing on groups of migrants to the next organisation that controls the next section of territory or has contact with the relevant state agents.

This is not to say that international criminal operations are absent from these areas, but the high prices that any organisation has to charge to arrange such complex movements in one go are out of reach of most people moving between these countries. The budget border crossers will always be more popular amongst migrants and account for a larger proportion of international migrant smuggling. This distinction is significant as it is often at these transfer points that the most serious abuses occur. With the exception of the terror directed massacres carried out by Islamic State, violence and abuse occurring along this route is directly linked to financial gain. Yet the smugglers' position appears to be ambivalent and the only smuggler interviewed and even one migrant, also reported stories of more humanitarian motivations from smugglers. Whatever the case, a range of economies across the region are now wrapped up with people smuggling. This varies from the directly exploitative use of vulnerable migrant labour for otherwise legal activities, such as agriculture, to direct associations between smuggling migrants and smuggling weapons or drugs.

2.3 Methodology

The research for all five case studies included desk research, legal and policy analysis, and interviews. The following sections detail the methodology used, particularly with regard to interviews, information on fieldwork, as well as challenges in conducting empirical work in each of the case study countries. Qualitative research aims at collecting a broad spectrum of examples, insights and assessments from different point of views which could otherwise not be generated. Every expert respondent provides a particular point of view, background, experience and interpretations.

Interviews for this study were conducted with persons with diverse backgrounds, including public authorities, migrants, migrant smugglers, and other stakeholders, all with specific inside knowledge and expertise on the topic of human smuggling. While experts are able to distance themselves from the subject in question, affected persons can convey their very personal and subjective perspective of a process or a situation. In addition personal experiences raise new aspects to the research topic and can shed light on aspects otherwise underrepresented. Thus, information is complementary rather than additive. Moreover, through the use of desk research and legal and policy analysis, the research was also able to verify information gleaned from other sources.

⁴ Salt, J. and Stein, J. (1997) 'Migration as a business: the case of trafficking' *International Migration* 35(4) 467-494.

Methodology – Ethiopia

Fieldwork was conducted in Ethiopia from March 31 to April 7, 2015. In total, 13 interviews were conducted. Five of the interviews were with Ethiopian returned migrants, one with an Ethiopian smuggler, and the remainder with an independent researcher, Ethiopian and foreign officials, as well as representatives from International Organisations and from a local NGO. Requests were made to several relevant ministries to interview other Ethiopian government officials, but due to lack of positive response and the short period of research, only a High Court Judge was interviewed. This highly restricted access constrained research findings relating to government policy. An attempt was also made to access a prison to interview convicted smugglers, but the bureaucratic procedures were too time-consuming to accomplish within the time of the fieldwork. The four male and one female migrants were aged between 25 and 33. The interviews with migrants and the smuggler took place in different cafes and in a school where the safety of the migrants and the smuggler could be ensured. The other interviews were conducted in offices. Contact with migrants and the smuggler were established through “snowball sampling” through long-standing networks of the researcher involved. Migrants were generally willing to be interviewed and share their stories, whereas several smugglers declined requests to be interviewed over concern for their own safety. The interviews with the migrants and the smuggler were conducted in Amharic, whereas other research participants were interviewed in English. No interpretation was necessary.

Methodology – Libya

At the time of the research, access to Libya was extremely difficult due to the ongoing conflict. There were no scheduled flights to the country and only two land borders were open, both in militarised zones. Fighting was also active, particularly in the East of the country. Therefore, no fieldwork was planned in Libya. Seven interviews were conducted with representatives of NGOs, International Organisations and the European Commission, between 20 March 24 April. Since interviewees were widely distributed, in Brussels, Tunis, Rome and Nairobi, all interviews were conducted by Skype. Interviews were conducted in English and French, without the use of interpretation. This provided greater flexibility but it also meant that interviewees were easily able to switch schedules or cancel interviews. The only interview planned with an official in Libya could not be carried out for these reasons. The focus on remote methods of interviewing meant that it was impossible to interview migrants or smugglers in Libya. Moreover, while the interviewees approved being named at the end of this report in the list of interviews, they did not want specific information in the report to be attributed to their names or organisations. Thus, much of the information from these interviews has gone into the content, but is not always cited as such.

Methodology – Italy

Fieldwork was carried out in Italy between 14 February and 13 May 2015. Four authorities and three expert stakeholders in Italy have been interviewed at the local level (Sicily, Milan) and at the national level (Rome). Interviewees included police officials, officers of international organizations (e.g. IOM, Medici per I Diritti Umani), and an expert in the medical and psychological assistance of migrants, the latter of whom has been involved in listening to migrants’ life-histories. 15 interviews with migrants were also conducted in Milan, Rome and Sicily, through “snowball sampling” using personal contacts as well as through permissions obtained from local authorities. After having obtained specific permission from the local Prefecture, Sub-Saharan African migrants (5 from West Africa: Sierra Leone, Senegal, Gambia and Mali) and one from Eritrea) were contacted in a reception centre in Ragusa Ibla (Sicily), where they were waiting for the examination of their asylum claims by the *ad hoc* Commission. The Ministry of Interior assisted at the local level, facilitating the contacts with the Prefecture of Ragusa. Social workers working in the centre were supportive of the research, and a volunteer offered herself as an interpreter with a young Eritrean asylum seeker who spoke Arabic and Tigrinya. Other migrants were all interviewed in either English or French. Due to the short time available for field research by the project design, it was not possible to approach smugglers. Speaking to smugglers at this stage requires a high degree of trust, and therefore time to develop contacts. The research schedule was also too tight to go through the necessary steps to conduct interviews in prisons.

Methodology – Malta

Fieldwork was carried out in Malta between 3 March and 24 April 2015. The Maltese research team interviewed five migrants, the founder of the IOM office in Malta, the Superintendent of Malta Police Immigration Branch and a colonel in the Armed Forces of Malta (AFM). All five migrants interviewed were male Somali nationals between the ages of 18 and 25 who arrived irregularly in Malta between 2013 and 2014. All interviews were conducted at Khader's Somali Restaurant in Marsa in English without the use of a translator and were identified through the use of "snowball sampling" with the researchers' networks. The research team in Malta was unable to make contact with migrant smugglers in the given timeframe, partly because few if any Maltese nationals participate in the smuggling process and foreign nationals convicted of smuggling in Malta were not accessible. Lastly, all subjects interviewed were generally cooperative and forthcoming in the research process.

2.4 General Background on relevant issues regarding migrant smuggling for each of the case study countries

2.4.1 General Background Ethiopia

Ethiopia is both a country of departure and a country of transit. Migrant smuggling occurs across borders to all neighbouring countries, but in the context of the route to Libya and onwards, the first point of transit for Ethiopians and Eritreans (coming from Ethiopia) is Sudan.⁵ Irregular migration from Ethiopia has mainly been seen as a phenomena occurring on routes through Somalia, Djibouti and Kenya,⁶ but there are also significant movements to Sudan. The available estimates of Ethiopians going to Sudan each year range from 18,000 up to 100,000.⁷

Ethiopians and Eritreans continue to use Sudan as a transit point for moving onwards to Europe.⁸ The smuggling routes remain the same as they have for several years, and the border town Metema is the main crossing for Ethiopians going to Sudan.⁹ For Ethiopians without visas for Sudan, the border crossing is arranged with the help of brokers or smugglers.¹⁰ The other main border crossing for migrant smuggling to Sudan is Humera, in the far north of Ethiopia. Moreover, in this area there are four refugee camps with more than 100,000 Eritrean refugees.¹¹ Many refugees engage in secondary movements from Ethiopia and cross the border to Sudan in the area of Humera.¹² Apart from Eritreans, Somalis also pass through Ethiopia in the direction of Europe. It is clear that Somalis draw on established networks in Addis Ababa to facilitate onwards migration, but there is no available information indicating that they travel overland to Sudan.¹³

The main institutional actors involved in terms of developing policy and operational responses to migrant smuggling are the Ministry of Justice (in terms of exploring current legislative gaps on migrant smuggling and prosecuting migrant smugglers), the Ministry of Foreign Affairs (in terms of providing migrant workers with information and support while abroad and also in terms of anti-smuggling police operations), the Ministry of Labour and Social Affairs (in terms of facilitating legal migration but also rehabilitation support for returned migrants). The Federal Police, under the Ministry of Foreign Affairs, are also charged with investigating cases of migrant smuggling and human trafficking. A National Committee Against Trafficking was established in 2012 to develop the Ethiopian institutional

⁵ RMMS (2014). *Going West contemporary mixed migration trends from the Horn of Africa to Libya & Europe*. RMMS, Nairobi.

⁶ RMMS (2013). *Migrant Smuggling in the Horn of Africa & Yemen the political economy and protection risks*. RMMS, Nairobi; Yitna, Getachew. (2006). *Stranded Ethiopian Migrants In Bossasso, North East Somalia/Puntland*. International Organization for Migration, MRF Nairobi; Fransen, S., & Kuschminder, K. (2009). *Migration in Ethiopia: History, current trends and future prospects*. Paper Series: Migration and Development Country Profiles, Maastricht Graduate School of Governance.

⁷ RMMS (2014). *Going West contemporary mixed migration trends from the Horn of Africa to Libya & Europe*. Nairobi.

⁸ RMMS. (2014). *Going West contemporary mixed migration trends from the Horn of Africa to Libya & Europe*. RMMS, Nairobi.

⁹ Terre des Hommes Netherlands (2013). *Situational Analysis on Child Trafficking along the Sudan Borders*.

¹⁰ Terre des Hommes Netherlands (2013). *Situational Analysis on Child Trafficking along the Sudan Borders*.

¹¹ UNHCR (2015). UNHCR Global Appeal Update. <http://www.unhcr.org/5461e6000.html>. Accessed 23 April 2015

¹² Terre des Hommes Netherlands (2013). *Situational Analysis on Child Trafficking along the Sudan Borders*.

¹³ Rousseau, C., Said, T. M., Gagné, M. J., & Bibeau, G. (1998), 'Between myth and madness: the premigration dream of leaving among young Somali refugees', *Culture, medicine and psychiatry*, 22(4), 385-411.

response to irregular migration, and involves these actors as well as others (see Policy Responses section for more information).

Since the establishment of the National Committee Against Trafficking, the Ethiopian government has focused more strongly on curtailing irregular migration. Trafficking in human beings is an issue at the border crossing of Metema,¹⁴ but much of these movements from Ethiopia to Sudan can be better classified as migrant smuggling rather than trafficking in human beings. There is, however, no clear distinction between human trafficking and migrant smuggling in Ethiopia, which adds to the difficulty of curtailing irregular migration and in differentiating relevant information on these two issues.

In the Criminal Code of Ethiopia,¹⁵ Article 243 focuses on “Unlawful Departure, Entry or Residence” and can be applied against migrants. Migrants are, however, generally not prosecuted for “illegally crossing borders and violating the immigration law.”¹⁶ With little risk of prosecution, many Ethiopians and Eritreans rely on human smugglers to facilitate their journeys, and the government focuses more on punishing those who facilitate illegal border crossings. According to public statements, the Ethiopian government treats migrant smuggling as seriously as human trafficking and perpetrators are prosecuted when caught. Every year smugglers and traffickers (the distinction is not always clear) receive prison sentences.¹⁷

Articles in the Criminal Code¹⁸ that can be used in cases of human trafficking and migrant smuggling cover different forms of abduction (586-595), enslavement (596), trafficking (597) as well as unlawful sending of Ethiopians for work abroad (598). However, Fernandez makes it clear that

“The existing weak regulatory enforcement makes little distinction between trafficking and the smuggling activities of unlicensed brokers. The public prosecutor revealed that Articles 596 and 597 prohibiting trafficking are rarely used to prosecute transnational trafficking offences. Instead, the article on smuggling – 598 (Unlawful Sending of Ethiopians to Work Abroad) – along with Article 571 (Endangering the Life of Another) are more commonly used for prosecution, because proving the degree of coercion and deception required to establish trafficking is more difficult.”¹⁹

Consequently, the legislative framework does not distinguish levels of coercion but criminalises anyone involved in the facilitation of irregular migration. Without clear distinctions between migrant smuggling and human trafficking, the efficiency of the government’s attempts to curtail irregular migration has been limited. Although they are distinct criminal activities, in the view of stakeholders in Ethiopia, they also:

“Have many commonalities, both are related to crime as well as provision of services. In Amharic, this is referred to as *‘higewot yesewoch ziwawir’*, and means illegal movement assisted by someone else. This is mostly used for trafficking. There is a lack of terminology in Amharic for the distinction [between migrant smuggling and human trafficking].”²⁰

The issue of terminology is further complicated by the fact that in the Ethiopian context it “often starts as smuggling and ends up as trafficking. Smugglers provide a lot of misinformation and incorrect information about the possibilities of migration. Then people go, is it [migrant] smuggling or trafficking [in human beings]?”²¹ While there is no clear-cut

¹⁴ Terre des Hommes Netherlands (2013). *Situational Analysis on Child Trafficking along the Sudan Borders*.

¹⁵ Criminal Code of Ethiopia (2004). *The Criminal Code of the Federal Republic of Ethiopia, Proclamation No. 414/2004*. <http://www.refworld.org/pdfid/49216b572.pdf>. Accessed 11 April 2015.

¹⁶ ILO (2011). *Trafficking in persons overseas for labour purposes: The case of Ethiopian domestic workers*. ILO Country Office Addis Ababa, p. 19.

¹⁷ RMMS (2013). *Migrant Smuggling in the Horn of Africa & Yemen the political economy and protection risks*. RMMS, Nairobi.

¹⁸ Criminal Code of Ethiopia (2004). *The Criminal Code of the Federal Republic of Ethiopia, Proclamation No. 414/2004*. <http://www.refworld.org/pdfid/49216b572.pdf>. Accessed 11 April 2015.

¹⁹ Fernandez, B. (2013). Traffickers, Brokers, Employment Agents, and Social Networks: The Regulation of Intermediaries in the Migration of Ethiopian Domestic Workers to the Middle East. *International Migration Review*, 47(4), 814-843, p. 822.

²⁰ ET/N/6

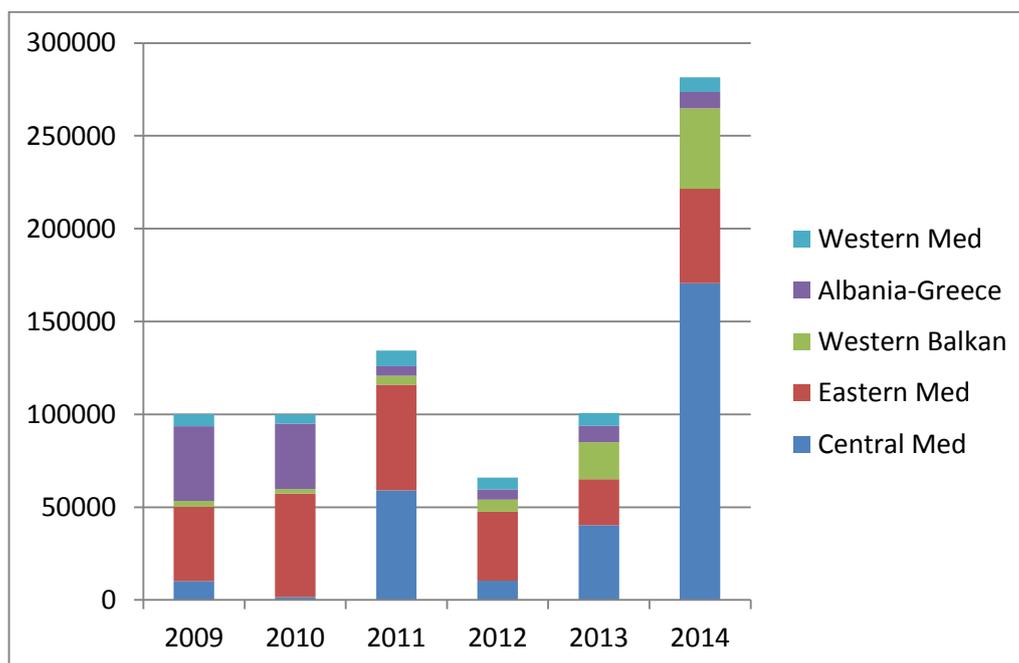
²¹ ET/A/8

answer to this, the lack of clarity in this regard can be better understood by looking into the vocabulary that is most commonly used for smugglers, which suggests overlaps in terminology used for legal and irregular migration. The Amharic word “*delala*” means agent/middleman/broker, but is also used for people who facilitate migration or smuggle migrants across a border. *Delala* does not carry the crime-related connotations as the words “smuggler” or “trafficker” do and is also used for arranging housing, cars and other legal services. In this context, Fernandez²² finds that migrants do not always recognise the difference between legal and illegal brokers. This makes it necessary to emphasise that brokers can in some cases provide legal migration abroad, but also be involved in migrant smuggling and therefore also be seen as smugglers. In this case, the term “brokers” is used to describe those who arrange the smuggling operation (and may also be involved in the transport), while “smugglers” is used to denote those who manage or conduct the smuggling operation. More information on smuggler organisation in Ethiopia is included in the sub-section “Supply side: smugglers and their organisation”.

2.4.2 General Background Libya

In 2014, the majority of irregular migrants who were identified attempting to reach Europe, were on the Central Mediterranean route departing from the Libyan coast (Fig 1). According to Frontex, 170,664 illegal border crossings were detected in 2014 on this route, over 60 percent of the 283,522 illegal border crossings detected at all border crossings in Europe in 2014.²³ This marked a dramatic increase from the 40,304 detected crossings in the Central Mediterranean in 2013 and all indications so far suggest that 2015 will see even more crossing attempts and an even greater rise in fatalities of migrants at sea.²⁴

Figure 1: Detections of illegal entry recorded by Frontex 2009-2014.



²² Fernandez, B. (2013). Traffickers, Brokers, Employment Agents, and Social Networks: The Regulation of Intermediaries in the Migration of Ethiopian Domestic Workers to the Middle East. *International Migration Review*, 47(4), 814-843.

²³ Frontex (2015) Annual Risk Analysis 2015, Frontex, Warsaw.

²⁴ IOM (2015)

Yet Libya is not just a transit country for migrants en route to Europe, but also a destination and a point of origin. Libya has always been a major destination for labour migration. During the 2011 uprising, 790,000 non-Libyans of more than 120 nationalities were forced to leave Libya, highlighting the tremendous diversity of the settled population, most of whom were working there.²⁵ Many returned home, but even by the end of 2011 people had started to come back to Libya²⁶ and the resident migrant worker population began to increase once more, particularly from neighbouring countries.²⁷ There has always been confusion between those coming to Libya to work and those seeking to move on. There is some overlap as migrants' plans change, but the confusion has often been used instrumentally to justify increased financial support for border control practices. Muammar Gaddafi regularly spoke of "millions" of African migrants who would travel to Europe from Libya if the EU did not provide Libya with billions of euros of support for migration controls.²⁸ More recently, Fabrice Leggeri, director of Frontex, has been widely criticised for claiming that there are as many as a million migrants in Libya "ready to leave for Europe".²⁹ This is a plausible estimate for the total number of migrants in Libya in early 2015, but there is no evidence that all or even most of them are actively trying to reach Europe.

Libya has only recently become a point of origin of international migration. Until 2011, Libya had not been a significant country of emigration: in 2010, emigrants made up less than one percent of the country's population of just over 6 million.³⁰ Between March and October 2011, during the uprising which overthrew Gaddafi, this changed as hundreds of thousands of Libyans left the country, mostly into Tunisia and Egypt where they benefited from visa free travel.³¹ For most, these movements were temporary and they returned following the end of the uprising. Such large scale cross-border movements have not been repeated in 2014 and 2015. Still, there is widespread concern, expressed by all those interviewed for this research, that further deterioration in the political situation, particularly around Tripoli, may result in Libyans seeking protection in larger numbers.

Political instability in Libya is one of the main reasons why growing numbers of people are making the journey onward from Libya, but lawlessness affects migrants all over this vast country. Libya has endured more or less continuous low-level conflict since the National Transitional Council officially declared that Libya had been "liberated" on October 23rd 2011. This marked the end of the uprising against Gaddafi but soon resulted in renewed fighting from January 2012. The situation gradually deteriorated and by February 2014 the country had reached a state of civil war. In July 2014, most embassies in Tripoli withdrew, along with the United Nations, the EU delegation and most international organisations. This withdrawal was intended to be temporary, but as the conflict continues, Libya is becoming increasingly isolated.

Libya is currently divided between the Tripoli-based GNC, supported by a military alliance known as "Libya Dawn" and the Tobruk government to which former Libyan army General Haftar remains loyal along with an alliance called "Libya Dignity". Both "Dawn" and "Dignity" represent shifting alliances of former militia and tribal groups, rather than stable organisations. They continue to carry out extra-judicial executions and widespread human rights abuses. The extent of their territorial control is increasingly uncertain in the South of the country and official border controls are almost completely absent on the Southern borders with Egypt, Sudan, Chad, Niger and Algeria.³² The Islamic State (IS) has also developed a base in the East of the country, kidnapping and killing migrants and fighting both sides of the conflict. At the time of writing a third round of internationally sponsored talks are ongoing in Morocco but fighting

²⁵ Ambroso, G., Collyer, M. and Li Rosi, A. (2013) Leaving Libya. A review of UNHCR's emergency operation in Tunisia and Egypt, 2011-2012, UNHCR Policy Development and Evaluation Services (PDES/2013/04), UNHCR, Geneva; IOM (2012) Migrants Caught in Crisis. The IOM experience in Libya, IOM, Geneva.

²⁶ FIDH, Migreurop and Justice Without Borders for Migrants (2012) *Libya. The Hounding of Migrants Must Stop*. FIDH, Paris. P27.

²⁷ Altai Consulting and UNHCR (2013) *Mixed Migration: Libya at the Crossroads. Mapping of migration routes from Africa to Europe and drivers of migration in post-revolutionary Libya*. UNHCR, Tripoli. (p74)

²⁸ The most controversial occasion was during Gaddafi's visit to Rome in August 2010 when he warned that Europe would turn 'black' as a result of undocumented migration (*Guardian* 1.9.2010 'EU keen to strike deal with Muammar Gaddafi on immigration')

²⁹ Bacchi, U. (2015) 'Libya: One million migrants ready to reach Europe says EU border chief' *International Business Times* March 6th 2015.

³⁰ Bartolemeo, Di A., Jaulin, T. and Perrin, D. (2011) *Libya – Migration Profile*, CARIM, EUI, Florence.

³¹ Ambroso, G., Collyer, M. and Li Rosi, A. (2013) Leaving Libya. A review of UNHCR's emergency operation in Tunisia and Egypt, 2011-2012, UNHCR Policy Development and Evaluation Services (PDES/2013/04)

³² Human Rights Watch (2015) *World Report 2015*. Libya. <http://www.hrw.org/world-report/2015/country-chapters/libya> Accessed 25 May 2015

continues on the ground.³³ On 19 April 2015 details emerged of a large-scale massacre of Ethiopian migrants carried out by IS, which provoked protests against the Ethiopian government in Ethiopia and a more activist approach to evacuations from Libya.³⁴

The tremendous uncertainty of the political situation in Libya has a dramatic impact on migrants' journeys. Since the end of the uprising in 2011, a number of substantial reports, several based on new empirical research in Libya, have monitored the shifting migration landscape. A team from the Fédération Internationale des Droits de l'Homme (FIDH) visited the country in January and May 2012, primarily to investigate the situation of detention centres. Their report highlights particular concerns at the abuse of migrants by non-state militia groups.³⁵ A year later, research for a major study by UNHCR and Altai Consulting (conducted between January and May 2013) covered sites across Libya, at a time when control from Tripoli was still significant.³⁶ At this stage, both Benghazi and Tripoli were major destinations for migrants moving north. Migrant profiles were extremely varied, mostly people moving for work in the major coastal towns, but also some people seeking asylum in Libya and others moving on. Data is not sufficiently detailed to provide estimates of the numbers of people fitting each profile. The report found that information networks were dense and migrants were fairly well informed about what to expect.

A third report, in 2014, investigated growing concerns about the links between migrant smuggling and smuggling of a weapons and drugs. It concluded that different regions of Libya were most effectively linked by criminal networks.³⁷ Finally, the most recent report by RMMS was based on research completed in February 2014, by which time any unified political control was starting to collapse. It provides a further overview of migration patterns, highlighting the shift of arrivals and departures to Eastern Libya and the significance of the town of Sabha as a key hub between the south and the north.³⁸ This report calls attention to the lack of protection measures and the typically futile search for durable solutions along the route. It laments the complete lack of any systematic records of migration and highlights the urgency of monitoring human rights standards, particularly in detention centres. These quickly changing patterns highlight the relationship between political instability and the development of migrant smuggling through and from Libya.

The high media profile of the Central Mediterranean crossing, particularly since the tragic loss of as many as 900 migrants on 19 April 2015, has resulted in a huge quantity of media reports. Some contain excellent, detailed reporting from journalists based in the country. Given the paucity of any systematic data, these reports provide the most up to date information on the current patterns and organisation of (irregular) migration. Three points emerge from these reports.

First, several accounts are based on interviews with smugglers. They report that the limited control of smuggling operations in Libya means that in increasing numbers, people are offering smuggling services and market saturation is depressing prices for the Mediterranean crossing. Price structures are complex and vary depending on the profile of migrants and where they sit in the boat. Prices start at around 800 USD for a sub-Saharan African migrant willing to sit in the most dangerous below deck positions; this compares to a figure of 1,000-1,500 USD, depending on season, cited in the RMMS report and highlights this tendency of falling prices.³⁹ This rises to 2,500 USD or more for wealthier Syrians who can pay for more security on the crossing.⁴⁰ Smugglers also report that migrants are kept in beach huts

³³ Aljazeera 19.5.2015 'Libya: no one can win this war' <http://www.aljazeera.com/news/2015/04/libya-win-war-150419073028848.html> accessed 20 May 2015.

³⁴ AddisZefen.com 28 May 2015 'Ethiopia to stiffen punishments for human trafficking' http://www.addiszefen.com/addis-video/articles/ethiopia-to-stiffen-punishments-for-human-trafficking_496.html Accessed 29 May 2015

³⁵ FIDH, Migreurop and Justice Without Borders for Migrants (2012) *Libya. The Hounding of Migrants Must Stop*. FIDH, Paris.

³⁶ Altai Consulting and UNHCR (2013) *Mixed Migration: Libya at the Crossroads. Mapping of migration routes from Africa to Europe and drivers of migration in post-revolution Libya*. UNHCR, Tripoli

³⁷ United States Institute of Peace (2014) *Illicit Trafficking and Libya's Transition. Profits and losses*. USIP, Washington DC.

³⁸ Regional Mixed Migration Secretariat (RMMS) (2014) *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

³⁹ RMMS (op cit) p56

⁴⁰ Kingsley, P. (2015a) 'Libya's people smugglers: inside the trade that sells refugees hopes of a better life' *The Guardian*, 24 April 2015 - <http://www.theguardian.com/world/2015/apr/24/libyas-people-smugglers-how-will-they-catch-us-theyll-soon-move-on> Accessed 24 May 2015.

or warehouses close to the beach before travelling to the boats. They apparently have little knowledge of EU operations, and the end of Mare Nostrum has not affected smugglers' strategies.⁴¹

Second, state involvement in border control is extremely variable across the country: the southern border is reportedly now completely uncontrolled, though Libyan coastguards in the Mediterranean are still being paid and are continuing to patrol, though with very limited equipment. This pattern is the same for most state employees. Most of those interviewed reported that salaries are still being paid, at least in the West, though individuals have very limited additional resources and no real opportunity to take new decisions, given the lack of central governmental control. Finally, the security situation is deteriorating to the extent that labour migrants who have been resident in Libya for many years are starting to opt for the Mediterranean crossing.⁴²

2.4.3 General Background Malta

The Maltese Islands form a small (316 square kilometres) archipelago situated eighty kilometres south of Sicily and about 300 kilometres north of Libya. Malta's geographic position places it in the path of migration flows from Libya to Europe where it serves both as a destination and transit point for migrants along the Central Mediterranean route. In contrast to the small size of the islands' territorial waters (3,800 square kilometres), Malta maintains a vast search and rescue (SAR) area, linked to its flight information region, covering some 260,000 square kilometres.⁴³

Since 2002, Malta has received between one and two thousand irregular migrants by sea each year, with the exceptions of 2010 and 2014 when numbers dropped dramatically in response to a Libyan crackdown on irregular migration and Italian Naval Operation Mare Nostrum, respectively (Fig 2).⁴⁴ Within the EU, Malta maintains the greatest number of asylum seekers per capita and the European Parliament has identified Malta as the EU member state experiencing the greatest migratory pressure "compared with its capacity."⁴⁵ However, the number of asylum seekers is less significant when calculated against Malta's GDP per capita.⁴⁶ The vast majority of research on migration to and from Malta focuses on the nature of the detention system and the path to asylum. Very little research on migrant smuggling to and from Malta exists, although interviews conducted for this study indicate onward mobility from Malta to Europe is facilitated by the use of false documents.

⁴¹ Kingsley, P. (2015b) 'Ending migrant rescue missions has not curbed demand, say smugglers' *The Guardian*, 19 May 2015 <http://www.theguardian.com/world/2015/apr/19/ending-migrant-rescue-missions-not-curbed-demand-smugglers>. Accessed 19 May 2015

⁴² Kingsley, P. (2015c) 'Risking death in the Mediterranean. The least bad option for so many migrants' *The Guardian* 17 May 2015 <http://www.theguardian.com/world/2015/apr/17/death-mediterranean-africans-migrant-sea-libya> Accessed 17 May 2015

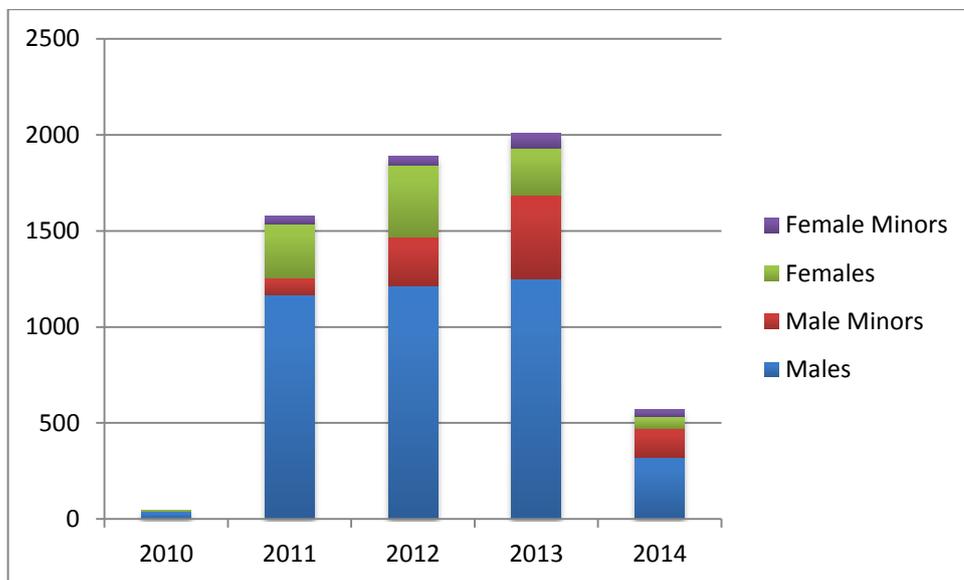
⁴³ http://www.sarmalta.gov.mt/sar_in_malta.htm

⁴⁴ National Statistics Office (2015), *Demographic Review 2005-2012: Post Census Revisions*. Valletta, Malta, p. 3; See also Annex I for an overview of irregular migrant arrivals in Malta (2010-2015) provided by the Malta Police Immigration Branch.

⁴⁵ UNODC, *Smuggling of Migrants by Sea*, Issue Paper, Anti-Human Trafficking and Migrant Smuggling Unit, (2011), p. 14; European Parliament Director General for Internal Policies: Policy Department C – Citizens' Rights and Constitutional Affairs. (2010) *What System of Burden-Sharing between Member States for the Reception of Asylum Seekers?* PE419-620. Brussels, p. 68.

⁴⁶ Mainwaring, Cetta (2012), 'Constructing a Crisis: The Role of Immigration Detention in Malta.' *Population, Space and Place* 18(6): 687–700.

Figure 2: Irregular Migration Arrivals, Malta.



Smuggling of persons to Malta is regulated by Article 337a of Chapter Nine of the Laws of Malta and is punishable by up to five years in prison or a fine of up to €23,293.73, both of which may be increased if the number of smuggled persons is over three.

Traffic in persons to enter or leave Malta illegally. Added by: III. 2002.72. Amended by: VI. 2005.3; L.N. 407 of 2007. 337A.

(1) Any person who with the intent to make any gain whatsoever aids, assists, counsels or procures any other person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across, Malta in contravention of the laws thereof or who, in Malta or outside Malta, conspires to that effect with any other person shall, without prejudice to any other punishment under this Code or under any other law, be liable to the punishment of imprisonment from six months to five years or to a fine (multa) of twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73) or to both such fine and imprisonment and the provisions of articles 21 and 28A and those of the Probation Act shall not apply:

Provided that where the persons aided, assisted, counselled, procured or the object of the conspiracy as aforesaid number more than three the punishment shall be increased by one to three degrees:

Provided also that where the offence is committed -

(a) as an activity of a criminal organization; or

(b) while endangering the lives of the persons aided, assisted, counselled, procured or the object of the conspiracy as aforesaid, the punishment shall always be increased by two degrees even when the first proviso does not apply.

(2) Without prejudice to the provisions of article 5, the courts in Malta shall also have jurisdiction over the offence in this article where -

(a) the offence is committed even if only in part in the territory of Malta or on the sea in any place within the territorial jurisdiction of Malta;

(b) the offender is a Maltese national or permanent resident in Malta;

(c) the offence is committed for the benefit of a legal person established in Malta

The Immigration Act of 1970 allows for the immediate detention of people who arrive in Malta without authorisation as well as anyone issued a removal order by the government. Prior to 2005, this detention policy had no time limit. Indeed, although Malta decriminalised entry without leave into its territory in 2002 as part of the pre-accession process, indefinite, mandatory immigration detention remained in place as an administrative offence. In 2005, the efforts of local and international advocacy organizations, notably those of the Council of Europe, prevailed and the government limited detention to 18 months. The 18-month limit was later adopted into EU law as part of the Returns Directive.⁴⁷ Moreover, an earlier EU directive on the minimum reception standards for asylum seekers stipulated that detainees must be released after 12 months if their asylum claim is still pending.⁴⁸ Today, therefore, the Maltese government detains unauthorized immigrants for up to 18 months. Asylum seekers are released either when they are granted some form of protection or after 12 months if their claim has not been resolved. The asylum process in Malta is governed by the 2001 Refugees Act.

Broadly speaking, domestic irregular migration policies and border control fall under the remit of the Ministry for Home Affairs and National Security.⁴⁹ In practice, the smuggling of persons to Malta is dealt with primarily by the Malta Police Force, supported by the Armed Forces of Malta. The Police Immigration Department, within the Police Special Branch, remains responsible for border control and irregular immigration, with legal responsibility vested in the Principal Immigration Officer, who in Malta is the Commissioner of Police. The Armed Forces of Malta enforces Maltese law at sea and carries out operations within Malta's SAR zone. Asylum policy in Malta is implemented by the Office of the Refugee Commissioner, the Refugee Appeals Board, and the Agency for the Welfare of Asylum Seekers (AWAS).

2.4.4 General Background Italy

Smuggling of migrants from Libya to Italy, a route well developed since 2002, has dramatically changed in the last two years, due to the substantial growth of departures of mixed migration flows departing by sea, and a corresponding growth of deaths and accidents at sea. As regards migrant smuggling practices, some specific research was conducted in the last few years⁵⁰, but recent comprehensive results have not been published. Some overviews of smuggling in the Mediterranean Sea include Italy, but do not focus specifically on this route.⁵¹ Instead, international press articles are describing, day by day, the current situation.⁵²

Research related to the control of irregular migration and smuggling at sea in the recent past has mainly addressed the institutional practices put in place on the Libya-Italy route, rather than the modus operandi of smugglers. For a certain period of time, the practice of "push backs" from Italy to Libya, started in 2009, was the most relevant issue regarding irregular migration and migrant smuggling in the European debate.⁵³ After the ruling of the European Court

⁴⁷ European Union (2008, December 24). Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for returning illegally staying third-country nationals. *Official Journal of the European Union*, L347, p. 105.

⁴⁸ European Union (2 February 2003). Council Directive (EC) 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. *Official Journal of the European Union*, L31.

⁴⁹ Previously, the Ministry for Justice and Home Affairs. In 2013, the Ministry was split into (1) the Ministry for Justice and (2) the Ministry for Home Affairs and National Security. The latter now includes the Armed Forces of Malta and defense policy matters (which previously fell under the remit of the Prime Minister).

⁵⁰ See Monzini 2007, 2008, 2010

⁵¹ Triandafallidou and Maroukis 2012; The Global Initiative against Transnational Organised Crime 2014; Frontex quarterly reports

⁵² see for example http://www.bbc.com/news/world-europe-32420900?ocid=socialflow_twitter;

⁵³ Cuttitta 2008, Paoletti, Pastore 2010, Human Right Watch 2009

interrupting that practice⁵⁴, European scholars have directed their attention to analysing the practices of reception of migrants in Italy, and the risks they face at sea.⁵⁵ The huge increase of deaths at sea in the course of smuggling operations along the Central Mediterranean has been analysed more attentively in recent times, reporting fatalities and focusing on the need for a stronger preventative response from the institutional side, especially from the EU⁵⁶; regarding rescue at sea, media and nongovernmental reports have outlined the relevant role played by the Mare Nostrum Operation, which will be further discussed in the chapter on Policy Responses.⁵⁷

Recently, a Europe-wide debate concerns the operational practices of rescue at sea. Following the most recent tragedy on 19 April 2015, noted also above, EU leaders decided to expand the Frontex operation Triton (also further discussed in the chapter on Policy Responses) substantially, though it will still not have a search and rescue mandate. Rough data provide us with an idea of the magnitude of the issue. From 30 October 2013 until 31 October 2014, 5 ships of the Italian Navy were patrolling in the proximity of Libyan territorial waters. Over this time there were 3,363 migrants officially recorded as dead or disappeared at sea, most of them in the Sicily Channel. Between 1 November 2014, when the Frontex Triton operation was launched, and 28 April 2015, there have been 596 officially recorded dead or disappeared at sea.⁵⁸ In total, between 1 January 2014 and 28 April 2015, an estimated 3,984 migrants have died or disappeared at sea, hundreds of them have not been identified. Table 1 and Figure 3 show the magnitude of arrivals to Italy in recent years, demonstrating that 2014 has been a record year for arrivals by sea, including during the period of the Arab Spring.

Table 1: Irregular migrants landed in Italy by sea, 2004-2014.

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total	13,635	22,939	22,016	20,455	36,951	9,573	4,406	62,692	13,267	42,925	170,100

Source: MoI.

⁵⁴ Hirsi Jamaa and Others v. Italy.

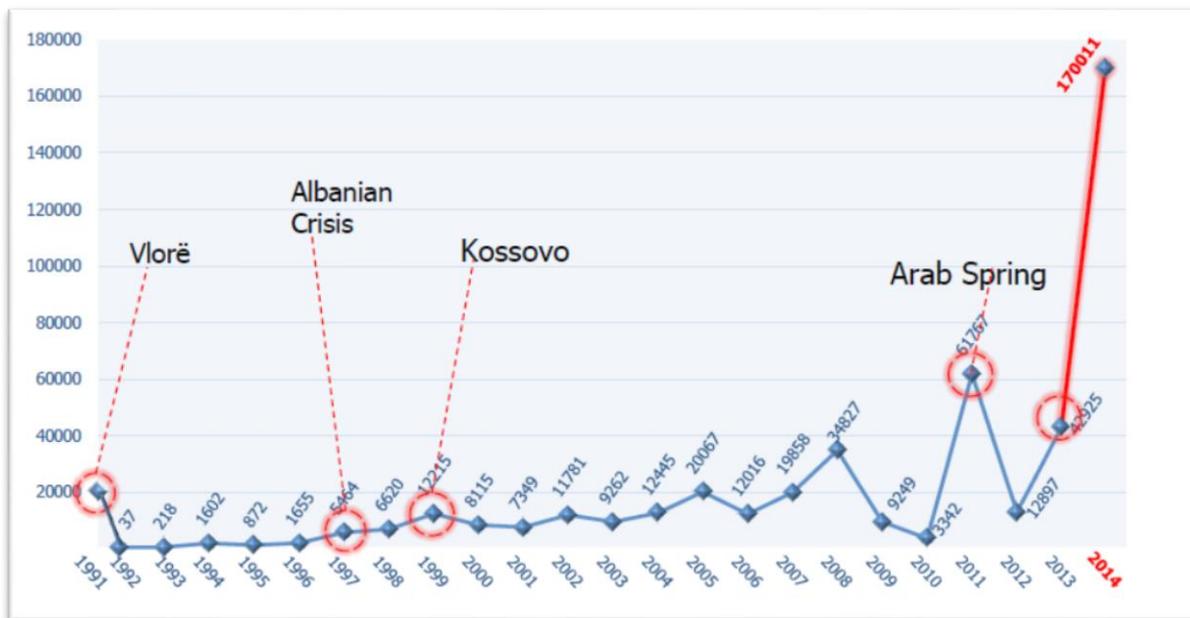
⁵⁵ Dines, Montagna, Ruggiero 2014, Cuttitta 2014, Tristano 2015

⁵⁶ IOM 2014

⁵⁷ For example, Amnesty 2014

⁵⁸ Ministry of Interior (2015)

Figure 3: Mixed migration flows landed in Italy by sea, 1991-2014.



Source: Italian Coast Guard.

Following the 2011 conflict in Libya, and increasingly after the collapse of the government, the evidence of the increasing danger of crossings is growing. The modus operandi of smugglers has changed, demonstrated by the increasingly common practice of overloading old and not suitable boats, or very cheap and vulnerable rubber dinghies, even with difficult climatic conditions, and routes are more risky for migrants and asylum seekers because of the ways these crossings are managed, often without captain or a crew and no precise instructions⁵⁹.

According to "Direzione centrale dell'immigrazione", in Italy, up to 21 April 2015, 23,556 migrants and asylum seekers have landed in Italy.⁶⁰ The trend for landings in Italy is now at its peak, with a new record of almost 6,000⁶¹ rescued migrants in the first weekend of May 2015 alone, and Italian authorities are coping with great practical difficulties. Due in part to the reported unavailability of professional rescue operators at the time, the shipwreck of 19 April 2015 caused the death of 750-900 people, although the exact number is unknown.⁶² In this case, the boat was approached by a commercial ship, but the difficult rescue operation failed. Migrants rescued at sea are still disembarked in main southern Italy ports and the Ministry of Interior coordinates all the operations and their reception on Italian territory.

The legal definition of smuggling and facilitated migration was introduced in 1998 by article 12 of the Legislative decree n. 286/1998, as a part of the main legislative reform regulating migration matters.⁶³ It defines the crime of abetting illegal immigration, in other words promoting, directing, organising, financing or operating the transport of foreigners into the State, or performing other acts intended to procure illegal entry into the territory of the State. It is distinct from the crime introduced to punish cases of trafficking and extreme exploitation of migrants.

⁵⁹ Procura di Catania (2014)

⁶⁰ Le Cifre dell'immigrazione: Italia ed Europa. 21 April 2015. <http://www.telestense.it/le-cifre-dellimmigrazione-italia-ed-europa-0421.html>

⁶¹ In tre giorni "sbarcati" seimila migranti. 14 April 2015. <http://www.iltempo.it/cronache/2015/04/14/in-tre-giorni-sbarcati-seimila-migranti-1.1403767>

⁶² LA Times. *As many as 950 may have been on migrant boat that capsized off Libya*. 19 April 2015. http://www.latimes.com/world/europe/la-fg-italy-migrant-rescue-20150419-story.html?fb_action_ids=10152969716363264&fb_action_types=og.shares

⁶³ Testo Unico sull'Immigrazione, <http://www.immigrazione.biz/normative.php?pag=3>

At the operational level, specific provisions have been recently set up to fully support investigative tasks at the judiciary and police levels. In 2014, new strategies facilitated the application of both national and international law in international waters.⁶⁴ Depending on the circumstances, facilitators are often accused of other crimes, such as unintended killing with shipwreck, multiple unintended killing, acts of violence and kidnapping, sometimes aggravated by the presence of minors. Usually only the drivers of the boats arrive by this route to Italy, and they are often migrants themselves, not belonging to criminal networks but paying for their travel with this service. Nonetheless, legal proceedings have been able to dismantle some smuggling networks. In the long run, some improvements have been realised in prevention and prosecution activities, such as the in-depth investigations Glauco⁶⁵ I and II, in Palermo, which uncovered the functioning of a smuggling network operating in Sudan and Libya with connections in Italy, as well as the development of DNA guidelines to arrest crews at high sea.⁶⁶ However based on interviews, migrant smuggling is currently flourishing, as complex international factors push it and the “heads” of the main smuggling organisations are based abroad.

Responding to these new and changing circumstances, since 2013 Italian air and naval forces involved in search and rescue operations have been strengthened. The Mare Nostrum Operation allowed Italian armed forces to rescue migrants in international waters, with landings shifted from Lampedusa to other Italian ports, both in Sicily and Southern Italy, to assure primary assistance to ten thousands of migrants brought ashore. Since 1 November 2014 the Italian government decided to close the Mare Nostrum operation and accordingly Italian authorities have reduced their engagement at sea, with the launch of the EU Frontex Triton operation.

The main ministries in charge of addressing migration are the Ministry of Interior (Department of Civil Liberties and Immigration and Department of Public Security) and the Ministry of Foreign Affairs and International Cooperation. As bilateral diplomatic relations with Libya are currently suspended due to the political situation, neither significant prevention nor cooperation activities are in force between the two countries. Cooperation with other countries of the South Mediterranean area, such as Tunisia and Egypt has been reinforced, in an attempt to strengthen the prevention strategies in the neighbouring area.⁶⁷

The Navy, Air Force, Carabinieri, Guardia di Finanza, Port Authorities and the Police are also involved in terms of their responsibilities of ensuring safety and security at sea, search and rescue operations, and first investigation at sea. The 14 July 2003 Ministry of Interior Inter-ministerial Decree to combat irregular migration defines the coordination mechanisms and main competences of each body. The Ministry of Interior, in coordination with the “third sector”, international organisations and local administrations, is also in charge of the reception of migrants and asylum seekers.

3 Migrant smuggling along the selected route

This section covers the main evidence collected in the course of this study on patterns and practices of migrant smuggling operations along this route, focusing on the specific route segments of Ethiopia-Libya, Libya-Malta and Libya-Italy. Within each route section, the relevant information available is included in sub-sections on dynamics, scale and patterns; modus operandi; smugglers organisation and migrants’ relations with smugglers. Of note is that the route from Libya along the Central Mediterranean Route towards both Malta and Italy have quite similar characteristics and should be read as complementary. In the final section of this chapter, “Other trends”, findings that have been illuminated in the course of the research but that fall outside the selected routes and route segments have been included, such as secondary movement from Malta and Italy and other routes towards Libya.

⁶⁴ DNA 2014

⁶⁵ Operazione Glauco (2014) e Operazione Glauco II (2015).

⁶⁶ DNA 2014.

⁶⁷ I A 1

3.1 Route segment Ethiopia – Libya.

3.1.1 Dynamics, scale and patterns

For those Ethiopians and Eritreans who travel from Ethiopia to Libya, they most commonly transit via Sudan. The area around Metema is mainly used by Ethiopians to enter Sudan whereas many Eritreans from refugee camps in northern Ethiopia cross around Humera. Little is known about how Somalis travel through Ethiopia, but it has been claimed that few of the approximately 240,000 Somali refugees in Ethiopia go to Europe.⁶⁸ Once in Sudan, migrants either go to Khartoum or to cities or refugee camps in the east of the country.⁶⁹ While Sudan is a destination country and place to work for some migrants, for others it is country of transit that has to be passed through to go to Libya. For many migrants this route is the only way to go to Europe. It does not seem possible to arrange smuggling for the whole journey from Ethiopia to Europe, as an EU official has stated: “they only go the routes in parts.”⁷⁰ How long migrants stay in different places of transit often depends on their financial capacity and if they have relatives abroad who can send them money. Journeys to Libya often involve long stays in Sudan working informally to try and make enough money for the next stage.⁷¹

There are indications that people are being smuggled across the border between Ethiopia and Sudan at a large scale. There are no reliable numbers on migrants going to Sudan, but the estimates of Ethiopians entering or crossing the border into Sudan each year range from 18,000 to 100,000.⁷² In addition, Eritreans in the refugee camps in Ethiopia engage in secondary movements from Ethiopia on a large scale, but less is known about Ethiopians migrating to Sudan and Libya: “What I know about the Western route is that it is mainly Eritreans going that route. I doubt that many Ethiopians go to Libya.”⁷³ It is well-known that many Eritreans go through Sudan to Libya,⁷⁴ but even though there is limited knowledge about the scale of Ethiopians using this migratory route there are indications that smuggling across the Ethiopia-Sudan border is rife. An Ethiopian smuggler who had been sending migrants across the border to Sudan gave an indication of the scale of operations: “A Sudanese truck driver that we worked with came two days a week. We sent up to 40 women every week, 20 on Tuesday and 20 on Thursday.”⁷⁵ By working with Sudanese drivers and having a steady flow of migrants wanting to go to Sudan, this smuggler was able to send a regular number of Ethiopian migrants to Sudan. However, in Metema where he was working he claimed that there were about 30 smugglers, which suggests bustling smuggling activity. Although there is limited recognition of the large numbers of Ethiopians going to Sudan and Libya,⁷⁶ interviews with Ethiopian migrants and a smuggler suggest that Ethiopians also migrate to Sudan with intentions of going to Libya.

The interviewed migrants had all been to Sudan and returned to Ethiopia. They had migrated because of extreme poverty and lack of opportunities to make a living in Ethiopia. All of them had crossed into Sudan from Metema, except one who had crossed in the area of Humera. The ones who had crossed from Metema went to Khartoum and quickly started working in manual labour. Some were looking for better work opportunities than in Ethiopia, but others intended to make money to go to Libya. None of these migrants made it to Libya, either because they had not earned enough money for the fare or had been arrested and deported when trying to go to Libya. Only the migrant that had crossed over Humera was able to go to Libya after working for several years in Port Sudan. The route from Ethiopia is in most cases a long and challenging one, and only some of the many migrants that enter Sudan manage to reach Libya.

⁶⁸ ET/A/8

⁶⁹ Malakooti, Arezo. (2013), *Mixed Migration: Libya at the Crossroads: Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution in Libya*. Altai Consulting for UNHCR Tripoli.

⁷⁰ ET/A/8

⁷¹ Treiber, Magnus. (2013), ‘Grasping Kiflu’s Fear – Informality and Existentialism in Migration from North-East Africa’, *Modern Africa. Politics, History and Society*. 1/2, 111-139

⁷² RMMS. (2014), *Going West contemporary mixed migration trends from the Horn of Africa to Libya & Europe*. RMMS, Nairobi.

⁷³ ET/I/13

⁷⁴ Malakooti, Arezo. (2013), *Mixed Migration: Libya at the Crossroads: Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution in Libya*. Altai Consulting for UNHCR Tripoli.

⁷⁵ ET/S/ET/7

⁷⁶ ET/I/10

3.1.2 Modus operandi

Ethiopia to Sudan

Border crossing from Ethiopia to Sudan can be legal or illegal.⁷⁷ If they obtain visas, Ethiopians can enter Sudan legally.⁷⁸ In the cases where interviewees had visas, migrants travelled for three days by bus from Addis Ababa to Khartoum without relying on smugglers. The only challenge they mentioned was bribing to enter Sudan. Demeke⁷⁹ had a visa and crossed the border with people he had met on the bus from Addis Ababa to Metema and said: “All of us had to pay 750 Birr [33 EUR] to the border officials.” This information suggests that migrants had to pay bribes to cross the border even when they had valid passports and visas. Although corruption of officials cannot be confirmed by the research, such payments to border officials where receipts were not issued suggest that there are officials that take advantage of the situation by making migrants pay to cross the border.⁸⁰

When migrants could not obtain visas they relied on smugglers to enter Sudan and go to Khartoum. Several interviewees had used visas to go to Sudan the first time, but had then entered without documents the second time because they could not get visas after overstaying the first time. Illegal journeys were reported to be more time-consuming and challenging than travelling with visas:

“The first time I tried to go to Sudan a broker⁸¹ arranged for me to go in a truck from Addis Ababa. We were stopped at the border in Metema because there was contraband in the truck, so we returned to Gonder and drove to Humera. We tried to cross there, but because it was rainy season the river Tekeze was too big and flooded so we could not drive over it. We returned to Addis Ababa.”⁸²

When the crossing of the border failed on the first attempt they tried to cross at the other main crossing to Sudan that is in the far north of Ethiopia. As it was the first attempt, Biruh and the people with whom he travelled had limited information about the conditions for crossing the border, and had to return to Addis Ababa because of the impossibility of crossing the border in a truck. While Biruh had tried to organise his journey to Sudan through a smuggler in Addis Ababa, it is more common to travel to Gonder or Metema and arrange the smuggling with brokers there.

In Metema migrants arrange the crossing of the border with smugglers. The cheapest option for crossing the border to Sudan is to go by foot.⁸³ Yitebareke, a 32 year old male from Addis Ababa who had been to Sudan legally before, travelled by bus from Addis Ababa to Metema and crossed the border by foot:

“I went to Metema and met other people on the bus that were also going to Sudan. They didn’t have passports or visas either. We spent one night in Metema. The next morning we met the smuggler and we left the same evening at 8pm. We paid him 1,000Birr [44 EUR]. The smuggler told us to not take anything and that it’s a nine hour walk to a hut after Gelabat on the Sudanese side of the border. There were 20 people and among us there were five women. Two were very young, maybe 20 years old. It was very hard to walk and we had little water. The smuggler came with us part of the way and then handed us over to two Sudanese smugglers. One man was leading the way in the front of the line and one was in the back. We got to the hut, there was nothing there. There was only light from the moon. They separated men and women and we slept. The smugglers were bad people, they told us to be quiet and slapped us in the face. At 2pm we got porridge and water. We slept a second night

⁷⁷ Malakooti, Arezo. (2013), *Mixed Migration: Libya at the Crossroads: Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution in Libya*. Altai Consulting for UNHCR Tripoli.

⁷⁸ RMMS. (2014), *Going West contemporary mixed migration trends from the Horn of Africa to Libya & Europe*. RMMS, Nairobi.

⁷⁹ ET/M/ET/3

⁸⁰ Terre des Hommes Netherlands. (2013), *Situational Analysis on Child Trafficking along the Sudan Borders*.

⁸¹ As noted in the introduction, the use of this term, rather than smuggler, is common in the Ethiopian context.

⁸² ET/M/ET/1

⁸³ See also Terre des Hommes Netherlands. (2013), *Situational Analysis on Child Trafficking along the Sudan Borders*.

there while waiting for the car that was supposed to take us to Khartoum, but no car came. Suddenly the smugglers left, we didn't know why. After the third night in the hut we walked to the asphalt road and tried to stop cars. One woman among us spoke Arabic, but nobody would take us. Then the police came and they took us to Metema. We had no passports but the Ethiopian embassy [border control] let us enter Ethiopia. I managed to get transport back to Addis Ababa."⁸⁴

Yitebareke relied on smugglers to go to Khartoum without a visa. This illustrates how migrant smuggling becomes an option when people do not (or are not able to) obtain visas for Sudan. Even though he and the other migrants arrived in Sudan, the journey ended when the Sudanese smugglers abandoned them. Without being able to find their way to Khartoum on their own, Yitebareke and the other migrants were in a situation where they had no choice but to try to get help from drivers in passing cars. Under such circumstances migrants can end up in dangerous situations and may then also be detected by the police and deported.

There are also people crossing irregularly to Sudan without support from brokers or smugglers. Tesfa, a 29 year old man from the north of Ethiopia, was working on a sesame farm in the border area of Humera and went on his own to Sudan. Having crossed the border into Sudan on his own, he managed to get a lift on a tractor to the nearest town: "I had to pay a bit for the ride, but not much."⁸⁵ With information about the local surroundings and ability to speak Arabic, Tesfa managed to enter Sudan without relying on others. Although some people avoid using smugglers to cross borders, they sometimes get help to facilitate their journeys by locals who are involved in facilitating movement in the border areas. Such a practice might be considered facilitation or support of an irregular migrant, but as the person did not assist Tesfa in crossing the border illegally and due to the fact that Sudanese legislation on migrant smuggling is not under study in this research, it is unclear whether this would be considered migrant smuggling according to Sudanese national legislation.

In the area of Humera, there is also a significant movement among Eritreans from refugee camps to Sudan. In Ethiopia, the number of Eritrean refugees exceeds 100,000,⁸⁶ but it is not known how many of these are in the refugee camps in northern Ethiopia:

"UNHCR and the government are incapable of measuring the real numbers of people in the camps. They can't tell how many there are or how many leave every week. At the monthly food distribution in a camp with 25,000 people, sometimes only 8,000 people show up. All people staying the camps go to get their food, so where are the rest of them?"⁸⁷

This illustrates that there are large numbers of Eritreans who move away from refugee camps in Ethiopia, although it is not clear to where they move. Many go to other parts of Ethiopia for shorter periods to visit friends and family and later return to the camps, but many also move on to Sudan and Libya. It is clear that many Eritreans who arrive in Ethiopia have no intention of staying in the refugee camps:

"Eritreans see Ethiopia as a transit point, having already made their decision to go to Europe. They have phone numbers of relatives abroad. They are at risk of being smuggled or trafficked, but say they know the risks and who the traffickers are. Eritreans are not being stopped when they go to Sudan, and there are rumours that there are people giving them car transport to go to Sudan. I don't know anything for certain about this, but people come and go every day in the camps."⁸⁸

There is a lack of knowledge about how Eritreans travel from Ethiopia to Sudan. In contrast with Ethiopians, Eritreans need travel permits to move outside of the refugee camps and cannot travel on main roads because of checkpoints.

⁸⁴ ET/M/ET/5

⁸⁵ ET/M/ET/4

⁸⁶ UNHCR. (2015), *2015 UNHCR country operations profile – Ethiopia*. <http://www.unhcr.org/pages/49e483986.html>. Accessed 25 May 2015.

⁸⁷ ET/I/ET/8

⁸⁸ ET/I/ET/8

Considering the large movements of Eritreans it can be assumed that there is organised smuggling and car transport for parts of the routes for those who can afford it, but also that many people walk from Ethiopia to Sudan. This, however, could not be verified by the research.

Sudan to Libya

The journey to Libya is made primarily overland in different types of vehicles, usually light trucks or container trucks, as is shown in the subsequent examples in this section. However, boat travel along the White Nile River from South Sudan to Sudan was also common amongst interviewed migrants in Malta, as was the use of air travel within Africa to avoid major conflict zones. Four of the five migrants interviewed in Malta for this study flew in a plane at some point in the journey, either from Juba to Khartoum or from Benghazi to Tripoli.

Sudan is both a destination and a transit country for migrants and asylum seekers. According to Treiber,⁸⁹ “Khartoum is a city with an informal migrant economy and thus also a lively market for illegal further migration”. Despite these possibilities many go to Sudan for work, with no intention of travelling further, at least initially. Most of those migrants interviewed had travelled initially to Khartoum and found employment in low-paid jobs,⁹⁰ and for many of those who intend to go to Europe it is necessary to spend long periods of time to work and save up approximately the 1,000 USD needed for the journey from Sudan to Libya.⁹¹ Some get support from family or friends and can move onwards relatively quickly, but many never manage to save up sufficient money and return to Ethiopia. Depending on their financial situation the time it takes to travel from Ethiopia to Libya via Sudan can vary from a few weeks to several years.

For those who had to spend extended periods of time in Sudan the conditions were reported to be difficult. For Demeke, Khartoum was a place of fear and intimidation:

“Towards the end of my stay the condition with the police was very bad. If the police comes one has to pay 20-30 SDG [3-4,50 EUR] in bribes, but some friends ended up in prison and had to pay 2,000-5,000 SDG [304-761 EUR] or stay in prison for up to six months if they don’t have a residence permit or visa. You’re scared when going to work, scared to be caught. My wife wasn’t working, but was at home after giving birth. But she was scared to go to the church, the market and to go see friends. The police in Sudan are not police.”⁹²

Migration to Libya became impossible for Demeke after he got married and had a child in Khartoum. Having to provide for his family and save up money was not feasible, and with the deteriorating relationship with the police they decided to return to Ethiopia rather than live in fear. The pressure for bribes by the police in Sudan was experienced by all the migrants⁹³ except for the female interviewee who had been there with a visa and spent most of her time indoors.⁹⁴ In addition to the intimidation and fear of the police,⁹⁵ corruption constituted a significant expense that made it difficult to save up money for the onward journeys.

Some migrants managed to make sufficient money to afford migration to Libya. Reports of up to 3,000SGD [456 EUR] for the trip. It is clear that at least in some cases online social media such as Facebook has been an important

⁸⁹ See also Treiber, Magnus. (2014), ‘Becoming by moving. Khartoum and Addis Ababa as migratory stages between Eritrea and ‘something’, in Abdalla, Mustafa; Dias Barros, Denise; Berthet Ribeiro, Marina (eds): *Spaces in Movement. New Perspectives on Migration in African Settings*, 189-205. Rüdiger Köppe Verlag Köln.

⁹⁰ ET/M/ET/5, ET/M/ET/3

⁹¹ Regional Mixed Migration Secretariat (RMMS). (2014), *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

⁹² ET/M/ET/3

⁹³ ET/M/ET/1, ET/M/ET/3, ET/M/ET/4, ET/M/ET/5

⁹⁴ ET/M/ET/2

⁹⁵ See also Treiber, Magnus. (2014), ‘Becoming by moving. Khartoum and Addis Ababa as migratory stages between Eritrea and ‘something’, in Abdalla, Mustafa; Dias Barros, Denise; Berthet Ribeiro, Marina (eds): *Spaces in Movement. New Perspectives on Migration in African Settings*, 189-205. Rüdiger Köppe Verlag Köln.

resource to identify and contact potential smugglers. However, it is also clear that one of the risks of relying on brokers is that there are no guarantees for reaching the destination. The consequences of the attempt to reach Libya were loss of the advance payment, imprisonment and deportation back to Ethiopia.

Migrants' ideas of how and where to go change over time and are dependent on circumstances as well as their experiences, as the case of Tesfa exemplifies: Tesfa, a 29 year old male, left from northern Ethiopia to Sudan for the first time in 2005. After having worked in Kassala and Port Sudan for several years he decided to go to Israel in 2008, using Rashaida smugglers and paying 1000 USD. However, the smugglers noted that he would travel for free if he recruited an additional 10 other migrants to be smuggled. Then, with other migrants, he was placed in a house until it was time to travel onwards from Port Sudan to Haifa. His continued migration story illustrates a complex narrative of travel. Several times to Sudan, once to Libya during the conflict, once to Saudi Arabia and finally to Sudan again, all resulting from continued persistence to find better options. While in some cases he was able to travel by himself, he depended on smugglers when he went to unfamiliar places. This kind of frequency of movement around the region as well as the repeated circularity and largely undocumented nature of travel were all very common, highlighting once again the complexity of movement across the region.

3.1.3 Supply side: Smugglers and their organisation

While there is evidence of some well-organised, cross-border smuggling networks operating in particular across the Sahara and the Mediterranean, most migrant smuggling from the Horn of Africa is made up of chains of local, often informal networks with limited international scope. The limited information about how smugglers work in Ethiopia is mainly focused on the role of private employment agencies and human traffickers taking people to the Middle East for labour.⁹⁶ Migration to Sudan and Libya is often arranged by smugglers, but only for parts of the journey. From Ethiopia, smugglers organise the crossing of the border to Sudan and transport to Khartoum. In Sudan, smugglers organise transport from Khartoum to Kufam or Benghazi (as was the case for the migrant Tesfa⁹⁷) in Libya.⁹⁸ The 2014 Trafficking in Persons report by the US State Department, reports incidents where individuals were taken against their will from Sudan and sold to criminal organisations in Libya as forced labour⁹⁹ but no other information was identified to substantiate this claim. It seems far more common for individuals to cross the Sudanese-Libya border as a result of a desire to get to employment and onward migration opportunities in northern Libya, as was reported by the migrant interviews for this study. Smuggling on this segment of the route involves different actors:

- ★ Recruiters that put migrants in contact with brokers or smugglers.
- ★ Brokers that provide information, organise journeys and pay bribes.
- ★ Smugglers that organise and/or transport migrants either by foot or by car.

The following provides an example of how smuggling across the border between Ethiopia and Sudan was organised, based on an interview with an Ethiopian former smuggler: Ayalew, a 29 year old male, had organised smuggling of migrants across the border in trucks for four years. When he had failed his university studies Ayalew feared returning home to his father and entered the smuggling business through a friend. This work offered him an opportunity to make a good profit and avoid the shame of dropping out of university. The smuggling from Ethiopia to Sudan took place in the area of Metema:

“The work involved smuggling women from Ethiopia to Sudan, and sometimes khat as well. People brought us people who wanted to go to Sudan to us and we arranged the crossing with Sudanese

⁹⁶ See for example Fernandez, Bina. (2013), Traffickers, Brokers, Employment Agents, and Social Networks: The Regulation of Intermediaries in the Migration of Ethiopian Domestic Workers to the Middle East. *International Migration Review*, 47(4), 814-843.

⁹⁷ ET/M/ET/4

⁹⁸ Malakooti, Arezo. (2013), Mixed Migration: Libya at the Crossroads: Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution in Libya. Altai Consulting for UNHCR Tripoli.

⁹⁹ United States Department of State, 2014 Trafficking in Persons Report - Sudan, 20 June 2014, <http://www.refworld.org/docid/53aab99fb.html> Accessed 18 May 2015

truck drivers. One person would take women from Gonder to Shide and I drove them from Shide to Metema, it's about five kilometres. Among the Sudanese drivers we have customers that we always worked with, so it was easy to arrange. They are allowed to come into Ethiopia in the morning without a visa, but have to leave before 6pm. We also sold khat to the drivers or gave them khat as gifts for working with us."¹⁰⁰

In this case, the smuggler was involved both in the transport and the organisation of the crossing through the use of recruiters and drivers. Moreover, although Ayalew mainly focused on smuggling people, he also smuggled goods that were profitable. In some cases there is an overlap between migrant smuggling and smuggling of other goods or other criminal activities. As noted in the previous section, the Rashaida are a significant group organising smuggling activities in Sudan. However, they are also involved in a wide range of criminal activities, which subsequently puts migrants at great risk, as noted by the migrant Tesfa during a smuggling attempt from Sudan to Israel, where the group was smuggling arms as well as migrants:

"It was around midnight when we crossed from Sudan to Egypt, and then an airplane came and shot at us.¹⁰¹ There were four cars and only the one in front had lights on, and the rest followed it. I was in the last car. Everybody in the first car was killed, and many in the other cars were killed. All the Rashaidas died, and 17 of the migrants survived. We spent the night there. I was only wounded in my arm [he shows a big scar on his upper left arm], but the other survivors were very injured. Some older Eritreans told me to go east to find the sea, but it was impossible to go through the desert. In the cab of one car we found a phone that can call from anywhere in the world [satellite phone], but we didn't know how to use it or any number to call. Later the Rashaida called and we told them what had happened and after some time a Rashaida came. He didn't say anything. The Rashaida don't fear death, they only love money. He shot six seriously injured people in the head. The remaining 11 of us returned and I went back to Port Sudan."¹⁰²

Tesfa's dramatic experience and the lack of display of emotions by the Rashaida that came to pick them up confirmed his impression of the Rashaida as a ruthless group with little concern for human life. The overlap of smuggling of migrants and weapons put Tesfa and the other migrants in a very vulnerable position that they had no control over. Tesfa's account appears to correlate with concerns of weapons smuggling across the Sudanese-Egyptian border and the military attack was intended to suppress the shipment of arms. These kinds of overlaps between smuggling of migrants and weapons are now widely recognised¹⁰³, but this highlights the impact on the migrants concerned.

In the case of the smuggler interviewed in Ethiopia, in addition to the overlap with criminal activities, smuggling of migrants across the border was organised through a network of recruiters, brokers and smugglers/drivers. The recruiters identified people who were looking for smugglers and then helped them establish contact with the brokers. The brokers organised the means of transport with Sudanese drivers, and also hid the migrants until they were taken across the border. Ayalew's role in the smuggling operations involved interaction with Sudanese truck drivers and recruiters, and, to avoid detection by the police, Ayalew and his colleagues transported migrants in different cars from other towns to the border. Ayalew was aware of the risks his illegal work involved:

"We can be punished by up to 20 years in prison for this kind of work. The police know about it, but we bribe them to avoid trouble. In the beginning I was scared to do this work, but I got used to it. My

¹⁰⁰ ET/S/ET/7

¹⁰¹ Air attacks in Sudan around this time were reported in the news. See for example: Gordon, M and J. Gettleman. 'U.S. Officials Say Israel Struck in Sudan'. *The New York Times* 26 March 2009, www.nytimes.com.

¹⁰² ET/M/ET/4

¹⁰³ United States Institute of Peace (2014) *Illicit Trafficking and Libya's Transition. Profits and losses*. USIP, Washington DC.

front teeth were broken by the police in relation to this work [shows his dentures], I had an argument with them.”¹⁰⁴

In this case, Ayalew and his colleagues bribed the police in order to be able to smuggle migrants across the border. Considering that the migrants who crossed the border legally also had to pay bribes, migrant smuggling in this area stands out as a profitable business for law enforcement officers.¹⁰⁵

Although Ayalew had physical confrontations with the police and was at risk of lengthy imprisonment, his work was profitable and therefore attractive:

“The women paid us 2,000 Birr [88 EUR], and we paid 300 Birr [13 EUR] for each woman to the driver. For the 2,000 Birr [88 EUR] everything is included. Our profit was about 400 Birr [18 EUR] per woman. We mainly sent women, men cross the border illegally by foot because it’s cheaper.”¹⁰⁶

With up to 40 women a week and a profit of 18 Euro per person smuggling was a profitable business. Ayalew and his colleagues worked on their own and did not have a ‘top man’ they had to share the profits with. The costs stated here are significantly lower than the 500 to 800 USD other research¹⁰⁷ have found to be the price for going from Addis Ababa to Khartoum.

In Metema where there are many brokers and smugglers, there is significant competition among smugglers. In addition to offering good prices, Ayalew made it clear that it is essential to provide a good service for the migrants, in order to ensure that they had a good reputation among potential migrants:

“We covered food, water, transport and helped the women when they were having their period. They could stay up to 10 days sometimes. You think about their wellbeing because you need a good reputation, it affects the business if we don’t treat them well. I tell the women everything about the characters of the drivers, about lots of things because most of them are from the countryside and don’t know much. I tell them this for their safety. Some drivers rape women and if this happens our work is ruined. If we use these drivers the women will choose other brokers. People tell to each other about who gives good service.

“I have heard a lot about Sudan, but I haven’t been there. I tell the girls what I know. I tell them that there is another language, Arabic, about the salaries they can get, and that they are paid by the hour. Also many people from the countryside accept everything and don’t talk back. I tell them to be careful and ask for their money. I also tell them that there are lots of Ethiopians in Geraf in Khartoum and that it’s like their country there. Before the journey we give them a plastic bag with food and water for the trip. The truck drivers have connections in Khartoum and help the women find work or brokers for further migration.”¹⁰⁸

According to information collected by RMMS and information collected for this study, it takes approximately 3-6 days to travel this journey, although it could sometimes take longer.¹⁰⁹ Through the emphasis on providing for the migrants’ basic needs as well as providing them with important information for the rest of their journey, Ayalew claimed to have treated the migrants well in order to maintain a thriving business. Ayalew worked as a smuggler to make a profit for himself, but expressed a sense of responsibility for his compatriots, especially the ones who were

¹⁰⁴ ET/S/ET/7

¹⁰⁵ Terre des Hommes Netherlands. (2013), *Situational Analysis on Child Trafficking along the Sudan Borders*.

¹⁰⁶ ET/S/ET/7

¹⁰⁷ Regional Mixed Migration Secretariat (RMMS). (2014), *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

¹⁰⁸ ET/S/ET/7

¹⁰⁹ Regional Mixed Migration Secretariat (RMMS). (2014), *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

inexperienced and more likely to get in trouble abroad. However, migrants did not always agree that smugglers treated them well. Yitebareke had not been able to obtain a visa for his second journey to Sudan and had used a smuggler to cross the border. His previous unsuccessful attempt and deportation back to Ethiopia had made him view smugglers negatively: “Smugglers are very bad, but I have no choice because they don’t give visas now. Smugglers don’t help you, they just take your money.”¹¹⁰ This perspective differs significantly from how Ayalew considered himself to assist migrants rather than taking advantage of them.

Despite Ayalew’s reported concerns for migrants’ wellbeing and the knowledge that they would have crossed to Sudan even without his services, he had a bad conscience for the work he had done. He had not been imprisoned, but he felt that he had been punished for his crimes: “I’ve paid in blood for the money I made.” Ayalew quit his work as a broker four months prior to the interview due to the death of his sister after she was smuggled to Libya. Ayalew’s experience of the consequences of migrant smuggling to Libya made him reconsider his own involvement in the smuggling business. Losing his younger sister made it impossible for him to continue sending young women to uncertain futures in Sudan, and so he left Metema and moved to Addis Ababa. While this example only illustrates the work of one smuggler, it provides insight into how the smuggling operations work in the border area between Ethiopia and Sudan. The cooperation between recruiters, brokers, smugglers, Sudanese truck drivers as well as corrupt police officers indicates a well-established network that sends large numbers of migrants across the border.

The organisation of smuggling from Sudan to Libya is more complex and involves smugglers and brokers of different backgrounds, such as Ethiopians, Eritreans, Sudanese, Rashaida, Chadians and others. As noted above, some of this smuggling organisation is also strongly tied to criminal activities, as was reported with the Rashaida group. Research would need to be conducted in Sudan in order to confirm this, but all migrants interviewed who had crossed the Sudan-Libya border reported changing transport at that stage.¹¹¹

3.1.4 Migrants and their families/communities

In Ethiopia, labour migration has been banned and thus irregular migration is the only option for going abroad for work.¹¹² To migrate internationally, many migrants rely on smugglers. Through friends in Addis Ababa who had migrated before him, Yitebareke obtained information about which smuggler to contact as soon as he got to Metema.¹¹³ In cases where migrants are able to check the reputations of smugglers they do so, but migrants from rural areas are particularly vulnerable because they have limited networks and possibilities to collect information about brokers and smugglers that operate in cities.¹¹⁴ In Sudan, one migrant, Biruh, also reported using Facebook to identify smugglers to take him to Libya.¹¹⁵

Ethiopians who rely on brokers are often poor people who see migration as a possible way out of lives of poverty.¹¹⁶ Migration from Ethiopia is diverse and migrants aim for various destinations. While Saudi Arabia and South Africa are popular destinations for Ethiopians seeking work opportunities,¹¹⁷ Europe is the most attractive destination because it offers both social freedom and financial prosperity.¹¹⁸ The launch of Niqatat policy in Saudi Arabia in 2011¹¹⁹ and

¹¹⁰ ET/M/ET/5

¹¹¹ Regional Mixed Migration Secretariat (RMMS). (2014), *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

¹¹² ET/A/9

¹¹³ ET/M/ET/5

¹¹⁴ ET/N/6

¹¹⁵ ET/M/ET/1

¹¹⁶ Yitna, Getachew. (2006), *Stranded Ethiopian Migrants In Bossasso, North East Somalia/Puntland*. International Organization for Migration, MRF Nairobi.

Kuschminder, K., Andersson, L., & Siegel, M. (2012), *Profiling Ethiopian migration: a comparison of characteristics of Ethiopian migrants to Africa, the Middle East and the North*. Crossing African Borders: Migration and Mobility. Center of African Studies (CEA)/ISCTE-IUL, University Institute of Lisbon.

¹¹⁷ ET/I/13

¹¹⁸ ET/M/ET/1, ET/M/ET/5

¹¹⁹ De Bel-Air, Françoise, (2015), *The Socio-political Background and Stakes of ‘Saudizing’ the Workforce in Saudi Arabia: the Niqatat policy*. GLMM - EN - No. 3/2015

subsequent deportation of about 160,000 Ethiopians in 2013¹²⁰ has made Saudi Arabia a challenging place for Ethiopians. In addition, the current conflict in Yemen makes it difficult to travel to Saudi Arabia, which may lead to an increase of Ethiopians going to Libya.¹²¹

Moreover, as has been clear in a number of migrant interviews, failed attempts at migrating using smuggling networks do not necessarily deter migrants from attempting again. This is particularly due to the lack of employment opportunities in Ethiopia. In the case of Biruh, despite losing the money invested in failed smuggling attempts, spending time in different prisons and deportation to Ethiopia, at the time of the research he was still eager to return to Sudan and make another attempt to go to Libya:

“I spent 11 months in total in Sudan and now I have been back [in Ethiopia] for about a month. Here I only find some small work in my neighbourhood now and then. I’m staying with my family and my situation is the same as before going [to Sudan]. I’m thinking to go again because I have heard that it is possible to travel through the desert in four days now, before it used to take 10 days. Going through Sudan and Libya is the only way to go, there is no other way for me. Brokers in Addis Ababa are of no help for this, I can go to Sudan on my own and use brokers from there. My friends who have made it to Europe will send me money.”¹²²

As he notes, with limited possibilities for obtaining the money for the journey in Addis Ababa and in Khartoum, Biruh depends on the support of friends already in Europe to finance another attempt to go to Libya.

To finance their migration to Libya, migrants draw on different sources. The most common ways to cover the expenses for journeys is to work to save up money and to get support from family and friends. The journey from Ethiopia to Sudan is relatively cheap compared to other parts of the route. Taking a bus from Addis Ababa to Metema costs about 250 Birr [11 EUR], and depending on the kind of smuggling crossing the border costs between 1,000 Birr [44 EUR] and 2,000 Birr [88 EUR]. While these costs can be considered fairly affordable (although still a significant cost for many poor migrants), many rely on working in Sudan or support from others to pay approximately the 1,000 USD it costs to be smuggled from Sudan to Libya.¹²³ Many interviewees lived in difficult situations in Khartoum for several years and were not able to raise this kind of money through their low-paying jobs “in cleaning, construction and as waiters”¹²⁴ and had to return to Ethiopia rather than go to Libya. Another migrant, Tesfa, relied on the support of his family to finance his return to his town, once he was deported back to Ethiopia.¹²⁵ For migrants who obtain support from friends and relatives abroad it is possible avoid spending extended periods of time in Sudan and move faster to Libya.¹²⁶

3.2 Route segment Libya – Malta

3.2.1 Dynamics, scale and patterns

Over the past fifteen years, Malta has found itself along a primary irregular migration route into Europe. Migrants and refugees constitute these mixed flows across the Mediterranean.¹²⁷ During this period, the vast majority of migrants have departed from Libya, been intercepted at sea by the Armed Forces of Malta and brought to Malta by boat. The majority of people arriving in this manner subsequently apply for asylum. Recognition rates in Malta are high

¹²⁰ ET/N/6, UNHCR. (2014), *Smuggling and Trafficking from the East and Horn of Africa: Progress Report*. Strategy and Regional Plan of Action, UNHCR.

¹²¹ ET/I/13, Regional Mixed Migration Secretariat (RMMS). (2014), *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

¹²² ET/M/ET/1

¹²³ Regional Mixed Migration Secretariat (RMMS). (2014), *Going West. Contemporary mixed migration trends from the Horn of Africa to Libya and Europe*. RMMS, Nairobi.

¹²⁴ Treiber, M. (2013), ‘Lessons for Life: Two Migratory Portraits from Eritrea’, in Triulzi, A., & McKenzie, R. (eds.). *Long Journeys. African Migrants on the Road*, 187-212. Leiden: Brill.

¹²⁵ ET/M/ET/4

¹²⁶ ET/M/ET/1

¹²⁷ In this report, we use the term ‘migrant’ to denote both migrants and refugees. Where appropriate, we distinguish between the two.

compared to other EU countries, reflecting the large number of refugees in these mixed flows. For example, between 2004 and 2012, 40-60% of applicants were awarded some form of protection.¹²⁸ However, the majority are granted subsidiary forms of protection; as in other EU countries, very few people are granted full refugee status.

Malta is rarely the intended final destination and some migrants do not even know of Malta's existence before they arrive.¹²⁹ Rather, migrants are generally rescued within Malta's SAR area in situations of distress due to bad weather, as well as overcrowded and unseaworthy vessels. Furthermore, the number of migrants who have departed irregularly from Malta to Europe over the past fifteen years may exceed forty percent of arrivals in that period.¹³⁰ Historically, most migrants arriving irregularly in Malta along the Central Mediterranean Route were from the Horn of Africa (mainly Somalia and Eritrea), though considerable numbers have also hailed from other African countries, such as Nigeria or Sudan. Most recently, however, the number of migrants from Syria has increased dramatically, accounting for the largest number of arrivals in 2014.¹³¹ Broadly speaking, the make-up of irregular migrant flows to Malta has transformed over the past five years, with greater numbers of unaccompanied minors, whole family units, women, and professionals arriving in recent days.¹³²

Five young Somali men were interviewed in the course of this study in Malta. All of them fled southern Somalia after 2011 in the face of threats on their lives made by Al-Shabaab and all of them arrived in Malta irregularly after 2012. These migrants took one of two different land routes through Africa to Libya. On one route migrants travelled from Somalia to Kenya, through Uganda into South Sudan, from South Sudan through Sudan to Libya and finally across the Mediterranean to Malta. On the other route migrants travelled from Somalia through Ethiopia to Sudan and then from Sudan through Libya and across the Mediterranean to Malta. None of the migrants interviewed considered Malta to be their final destination point on leaving Somalia and all of them carried out the journey in a piecemeal manner, often stopping to work and raise funds for the next leg of the journey in Nairobi, Juba, Khartoum or Tripoli. The total time of their journeys from Somalia to Malta range from four months to three years and the total costs of the journey range from 500 to 7500 USD. Although all migrants interviewed relied on formal smuggling networks at some point of their journey, there were parts of the journey that were undertaken without smugglers. In general, costs and dependence on smugglers increase on legs of the journey that are across difficult terrain and/or in war zones. Broadly speaking, the most expensive legs of the journey were from Khartoum to southern Libya (across the Sahara Desert, as is covered in the previous section) and across the Mediterranean. The journey from South Sudan to Khartoum, either by plane from Juba to Khartoum or by boat along the White Nile, is also expensive but was not taken by all migrants.

¹²⁸ Mainwaring, Cetta (2012), 'Constructing a Crisis: The Role of Immigration Detention in Malta.' *Population, Space and Place* 18(6): 689; See also Annex III on Asylum Applications and Decisions Taken by the Office of the Refugee Commissioner (2002-2012).

¹²⁹ MT/A/1; MT/N/1; MT/M/SO/1; MT/M/SO/5; MT/M/SO/4

¹³⁰ MT/N/1

¹³¹ Based on figures provided by the Malta Police Immigration Branch provided in Annex I:

2015: No migrants from the Horn of Africa had arrived as of March 17.

2014: 11% (60/569) of migrants were from Horn of Africa.

2013: 43% (871/2008) of migrants were from Horn of Africa.

2012: 56% (1059/1890) of migrants were from Horn of Africa.

2011: 35% (549/1579) of migrants were from Horn of Africa.

¹³² MT/N/1

Table 2: Irregular Migrant Arrivals in Malta 2010-2015

Year	Arrivals
2010	47
2011	1,579
2012	1,890
2013	2,008
2014	569
2015 (until Feb)	87

Irregular migrant arrivals in Malta over the past five years have fluctuated in parallel with Italian operations at sea and in Libya (Table 2). The majority of irregular migrants arriving in Malta are rescued from Malta's SAR zone by the Armed Forces of Malta (AFM), rather than landing on the islands.¹³³

According to one AFM official, migrant vessels refuse AFM rescue '99% of the time' and opt to continue north to Italy.¹³⁴ Migrant vessels that are in distress are usually detected by the AFM directly, by Italian forces, by commercial vessels, or by fishing and merchant vessels. Smugglers sometimes provide migrants with a satellite phone and list of contacts, which allow them to make direct contact with Italian or Maltese authorities.¹³⁵ Since 1994, the Armed Forces of Malta have rescued 12,269 migrants at sea.¹³⁶

Following rescue at sea by the AFM, migrants are brought to shore and transferred to Malta Police Immigration Branch custody. The Police carry out a medical screening and preliminary debriefing process in which an attempt is made to identify the migrants and each migrant is given a number for identification within the Eurodac system. Following this debriefing, migrants are transported to one of Malta's detention centres where they are forcibly detained for up to a period of eighteen months. This policy is explicitly intended to deter irregular migration. It also provides a way for the police to gain information on smuggling operations.

Though a removal order is lifted for those migrants who apply for asylum on arrival, asylum seekers are not released from detention until their application for asylum is processed or a period of twelve months has elapsed. Once they are released from detention, migrants and refugees are moved to government-run "open centres". The majority of irregular migrants arriving in Malta thus apply for asylum while in detention and of these the greater share is granted some form of protection.¹³⁷ For a breakdown of asylum applications and decisions taken by the Office of the Refugee Commissioner see Annex III.

3.2.2 Modus Operandi

The modus operandi of migrant smugglers along the Central Mediterranean route is diverse and dynamic. However, we can make some generalised observations regarding the nature of migrant smuggling networks from Somalia

¹³³ For more, see the data provided by the Malta Police Immigration Branch in Annex I & II, and the chart in the Introduction.

¹³⁴ MT/A/2

¹³⁵ MT/A/1; All migrants interviewed for this study noted that a satellite phone on board their vessel for the cross Mediterranean voyage.

¹³⁶ According to Home Affairs and National Security Minister Carmelo Abela: www.timesofmalta.com/articles/view/20150204/local/afm-rescues-13781-at-sea-since-1994.554792

¹³⁷ National Statistics Office (2015), *Demographic Review 2005-2012: Post Census Revisions*. Valletta, Malta, xv.

through Sudan and Libya to Malta and Italy. Generally speaking, these smuggling networks do not provide highly sophisticated services, such as fraudulent documents, but instead rely on low cost methods to transport large numbers of migrants with increased risks to migrant lives. From Libya, migrants are smuggled across the Mediterranean by sea in vessels that are often barely sea-worthy.

Along the Central Mediterranean route, migrants are smuggled from the northern shores of Libya toward Lampedusa, Malta and mainland Italy. The departure point for all five Maltese migrant interviewees was Tripoli and the journey across the Mediterranean took one to three days. The journey begins when smugglers bring the migrants from safe houses along the Libyan coast to a waiting boat. In early 2014 departure from the area around Benghazi was common but as the fighting intensified in the east of the country people left almost exclusively from the area between Tripoli and the Tunisian border, particularly around the town of Zuwara. Migrants have no control over when the journey across the Mediterranean begins. Smugglers appear to base their decisions for departure times on the activities of Libyan and international security operations, as well as weather conditions. There is evidence to suggest that in the past Libyan smugglers cooperated with Libyan security officials and sent migrant vessels out to sea at prearranged times.¹³⁸ Indeed, interviews in Malta suggest that some degree of cooperation exists in Libya today between the smuggling networks and members of the various militias or ex-personnel of Libyan security forces.¹³⁹ This is confirmed by interviews in Libya. According to Frontex, smugglers may time the departure of migrant vessels to cross paths with merchant ships en route to the EU. Migrants are instructed to transmit a distress signal at an opportune time and in so doing oblige the merchant vessel to rescue them. The cost to operators of merchant vessels has been such that they are increasingly rerouting their ships in an attempt to avoid proximity to migrant vessels.¹⁴⁰

At the time of departure migrants are hurried from safe houses into closed trucks and driven to the point of embarkation along the coast. Migrant accounts suggest that at this point smugglers often become more aggressive, brandishing their guns and demanding that migrants board the waiting vessels.¹⁴¹ The nature of the smuggling vessel has changed over the past ten years and serves as yet another indication of the dynamic nature of cross-Mediterranean smuggling operations. Going back to the mid-2000s, migrants were typically transported in fibreglass boats carrying 25-30 migrants, which were most likely manufactured in factories along the Libyan coast for this sole purpose. Beginning in 2009, around the time of the Italian-Libyan pushback agreement, smugglers turned to inflatable dinghies perhaps, as Lutterbeck suggests, to evade Libyan security forces on the ground amidst a Gaddafi directed crack-down on irregular migration.¹⁴² In the immediate aftermath of the fall of Gaddafi, relatively large fishing boats, sometimes carrying several hundred migrants, played a more prominent role in smuggling operations, suggesting an absence of controls on the Libyan side. Most recently, smugglers have turned to using large rubber dinghies with flat hulls and forty horsepower outboard motors that carry around 100 migrants.¹⁴³

Note that in some cases dinghies intercepted by the AFM bear manufacturer serial numbers of ascending order suggesting they were purchased in bulk. These vessels, as well, appear to be fabricated for the sole purpose of transporting migrants, which suggests that, despite (or perhaps because of) the growing chaos in Libya, the operational capacity of smuggling networks remains intact. The dinghies often depart the Libyan coast in waves and are sometime numbered individually by the smuggling organisation perhaps to aid in smuggling departure procedures. Family members are almost always on the same dinghy, suggesting that smuggling organisations purposely keep families together.¹⁴⁴ It is noteworthy that the average number of migrants per vessel rescued by the

¹³⁸ MT/A/1

¹³⁹ See all migrant interviews, especially MT/A/1; MT/A/2

¹⁴⁰ Migrants at Sea (2014) *Frontex: Update on Operation Triton; Growing Use of Larger Vessels by Smugglers*. <http://migrantsatsea.org/2014/12/31/frontex-update-on-operation-triton-growing-use-of-larger-vessels-by-smugglers/> 31 December 2014

¹⁴¹ MT/N/1

¹⁴² MT/A/2; Lutterbeck, Derek (2013), "Across the Desert, Across the Sea: Migrant Smuggling into and From Libya." *Migration, Security and Citizenship in the Middle East*, eds. Peter Seeberg and Zaid Eyadet (New York: Palgrave Macmillan); Lutterbeck, Derek (2012), "From Mogadishu to Malta: Travel Experiences of Somali Migrants." (2012) *Migration and Asylum in Malta and the European Union: Rights and Realities*, ed. Peter G. Xuereb (Malta: Malta University Press).

¹⁴³ See all migrant interviews, especially MT/A/1; MT/A/2

¹⁴⁴ MT/A/2

AFM in the Maltese SAR zone has risen from 24 in 2010 to 87 thus far in 2015.¹⁴⁵ There is no evidence of the use of decommissioned cargo vessels, known as ‘ghost ships’, along the central Mediterranean route from Libya to Malta.

Regardless of their type, the vessels are often barely seaworthy, overloaded, and inadequately supplied with water, fuel, and life preservers. It has also been noted that, in contrast to previous years, migrants nowadays are rarely equipped with life vests. Of the migrants interviewed in Malta for this study only one was provided with a life vest for his cross-Mediterranean voyage.¹⁴⁶ The migrants interviewed for this study in Malta travelled on boats provided with a satellite phone, although interviews previously conducted by the authors reveal this to not always be the case.¹⁴⁷ As a rule, smugglers do not pilot the vessels. Instead a migrant understood to have some experience at piloting vessels at sea is selected to captain the ship and is usually granted a discount or even free passage in exchange.

Payments to smugglers and facilitators are primarily made in cash, however Somali migrants also make extensive use of an informal *hawala* money transfer system.¹⁴⁸ Migrants are often detained against payment or run out of money and must stop mid-journey to work and raise money for the next leg.¹⁴⁹ Migrants interviewed for this study in Malta paid between 500-800 USD for the cross Mediterranean boat passage.¹⁵⁰ Migrants interviewed paid in an array of different currencies, sometimes even exchanging labour for payment, however, more often than not payment was made in US dollars.

3.2.3 Supply side: Smugglers and their organisation

While migrant smuggling plays a key role in all the legs of the journey, there is no evidence to suggest that a single, unified migrant smuggling network exists between Ethiopia and Malta or Italy. Migrants make the journey in a piecemeal manner making payments to different facilitators and smugglers along the way and often over the course of many months or even years. Evidence from interviews supports Lutterbeck’s theory that more organised and professional smuggling networks operate on legs of the journey along which it is more difficult for the migrants to travel in an informal manner, be it because of physical obstacles such as the desert and sea or man-made obstacles such as war and heightened border controls. This is to say that the degree of professionalism, vertical hierarchical organization, and cross-border contacts within any smuggling organisation increases as the terrain becomes more difficult to cross. Furthermore it would appear that the greater the number of migrants on a given route, the more likely it is that the smuggling is conducted by a professional criminal network.¹⁵¹

Furthermore, a distinction must be made between two primary forms of smugglers operating along the route from the Horn of Africa to Malta and Italy. Facilitators, brokers, or “connection men” operate along the route and act as a contact for members of their tribe, ethnic group or nation to the human smugglers in the region. Facilitators play a limited role in the actual transport of migrants and are often not nationals of the country in which they operate. Transfer from the hands of the facilitator to those of the smugglers usually occurs when migrants are deposited in safe houses at the edge of towns or cities. Facilitators often work with multiple smuggling organisations and the fact that they arrange for migrants’ forward journeys with different smugglers indicates a diffuse, informal smuggling network. The Somali migrants interviewed in Malta for this study made extensive use of Somali facilitators throughout

¹⁴⁵ Calculations based on statistics provided by Malta Police Special Branch found in Annex II.

¹⁴⁶ MT/A/2; cf. other migrant interviews.

¹⁴⁷ EU Agency for Fundamental Rights, *Fundamental Rights at Europe’s Southern Sea Borders* (Luxembourg: Publications Office of the European Union, 2013)

¹⁴⁸ Hawala is an informal transfer system for money and goods based on trust and personal contacts (MT/A/2).

¹⁴⁹ Four of the five migrants interviewed for this study paused for a period to work and raise money during their journey; MT/A/1; Lutterbeck, Derek (2013), “Across the Desert, Across the Sea: Migrant Smuggling into and From Libya.” *Migration, Security and Citizenship in the Middle East*, eds. Peter Seeberg and Zaid Eyadet (New York: Palgrave Macmillan); Lutterbeck, Derek (2012), “From Mogadishu to Malta: Travel Experiences of Somali Migrants.” (2012) *Migration and Asylum in Malta and the European Union: Rights and Realities*, ed. Peter G. Xuereb (Malta: Malta University Press).

¹⁵⁰ See all migrant interviews.

¹⁵¹ Ibid; Lutterbeck, Derek (2012), “From Mogadishu to Malta: Travel Experiences of Somali Migrants.” (2012) *Migration and Asylum in Malta and the European Union: Rights and Realities*, ed. Peter G. Xuereb. Malta: Malta University Press.

their journey. It is worth noting that while human rights violations at the hands of smugglers were rife, none of the migrants interviewed in Malta had their human rights violated directly by a Somali facilitator.¹⁵²

In contrast, smugglers or “pushing men” tend to be nationals of the countries in which they operate and manage the physical transportation of migrants. This category of smugglers can be further subdivided into layers of the smuggling organisation hierarchy. Though migrants rarely come into contact with the upper echelons of this hierarchy, there is some evidence to indicate that it contains members of the security forces, especially in Libya, or at least collaborates closely with members of the security forces.¹⁵³ For example, one AFM official suggested that ex-Navy personnel from the Gaddafi regime play a role in smuggling organizations in Libya today and that there are cases of uniformed personnel transporting migrants to their departure point.¹⁵⁴ Interviews in relation to Libya were unable to confirm or deny this. Finally, arrays of auxiliary services are provided along the route by individuals who may not technically be involved in the smuggling process (for example boat manufactures, automobile mechanics, landlords, etc.).

While EU and national policies attempt to make a distinction between migrant smugglers and irregular migrants, desk and field research suggests that the distinction between these two is at best blurry. Migrants often stay with relatives, friends, or co-nationals at various points along the journey and these people provide assistance (financial, logistical, etc.) in organising the next part of the journey. Moreover, migrants themselves almost always pilot the vessels crossing the Mediterranean from Libya. Sometimes these migrants are granted a discount on their Mediterranean voyage as compensation for their seafaring skills, however this is not always the case. Furthermore, migrants who run out of money along the route may turn to being facilitators or “connection men” for their co-nationals in order to raise money to pay for the remainder of their journey to Europe. For example, a young Somali interviewed for this study, worked for two months in the middle of the Sahara as a mechanic for the same Libyan smugglers who tortured him on arrival. Another migrant lived with a family friend and facilitator in Khartoum before negotiating free passage across the Sahara in exchange for driving one of the vehicles.¹⁵⁵

Both the AFM and the Malta Police seek to identify potential smugglers when migrants are rescued or intercepted at sea and then brought to land. However, this often proves difficult if not impossible. When a boat carrying migrants is intercepted by the AFM, the driver (who usually is also a migrant) will typically leave his position and mingle with the rest of the group, thus making it practically impossible to single him out.¹⁵⁶ Moreover, according to Maltese law enforcement personnel, it is not uncommon for migrants who have landed to all claim that they piloted the vessel, in an effort to shelter the driver from prosecution.¹⁵⁷

Nationality also appears to play a role in the degree of organisation and cross-border connections of migrant smuggling operations. For example, of all migrant groups arriving in Malta through Libya, Somalis appear to rely on the most well-organised smuggling networks, with an extensive network of Somali brokers operating along the land route.¹⁵⁸ This is understood by Maltese security services who confirm that migrant “smuggling of Somalis is better organized than that of any other nationality.”¹⁵⁹ All the migrants interviewed in Malta for this study made extensive use of Somali facilitators and the Somali diaspora in their journey across Africa to Europe.

3.2.4 Migrants and their families/communities

All five of the migrants interviewed in Malta for this study experienced some form of abuse at the hands of migrant smugglers. Nevertheless, migrant perceptions of smugglers and facilitators vary. Some interviewed migrants noted

¹⁵² MT/N/1; MT/M/SO/1; MT/M/SO/3; MT/M/SO/4; MT/M/SO/5

¹⁵³ MT/N/1; MT/M/SO/1; MT/M/SO/3; MT/M/SO/4

¹⁵⁴ MT/A/2

¹⁵⁵ MT/M/SO/2; MT/M/SO/1

¹⁵⁶ MT/A/2

¹⁵⁷ MT/A/1

¹⁵⁸ Lutterbeck, Derek (2012), “From Mogadishu to Malta: Travel Experiences of Somali Migrants.” (2012) *Migration and Asylum in Malta and the European Union: Rights and Realities*, ed. Peter G. Xuereb. Malta: Malta University Press.

¹⁵⁹ MT/A/1

that their journeys to Europe would not have been possible without the aid of facilitators and smugglers and that some of these smugglers were “good people”. Others maintained that “there are no good smugglers” and that Libyan smugglers in particular “are very brutal and hate Somali people.”¹⁶⁰

With regard to eventual detention in Malta, migrant perceptions of Malta’s migrant detention system vary. Though one migrant interviewed for this study claimed that conditions were good in Maltese detention and expressed an appreciation for the series of medical screenings that he underwent, another saw detention in Malta as yet another in a long list of inhumane detention facilities he endured in his journey.¹⁶¹

3.3 Route segment Libya – Italy

3.3.1 Dynamics, scale and patterns; Modus operandi

According to the fieldwork in Italy not only numbers and operational activities, but even modalities have recently changed dramatically in the smuggling of migrants to Italy from Libya. The conditions of travel by sea have deteriorated dramatically compared to few years ago. The treatment described by migrants during their stay in Libya has also deteriorated. Moreover, an increasing number of minors and women arrive by boat from Libya. According to data of the Ministry of Interior, the number of boats departing from Libya has increased significantly: in 2010 they were 159, in 2011 at total 298, in 2013 at total 483 and in 2014, they were 1,111. Until May 13th 2015, 281 boats have been recorded.

Table 3: Relevant data for the year 2014

Total of irregular migrants landed by sea (MoI)	170,100
Total of women (MoI)	18,190
Total of unaccompanied minors (MoI)	13,026
Estimated deaths at sea (Mediterranean Sea) (UNHCR)	3,419
Asylum seekers and migrants in reception and assistance centres (30.11.2014) (Fondazione Moressa)	65,462
Asylum claims (40% more than in 2013) (UNHCR)	65,700

Source: MoI, UNHCR, Fondazione Moressa

Frequency and size of landings coming from Libya directed to Italy has grown to unprecedented levels, with an intensification of departures mainly originating in Zuwara and Zliten in Libya, following the same routes described in the section on arrival in Malta. As reported for Malta, several crossings are made with small boats expressly built for this service; also for Italy the rescue of very low (close to the sea-level) inflatable rubber dinghies, which are extremely dangerous at sea, has recently increased. Table 4 below shows the importance of the use of rubber dinghies as opposed to other means of transport on this route. These are loaded far beyond their maximum capacity:

¹⁶⁰ MT/M/SO/5

¹⁶¹ MT/M/SO/4; MT/M/SO/2

usually a hundred men, women and children, often babies, are discovered in one of these less-than-40-foot inflatable boats.¹⁶² All six African migrants interviewed for this research in Italy arrived in this way. The use of bigger ships transporting hundreds of migrants has recently increased as well. In contrast to travel from Egypt (see Case Study 1), these boats are taken back only in very few cases, usually they are used only once for smuggling purposes, as they are left with their migrant cargo at sea. The use of big boats allows the smugglers to load hundreds of people for each single crossing, with a higher income if compared to those made from smaller boats. The merchant vessels used for this service are at the end of their life and it is considered not worth it to take them back.

Table 4: Number of boats used for smuggling of migrants recorded by authorities (2015, up until 28th April)

	Total no. of boats	Seized	Sunk	Adrift
Merchant boats	52	6	7	40
Sporting boats	3	5	1	-
Rubber dinghies	127	5	15	112
Fishing boats	4	1	2	1
Total	199 (12 n.i.)	15	25	153

Source: Italian MoI.

Migrants are loaded onto the boats from the beaches close to al Zuwara or Zliten, often with the use of force and guns.¹⁶³ Interviewees reported the use of force to ensure migrants who come to the beach do not change their minds. Once they are on the beach they cannot choose to go back. None of the migrants interviewed in Italy reported any use of force to make migrants go to the beach in the first place. The smugglers may rely on the fact that the Italian authorities will tow these vessels into safe ports, but effectively, considering all the shipwrecks, they seem not to be concerned by the safety of their clients. The risk of shipwreck is very high as often the boats are reportedly not even supplied with enough fuel.

Regarding the cost of smuggling operations, some information has been collected by a journalist, based on interviews with smugglers. He reported that "cramming 200 or more migrants into a boat at 1,600 USD a head means more than 320,000 USD [for] each [vessel], but the smugglers insist that there is a heavy overhead, mainly for bribing militias."¹⁶⁴ Interviews in relation to Libya confirmed that militias would have to be paid, but the situation was so changeable that it was extremely difficult to have any information in advance about who would have to be paid and how much. According to this same account, smugglers may pay local militia chiefs up to 20,000 USD a month for having a secure departure point.¹⁶⁵ The market in Libya is a huge one, with participation of different actors. As the same journalist reports, "everything is expensive (...). Transport by land costs a bribe of more than 100 USD at each local militia checkpoint for each truck carrying 15 to 20 migrants."¹⁶⁶ Also, according to the same source, smugglers pay high prices, up to 5,000 USD a month, to rent a "safe house" to keep migrants under surveillance while they wait to depart. Moreover, a rubber dinghy "to ferry groups of 20 migrants to a waiting vessel can cost 4,000 USD, and a

¹⁶² Procura di Catania 2014

¹⁶³ I A 1
¹⁶⁴ Kirkpartrck, D.D. (2015) New York Times 27 April 2015 'Before Dangers at Sea, African Migrants Face Perils of Lawless Libya' http://www.nytimes.com/2015/04/28/world/africa/libya-migrants-mediterranean.html?action=click&pgtype=Homepage&version=MothersVisible&module=inside-nyt-region®ion=inside-nyt-region&WT.nav=inside-nyt-region&_r=1 Accessed 2 May 2015.

¹⁶⁵ Kirkpartrck, D.D. (2015) New York Times 27 April 2015 'Before Dangers at Sea, African Migrants Face Perils of Lawless Libya' http://www.nytimes.com/2015/04/28/world/africa/libya-migrants-mediterranean.html?action=click&pgtype=Homepage&version=MothersVisible&module=inside-nyt-region®ion=inside-nyt-region&WT.nav=inside-nyt-region&_r=1 Accessed 2 May 2015.

¹⁶⁶ Ibidem.

boat that holds 250 migrants for a one-way voyage can run up to 80,000 USD.¹⁶⁷ An Egyptian or Tunisian captain, if used, receives 5,000-7,000 USD for his service in driving the vessel, and about 800 USD is needed to buy a satellite telephone that he would use to call the Red Cross when the boat reaches international waters.¹⁶⁸

According to informants in Italy, it is often the case for migrants to have to pay for their travel twice or even more. If they fail on the first attempt, they have to pay again for the next try. All crossings from Libya are paid in advance, and if the guards stop the departure, smugglers do not provide compensation for migrants. In case an assisted journey was not successful, compensation was provided on other routes, such as the Albania-Italy route in the 90s or as noted in Case Study 3 along the Pakistan-Turkey-Greece route. Migrants would have a second (or third) chance to leave, “for free”, because that service was not provided the first time.¹⁶⁹ Today, in the case of Libya, migrants have no assurance or guarantee in this regard at all, they pay the entire sum in advance and in case of failure, they cannot claim any discount for the next try to the organisers. This means that the earnings for the guards, who likely share the fees with the organisers of the crossings, should be very high. As already described in previous sections, a specific system of deprivation of the money of migrants and of their families is well entrenched in Libya, through the use of kidnappings and forced detention by bandits and police forces. Often migrants ask family or friends in their home country for money when they are in a difficult situation, and even borrow money before leaving. Costs and type of transportation vary according to nationality. According to an Italian investigator, currently the normal price for a crossing for a West African is 750-1000 Libyan dinars (550-740 USD). Syrian nationals pay more, between 2000-2500 USD, and they primarily use big ships, which are considered safer. On the same boats, Eritreans would pay less, around 1000-1500 USD.¹⁷⁰ Services can be paid in different currencies. According to field research with migrants in Sicily from Gambia and Senegal, prices and currencies vary considerably along the journey. For the travel into the desert to Niger they respectively paid 90,000 CFA (150 USD), 200,000 CFA (340 USD) and 60,000 CFA (100 USD) (truck passage). For the sea crossing, they subsequently paid an additional 1,000 Libyan dinars (750 USD) or 700 USD, respectively.

3.3.2 Supply side: Smugglers motivation and profile

Some evidence has been collected in recent years in Italy which complements the picture already drawn for Malta regarding the sea journey and kind of boats used. Firstly, in recent years, Egyptians, Tunisians, Palestinians and Syrians, and also Iraqis, Moroccans, Algerians, and West African country nationals¹⁷¹ have been arrested as skippers, sailors and facilitators, but they usually claim to be migrants who finance their crossing by sailing the boat. They can be very young, as young as 20 years old and are all male. In April and May 2015 news reports emerged of an open advertisement of smuggling operations via social media.¹⁷² These advertisements are often highly misleading, with photos of tourist cruise ships to promote the crossing, but link up to genuine smuggling operations. This is further evidence of the ease with which smugglers are able to operate within Libya.

In the majority of cases, small boats arrive without professional sailors because travel by boat from Libya does not require the presence of a professional driver. Also, the crews of bigger ships often are not informed about the structure of the smuggling networks paying them, because they have been recruited in ports, as sailors, and sensitive information is reportedly not shared with them. For this reason, investigations in Italy rarely manage to discover details about the smuggling organisation above the lowest level of the crew. However in Palermo, the DDA (Direzione Distrettuale Antimafia), the local office of the Anti-Mafia Directorate, accomplished significant judicial investigations

¹⁶⁷ Kirkpartrck, D.D. (2015) New York Times Before Dangers at Sea, African Migrants Face Perils of Lawless Libya. 27 April 2015 <http://www.nytimes.com/2015/04/28/world/africa/libya-migrants-mediterranean.html?partner=socialflow&smid=tw-nytimes&r=0>, Accessed 29 April 2015

¹⁶⁸ Kirkpartrck, D.D. (2015) New York Times. Before Dangers at Sea, African Migrants Face Perils of Lawless Libya. 27 April 2015 <http://www.nytimes.com/2015/04/28/world/africa/libya-migrants-mediterranean.html?action=click&pgtype=Homepage&version=MothersVisible&module=inside-nyt-region®ion=inside-nyt-region&WT.nav=inside-nyt-region&r=1>

¹⁶⁹ Monzini (2007)

¹⁷⁰ I A 3

¹⁷¹ I A 3

¹⁷² BBC (2015) *The Facebook smugglers selling the dream of Europe* <http://www.bbc.co.uk/news/magazine-32707346> Accessed 14 May 2015

on one of these organisations operating on the Libyan route, with a wide network in Italy, Libya and several other third and EU countries.¹⁷³ Investigations leading to arrests of smugglers active in Libya and Italy were initially carried out after the shipwreck of 3 October 2013, which led to the death of 366 people, attracting the attention of Italian and international public opinion.

The investigations into this incident identified two principal smugglers in Libya, one born in Ethiopia, the other in Eritrea. They are now wanted in relation to a series of crimes related to their smuggling activities. They managed a wide network with connections in Sudan, specifically with Ethiopian and Eritrean intermediaries who acted as agents, selling the service, and with drivers; the network led by the two smugglers was conducting the arrangements of irregular travel to Libya and onward to Italy. The two smugglers organised the reception of “their” migrants coming from the Horn of Africa in Libya, and a part of their job consisted of finding specific persons in detention centres in Libya and freeing them with the payment of fines to the guards, so as to make them available for embarkation.¹⁷⁴ Their wide networks have been intercepted through wiretaps implemented by the Italian investigation. As investigations demonstrate, after having collected the migrants, they prepared sea crossings with local intermediaries, with old and unsuitable boats. They have been involved in the organisation of the embarkation of thousands of migrants, with departure mainly in Zuwara: a list of the ascertained landings has been collected, each of them transporting between 100 and 300 migrants.¹⁷⁵ The two men are also connected with Eritrean and Ethiopian intermediaries in Sicily, Milan and Rome, who assist “their” migrants to escape from reception centres in Italy, and continue their travel to other European countries. The overall organisation is quite standardised, and each migrant is referred to with a number, in order to check their payments more easily. There are two systems of payment: the *hawala* system and through Western Union. One of the smugglers coordinated and managed intermediaries all along the North African routes, organising the departure of migrants as soon as they had paid for the service: from the Horn of Africa to Libya, and from Libya to Italy. He personally maintained contact with the relatives who paid the fees, and put them in connection with other intermediaries in Italy¹⁷⁶, and organised further travel to other EU countries.

Due to the scarcity of investigations, it is not possible to say this kind of organisation can be considered as representative of all smuggling coming from Libya, different degrees of organisation can co-exist. According to investigators, smugglers are businessman but sometimes they are on the border between criminality and humanitarian assistance, it depends on each situation and different cases can emerge¹⁷⁷. Migrant interviews show that the same perception is shared by migrants: some of them blame the smugglers; some of them recognise their assistance.

3.3.3 Migrants and their families/communities

According to UNHCR, approximately half of the mixed migration flow arriving in Italy from Libya is composed of migrants in search of international protection. Migrants currently coming to southern Sicily from Libya are mostly from Syria and Sub Saharan Africa, both the Horn of Africa¹⁷⁸, and West and Central Africa. A smaller proportion comes from other Middle East countries, North Africa and even Asian countries (Table 5).

¹⁷³ Operazione Glauco (2014) e Operazione Glauco II (2015).

¹⁷⁴ Operazione Glauco II (2015): 63.

¹⁷⁵ Operazione Glauco II (2015): 6-7

¹⁷⁶ Operazione Glauco II (2015): 63.

¹⁷⁷ I A 3

¹⁷⁸ Altai Consulting, UNHCR Tripoli 2013; RMMS 2014

Table 5: Declared nationality of migrants landed by sea, 2013-2015 (updated to 13/5/2015)

2013	2014	2015
Syria 11.307	Syria 42,323	Eritrea 7,802
Eritrea 9.834	Eritrea 34,329	Sub Saharan ¹⁷⁹ 4,704
Somalia 3.263	Mali 9,908	Somalia 4,190
Egypt 2.728	Nigeria 9,000	Nigeria 3,431
Nigeria 2.680	Gambia 8,691	Gambia 2,525
Gambia 2.619	Palestine 6,082	Syria 2,325
Pakistan 1.753	Somalia 5,756	Senegal 2,130
Mali 1.674	Senegal 4,933	Mali 1,664
Senegal 1.314	Bangladesh 4,386	Sudan 1,416
Tunisia 833	Egypt 4,095	Ivory Coast 914
<i>others</i> 4.920	<i>others*</i> 38.583	<i>others*</i> 5,103
Total 42,925	Total 170,100	Total 36,204

* This data may also include migrants in the process of identification.

Source: MoI

Due to wars and political instability in the region, a wide range of nationalities of migrants arriving in Sicily has been observed. Migrants landing in Italy include an increasing number of immigrants who were already living in Libya in previous years, and now are fleeing the war, looking for a safer life in Europe.

¹⁷⁹ Due to the high number of arrivals, Italian authorities were not able to identify the nationality of migrants on the spot, as soon as they arrived. Thus this category represents those people initially identified as from Sub-Saharan Africa, for whom the process of identification is ongoing.

Screening of landed migrants now includes the detection of terrorists¹⁸⁰, but, as far as the smuggled migrants are concerned, the Head of Italian Police declared on 10 March 2015 to Copasir (Parliamentary Committee for the Security of the Republic, *Comitato Parlamentare per la Sicurezza della Repubblica*) that no evidence has been collected on the infiltration of terrorist networks among migrants landing in Italy.¹⁸¹

Regarding the relations between smugglers and smuggled migrants, fieldwork demonstrates that the capacity for intimidation and the use of violence are increasing during embarkation procedures, as noted in the section “From Libya to Malta”. Most of the violence has been recorded prior of the embarkation, during residence or travel in Libya. With one exception, those migrants interviewed in Italy were not held in “safe houses”.¹⁸² However, some were made prisoner of armed groups or even militias in Libya, and all of them experienced different kinds of violence, often with a racist element. At the end of their stay in Libya, they also reported that armed men from Libya used violence to force them to board the boats, boats that looked too dangerous. These methods traumatised the migrants with long-lasting effects. According to the accounts of police officials, the treatment of migrants at sea has significantly deteriorated because the number of people on the boats is on the increase, and no safety rules are respected.¹⁸³

Regarding awareness of the risks of being smuggled, according to an expert interviewed for this study, migrants “do not have other options. They have to take the risk. Everybody is aware, but in the first passage in Niger maybe they are not aware. They do not know how difficult it is.”¹⁸⁴

Risks and dangers for migrants are high in Libya, as remarked by an expert in Sicily, who is directly in contact with smuggled migrants: “in Libya migrants in the smuggling process are deprived of everything and become easy prey to exploiters. Very loose networks are made by anybody willing to exploit migrants, and it is very easy to enter these networks. There are some specific people who control the transfer process, but many others can benefit and make profit on the passage of migrants.”¹⁸⁵

All five of the West African migrants interviewed in Italy stayed in Libya for months and they experienced exploitation, in slavery-like conditions, at work. One was shot while he was walking home and his leg was injured. Four armed men shot him in the leg, robbed him and left him on the road. He eventually called his Jordanian boss who took him to three different hospitals; all of them rejected him as an undocumented migrant. Because he could not find any kind of health care in Libya, he decided to cross the sea and reach Italy. He was able to negotiate a special price due to the urgency of the situation:

The smuggler helped me as an urgent case. The same day I was able to pay, I left. He brought me by car, there were 80 people on the beach, and armed boys. I prayed to God, it was so difficult, with all people in fear: West African, Syrian, all adult males. My mind was already gone and I was suffering so much. I stayed in the boat in a dream-like state, and at the end a big ship took us on board. I do not remember anything. After that, I went to the hospital in Italy and now I am getting better!”

He arrived in Sicily, after a very hard crossing, with a serious infection and received medical care. At the time of interview he was getting better. Interviewed migrants, including a young man from Eritrea¹⁸⁶, did not have previous connections in Italy. They were clear that they did not intend to reach a pre-determined destination country, but to find opportunities for a decent life. Libya was initially a destination country for these migrants. They found their route step by step, trying to make a living in Libya before they decided to cross the sea. Libya has then become a transit country for them because of the hardships they encountered, and because it was easy to find smugglers organising

¹⁸⁰ I A 3

¹⁸¹ http://www.stranieriinitalia.it/attualitapansa_polizia_a_copasir_nessuna_evidenza_di_terroristi_tra_immigrati_19847.html

¹⁸² I M MA 12

¹⁸³ I A 1

¹⁸⁴ I S 2

¹⁸⁵ I S 2

¹⁸⁶ He spent 10,000 in Eritrean currency to depart from Khartoum with other 7 persons in a car: male, females and children. The trip took 8 days with a Sudanese driver, there were three cars.

departures by boats toward Italy. In two cases, their bosses at work helped, paying the crossing fee for them and arranging everything with the smugglers: after months of work this was what they received instead of a salary.

The sea crossing itself is one of the most dangerous elements of the journey due to the kind of boats used, too often unsuitable for the journey, and the fact that they are overcrowded.¹⁸⁷ Food and water are often distributed in insufficient quantities, lack of space and poor hygienic conditions create conditions of terrible hardship and can lead to the spread of disease. Perils at sea have been already presented in the Malta section. The number of people who die or disappear at sea recorded by Italian authorities, already presented in this section, speak for themselves. Crossings are performed even in winter, when the Mediterranean is not easy to navigate without reliable boats, and often migrants are deliberately endangered to attract rescue operations, as in the case of the 3 October 2014 tragedy.

3.4 Other relevant recent trends on the selected route sections

3.4.1 Secondary movements from Malta and Italy

Secondary movement from Malta is primarily onwards towards Italy. While there are a number of indications that Maltese nationals are smuggling fuel and fish between Malta and Libya, no evidence exists of the participation of Maltese nationals in the smuggling of migrants from Libya to Malta. In the early 2000s, Maltese nationals operated smuggling networks by which migrants in Malta were smuggled by boat to Sicily.¹⁸⁸ Perhaps in response to a clamp down by law enforcement, these networks appear to no longer operate and have been replaced by organisations that facilitate the onward mobility of migrants through the use of false documents. While there is as yet no evidence that false documents are manufactured in Malta, there is substantial evidence of a trade in false documents and the use of these documents to board planes to Europe. The Superintendent of the Malta Police Immigration Branch, Neville Xuereb, highlighted an example in which Italian residency cards were brought to Malta for sale in the open centres. Once false documents are secured, migrants generally attempt to travel to mainland Europe by plane, flying low-cost airlines to Germany or Italy.¹⁸⁹ According to research by the European Migration Network and the European Commission, the number of persons charged for migrant smuggling in Maltese courts between 2009 and 2013 is twenty-one, however Police Superintendent Neville Xuereb maintains that no smugglers prosecuted in Malta were high-up in smuggling organization hierarchy.¹⁹⁰ Researchers in Malta were unable to identify or arrange for interviews with any individuals prosecuted for migrant smuggling in Maltese courts.

Investigations in Italy show that safe travel from a reception centre in Sicily to northern European countries costs an asylum seeker around 500-1,000 Euro (to Germany), and 1,000-1,500 Euro (to more northern countries).¹⁹¹

3.4.2 Other routes to Libya

According to an expert in Sicily providing medical assistance to migrants, most of the West African migrants travelled step-by-step without a pre-defined plan, and often their intended destination was Libya, not Italy.¹⁹² They did not decide the trajectory of their journeys in advance. This also applies for the five West African national migrants who were interviewed in Italy for this research, who arrived in Libya via the West African route, through Niger. All of them travelled by bus through different countries the ECOWAS region depending on their trajectories, some of them stopping somewhere in these countries and looking for a job, but finding nothing relevant for them. All of them

¹⁸⁷ I S 2
, The Cyprus Review, vol. 20, no. 2 (Fall 2008), pp. 51-78; MT/A/1; MT/A/2
MT/A/1

¹⁹⁰ EMN & EC, 'Ad-Hoc Query on Facilitation of Irregular Immigration (Migrants Smuggling) to the EU: National Institutional Frameworks, Policies and other Knowledge-Based Evidence', November 2014, Available here: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/trafficking/605_emn_ahq_national_institutional_framework_on_smuggling_2014_en.pdf; MT/A/1

¹⁹¹ Operazione Glauco (2015): 6.

¹⁹² I S 6

declared they reached Niger, Agadez, where they found smugglers offering passage to Libya in a pick-up truck.¹⁹³ In the words of a migrant:

“It was Dazla, a Gambian smuggler, who organized the travel for me. He was a good person and he found a very good car, a 4 wheel-drive. However, the trip was difficult as in total there were 29 people in the car [a pick-up]. We stopped several times to eat “garry¹⁹⁴” on the road, and it took four days to arrive in Libya. The passengers were people from Gambia, Burkina, Niger, Nigeria, Ghana. All of them were West African people. We passed through two check points, but the driver helped and defended him: they were not policemen but pretended [in order] to receive money from each of the passengers. As I had no money at all, I could not pay. Other people paid. We arrived in Sargan, in Libya”.¹⁹⁵

There were around 30 people in these vehicles, for 4-5 days.¹⁹⁶ Cars were travelling in “caravans” of 4-5 vehicles, and the journey was very difficult: passengers were squeezed and the smugglers were described as violent and rough. Food and water were scarce and full of sand. Moreover, on the road the migrants were deprived of all their money by armed bandits, or by guards in Niger: they were systematically robbed. One of them travelled with a truck, with 60-80 other West African nationals, and 3 drivers.¹⁹⁷

They all arrived in Libya deprived of their funds, in absolute poverty, and had to find a job to survive, in Sabah, Kadron, or in other small cities. Subsequently, they were prone to different forms of exploitation by local people, who employed them for very low wages. Most of them suffered greatly as they were kidnapped and threatened by armed men,¹⁹⁸ and/or kept prisoner in ways already described in the Libya section. They were freed, after the payment of huge sums, and moved on to Tripoli, after having received funds from their networks or families.

Thus, the migrants interviewed did not buy multi-stage “travel packages” from the smugglers to travel via the West African route towards European destinations. Their experiences in Libya reflect those found with other migrants interviewed who had travelled along the Eastern route, from the Horn of Africa: the main difference is that their movements in the ECOWAS region did not involve the kind of horrific events that are increasingly common on the Eastern route, but normal travels, as there are no border controls inside the West African area, and thus they reported no need for smugglers to travel by land.

¹⁹³ I M GM 10; I M GM 14; I M SL15; I M ML 12; I M SEN 11

¹⁹⁴ A popular West African food

¹⁹⁵ I M GA 10

¹⁹⁶ I M GA 10; I M SE 11; I M GA 14; I M SL 15

¹⁹⁷ I M MA 12

¹⁹⁸ I M SE 11; I M ER 13 (kidnapped two times in Libya)

4 Policy Responses to migrant smuggling among and in the countries selected

This section covers the main policy responses of national authorities of Ethiopia, Libya, Malta and Italy in addressing migrant smuggling, including not only national legislation but also relevant international and regional cooperation, bilateral and multilateral agreements, projects and initiatives, and governmental and civil society actors involved.

The section proceeds first with those policies and structures in place which are relevant for migrant smuggling in particular or irregular migration in general along a specific route segment. Following this, the national context will be presented for each country in turn.

4.1 Policies directed towards the selected routes

4.1.1 Route segment Ethiopia – Libya, via Sudan

All migrants from Ethiopia to Libya must pass through Sudan. This is a potentially dangerous part of the journey and few return migrants interviewed in Ethiopia reported getting any further. In this sense, on the route from Ethiopia to Libya, relevant institutional and legal structures in Sudan are also relevant. In March 2014, the new Sudanese Anti-Trafficking law entered into force.¹⁹⁹ The law does not distinguish between smuggling and trafficking and it is likely that it will be used to punish smuggling offences too. This law sets out between three and ten years imprisonment for acts of trafficking, rising to 20 years for aggravated trafficking. In the absence of any effective implementation of Libyan legislation on the Sudanese-Libyan border the Sudanese legislation is the only legal protection for migrants travelling along this route.

In November 2014, 28 EU Member States along with Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Tunisia established the EU-Horn of Africa Migration Route Initiative, or the Khartoum Process, in order to facilitate international cooperation to reduce smuggling and trafficking along this specific route segment. This initiative sets out a framework for cooperation around certain key measures, it does not in itself set out those measures and the impact of this initiative will take some time to evaluate. It is also significant that there is currently no Libyan representation in the process, though this will presumably change once an internationally recognised government emerges with some authority across Libya.

In the absence of effective government action in Libya, international organisations have established small but significant efforts to coordinate return and protection activities. IOM Libya has an ongoing Assisted Voluntary Returns programme, which supports migrants to return to their country of origin on a voluntary basis. In 2014, 354 migrants were supported through this programme; Sudan and Ethiopia were amongst the most significant countries of return, though the IOM estimates that there are tens of thousands of migrants stranded in Libya who could benefit from this facility.²⁰⁰ Following the massacre of Ethiopian and Eritrean Christians in Libya by IS that was publicised on 19 April 2015, the Ethiopian government established plans to evacuate Ethiopian nationals from Libya, though at the time of writing it was not clear how significant this would be. Finally, UNHCR has also been able to operate a small number of resettlements for extremely vulnerable refugees in Libya, who are unable to return to their countries of origin. These are only able to operate to destination countries which do not require in person interviews with refugees in order to reach a resettlement decision; Australia, New Zealand, Germany and the Netherlands all operate such programmes and UNHCR hopes to be able to resettle 150 people during the course of 2015.

¹⁹⁹ For more information, see: UNODC (2014), "UNODC Supports Sudanese Efforts to Curb Human Trafficking", Available at: <https://www.unodc.org/middleeastandnorthafrica/en/web-stories/unodc-supports-sudanese-efforts-to-curb-human-trafficking-tobias.html>; U.S. Department of State (2014). *2014 Trafficking Persons Report*. <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226721.htm>.

²⁰⁰ LB/I/1

4.1.2 Route segment Libya - Malta

In September 2013, the Maltese government signed a MoU with then Libyan Interior Minister Saaleh Abdurraheem Maaziq calling for greater cooperation on immigration and maritime security and exchanging Maltese security training and information sharing for preferential rates on Libyan oil and gas.²⁰¹ As of yet the deteriorating security situation and crisis of governance in Libya have prevented the aims of the MoU from being realised. The AFM currently has no operational communication channel with its Libyan counterparts. Over the past few months [preceding interview on 3/3/2015] the AFM has received no reply to faxes sent to the rescue coordination centre in Tripoli and no actions are taken pursuant to Maltese requests.²⁰²

4.1.3 Route segment Malta – Italy, and among EU Member States

Malta cooperates on migration issues most closely with Italy. Maltese military personnel train in Italian military institutions and Italy maintain a small military mission in Malta engaged in training Maltese personnel and assisting with search and rescue operations. In 2015, Malta responded positively to four requests from Italy for cooperation at sea with other EU countries (in addition to Frontex operations), out of the 22 request submitted.²⁰³ Despite a history of close cooperation and operational collaboration, Italian-Maltese relations have strained over the issue of where migrants rescued at sea should disembark. The conflict arises from the fact that international law is not clear about where exactly disembarkation must take place. Maltese authorities maintain that disembarkation must occur at the nearest safe port, which, as a result of the size of Malta's SAR zone and the coordinates of rescues performed by the AFM, is often Lampedusa. Italian authorities maintain that migrants must disembark at a port of the country responsible for the rescue operation. In short, Malta has historically pushed for migrants to be disembarked on Italian soil, while Italy maintains that Malta is responsible for disembarking all migrants rescued in the Maltese SAR zone on Maltese soil. While conflict over the point of disembarkation has hindered Maltese-Italian cooperation in the past, and some observers suggest that it spurred Malta's refusal to participate in Frontex operations in 2010, research does not indicate that this remains a point of contention in Italian-Maltese relations. Evidence from interviews conducted for this study points to the fact that the AFM regularly disembarks rescued migrants on Italian soil in Lampedusa.²⁰⁴ However, migrant transfers occur in the other direction as well: one migrant recounted having been rescued by the Italian Navy and then transferred to an AFM vessel at sea and brought to Malta.²⁰⁵ It is unclear what the modus operandi is for negotiations between Malta and Italy on where disembarkation occurs. On the other hand, it is widely understood amongst Maltese NGOs, policy makers and the security services that Italian naval operations in the Mediterranean, particularly those operating south of Malta, shelter Malta from greater numbers of irregular migrants. This was especially true with Operation Mare Nostrum, but remains so today to a lesser extent with Frontex Operation Triton.

Finally, while EU politicians claim that major search and rescue operations, such as Operation Mare Nostrum, serve as pull factors for migrants and migrant smuggling operations, it is difficult to assess this claim and to measure the weight of these pull factors in the face of significant push factors, such as poverty, war, and violence. Implementing migration policies aimed at stemming irregular migration along the Central Mediterranean Route without expanding formal systems of migration and asylum application will inevitably lead to greater costs and dangers for migrants along their journeys.

4.1.4 Route segment Ethiopia or Horn of Africa - Malta

²⁰¹ Malta strikes favourable oil, gas procurement deal with Libya. (2013, September 2). <http://www.timesofmalta.com/articles/view/20130902/local/malta-strikes-oil-procurement-deal-with-libya.484551>

²⁰² MT/A/2

²⁰³ Data from Italian MoI

²⁰⁴ MT/A/2

²⁰⁵ MT/M/SO/5

Malta lacks meaningful, operational collaboration with any of the countries of origin or transit along the migration route from the Horn of Africa to Europe that could serve to normalise migration flows and facilitate deportations.

4.1.5 Route segment Libya – Italy

In the European debate, the negotiations between the governments of Italy and Libya for the control and prevention of irregular migration and migrant smuggling networks have been one of the most frequently discussed issues at the academic and human rights levels in recent years.²⁰⁶ The practices of “push-backs” to Libya, performed on the basis of the agreements between the two governments, started in 2009 and were stopped after a ruling of the European Court interrupting that practice, in 2012.²⁰⁷ At the scholarly level the Italy-Libya agreement is considered one of the clearest examples of the securitisation practices to externalise migration controls.²⁰⁸ According to Amnesty International²⁰⁹ the negotiations between the Italian and Libyan governments lasted until July 2013, a few months before the worst accident in the Mediterranean Sea in October 2013.

4.2 National policy framework: Ethiopia

With regard to irregular migration the Ethiopian government is focusing primarily on regulating labour migration and preventing migrant smuggling and human trafficking. In 2012, Ethiopia ratified both the United Nations Protocol Against the Smuggling of Migrants and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The United Nations Convention against Transnational Organized Crime was ratified in 2007. Since 2002, Ethiopia has participated in several international cooperation processes that have dealt with the topic, such as the MTM Dialogue, which focuses on irregular and mixed migration,²¹⁰ and has recently been part of the Khartoum Process, which emphasises tackling human trafficking and migrant smuggling from the Horn of Africa to Europe.²¹¹ The recent ratifications of these protocols and the government’s involvement in these processes can be viewed in relation to a stronger focus on smuggling in Ethiopia over the last decade.

In 2012, the National Committee Against Trafficking was established by the government, and is a Committee that involves various ministries, institutions as well as regional and local partners. A central focus in the work of the National Committee Against Trafficking is to prevent irregular migration. As noted by the interviewed high court judge:

Many are involved in this, religious institutions, local representatives and the state government. The government is focusing on this and trying to use different institutions to share information. They are responsible to show direction, this could be policy, legal or institutional. This is related to the National Committee Against Trafficking. Media, religious institutions and public organisations are channels to create public awareness. The Ministry of Labour and Social Affairs, the Ministry of Foreign Affairs and the Ministry of Justice create public awareness programmes and review policies and laws, and ensure that these are implemented.²¹²

With this in mind, the main governmental actors in this Committee and their primary roles with regard to irregular migration are:

²⁰⁶ Cuttitta 2008, Paoletti, Pastore 2010, Human Right Watch 2009 Cuttitta 2008, Paoletti, Pastore 2010, Human Right Watch 2009

²⁰⁷ Amicolo (2013)

²⁰⁸ Triandafyllidou & Dimitriadi, 2014

²⁰⁹ See http://www.ansamed.info/ansamed/en/news/nations/italy/2012/06/14/Immigration-Amnesty-Italy-Libya-deal-stop-migrant-flow_7033534.html

and <http://www.amnesty.it/cooperazione-italia-libia-amnesty-scrive-a-presidente-letta>

²¹⁰ See <http://www.icmpd.org/Completed-Projects.1624.0.html>. Accessed 25 May 2015.

²¹¹ Declaration of the Ministerial Conference of the Khartoum Process. Available at <http://italia2014.eu/media/3785/declaration-of-the-ministerial-conference-of-the-khartoum-process.pdf>. Accessed 25 May 2015

²¹² ET/A/11

Table 6: Institutional actors in Ethiopia with involvement in addressing irregular migration generally, and migrant smuggling and human trafficking specifically²¹³

Ministry of Foreign Affairs	Provides migrant workers with information and support and negotiates agreements with destination countries regarding employment. Also offers support to Ethiopians abroad through embassies and is in charge of the Federal Police, who is tasked with investigating cases of migrant smuggling and human trafficking.
Ministry of Labour and Social Affairs	Focuses on facilitating legal labour migration by making bilateral agreements in destination countries, providing pre-departure training and logistical support for the education. Facilitates implementation of rehabilitation support for returned migrants, which may include irregular migrants/victims of trafficking.
Ministry of Justice	Explores current gaps in legislation of migrant issues. Prosecutes illegal employment agencies, regulates prosecution of illegal migration.
Ministry of Women, Children and Youth Affairs	Creates conditions that allow women and children to get legal counsel, provides rehabilitation services, devises strategies to prevent illegal migration of children.
Ministry of Education	Provides education on migration, awareness creation regarding employment abroad.
Federal Police	Prevent and investigate human trafficking and migrant smuggling.

Other partners involved in the work against irregular migration as reported by authority and expert interviews in Ethiopia include IOM, UNHCR, UNICEF, UNODC, ILO, the EU and the NGO Agar Ethiopia. The following table clarifies their main roles with regard to migrant smuggling in Ethiopia.

²¹³ Sources: interview data; Siegel and Kuschminder, 2011. A Who's Who in Ethiopian Migration? Migration policy brief No.5. Maastricht Graduate School of Governance

Table 7: International and non-governmental actors in Ethiopia with involvement in addressing migrant smuggling

IOM	Concentrates on preventing trafficking and smuggling of Eritreans in Ethiopian refugee camps through awareness raising and community discussion programmes.
UNHCR	Works with the Ethiopian government to provide better conditions for Eritrean refugees to reduce secondary movements through smuggling and/or trafficking. Also programmes to raise awareness about the potential risks of trafficking in persons.
UNICEF	Focuses on preventing children from being trafficked by organising trainings for judges, social workers and police.
UNODC	Supports the Ethiopian government in the work on new legislation on trafficking and smuggling. Also provides trainings on victim protection for judges and prosecutors.
ILO	Focuses mainly on legal labour migration, but also involved in work on awareness raising, particularly regarding potential victims of trafficking.
The EU	Works together with UNODC and the Ethiopian government to clarify the distinction between smuggling and trafficking in Ethiopian law. Funds reintegration of migrants as well as capacity building and awareness raising programmes.
Agar Ethiopia (NGO)	Involved in rehabilitation service and reintegration programmes for female victims of human trafficking. Danish Embassy funding expired in 2014 and Agar Ethiopia is now mainly funded by IOM.

Although there is a strong focus on awareness raising, there is recognition among governmental and civil society stakeholders that many migrants are aware of the risks of irregular migration²¹⁴ and that awareness programmes alone do not suffice to reduce irregular migration.

Another issue that impacts irregular migration is that international labour migration has been banned since October 2013.²¹⁵ Proclamation number 632/2009 is suspended and currently there are no legal options for labour migration abroad.²¹⁶ The Ethiopian government is currently revising legislation in an attempt to curtail irregular migration by

²¹⁴ Regional Mixed Migration Secretariat (RMMS) (2014). *Blinded by Hope: Knowledge, Attitudes and Practices of Ethiopian migrants*. RMMS, Nairobi.

²¹⁵ ET/I/10

²¹⁶ ET/A/11

providing options for legal migration. While the new proclamation being drafted is intended to create a safer way for international migration and thereby reduce migrants' need to rely on smugglers/traffickers, it has not yet been implemented. Before the new proclamation is in place and for those who have no opportunity to migrate legally through other means, irregular border crossing and the use of smuggling operations is the only option for international migration. A consequence of criminalising migration is that migrants choose irregular options, as has been supported by stakeholder interviews: "The ban on legal labour migration has for sure created more illegal migration."²¹⁷ The intention to create safer migration has inadvertently contributed to an increase in irregular migration and – although it cannot be verified due to a lack of data – likely also the use of smuggling networks.

The government attempts to stem irregular migration primarily by punishing those who facilitate it. There has been a focus on criminal aspects of irregular migration in recent years, but smuggling is not clearly distinguished from trafficking in the legislation:

"If there is exploitation or transfer of individuals it is considered criminal. Migrants' consent is not considered a matter in this. The main issue is if there is any exploitation or if they are being transferred to another country. The law doesn't clearly say that this one is smuggling and this one is one is human trafficking. Both are illegal whether domestically or abroad."²¹⁸

The lack of distinction between smuggling and trafficking in the Criminal Code²¹⁹ reflects how the government addresses international irregular migration without taking into account the different degrees of coercion in smuggling and trafficking. Some smugglers are sentenced, but a high court judge noted: "we don't have statistics on court cases of smuggling and trafficking. I don't know how many cases there have been [against smugglers], but maybe between 500 and 1,000 a year."²²⁰ While this is a high estimate, it is not clear under which law they would have been prosecuted or what their sentences are. Without statistics it is impossible to assess the efficiency of law enforcement, length of sentences and what kind of crimes are emphasised by the police and the courts. It is, however, clear that Ethiopia's legal framework and implementation of it have only to a limited extent curbed irregular migration.²²¹

Although Ethiopia has ratified international treaties and is participating in several international and regional programmes to reduce irregular migration, there is little cooperation on the ground.²²² There is a discrepancy between the explicit intentions and the commitments to address irregular migration and smuggling in efficient ways. Despite the focus on punishing smugglers and providing legal labour migration as an alternative, for many Ethiopians irregular migration and reliance on brokers and smugglers remain the only feasible option.

4.3 National policy framework: Libya

There is currently no competent authority in Libya to reinforce existing migration legislation across any significant area of the country. There has been no new legislation passed since the 2011 uprising, and even before, at a time of strong central state authority, migration legislation in Libya was described in one migration profile as "characterised by multiplicity, inconsistency and changeability."²²³ This, already uncertain legislation, is now implemented across limited areas of the country.

State control of borders is extremely volatile but at the time of writing is limited to the country's only currently operating airport in Tripoli and the northern border crossings with Tunisia (at Ras Ajdir). The southern border crossing

²¹⁷ ET/I/13

²¹⁸ ET/A/11

²¹⁹ Criminal Code of Ethiopia (2004). *The Criminal Code of the Federal Republic of Ethiopia*, Proclamation No. 414/2004. <http://www.refworld.org/pdfid/49216b572.pdf>. Accessed 11 April 2015.

²²⁰ ET/A/11

²²¹ U.S. Department of State (2014). *2014 Trafficking Persons Report*. <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226721.htm>. Accessed 25 May 2015.

²²² ET/I/13

²²³ Bartolemeo, Di A., Jaulin, T. and Perrin, D. (2011) *Libya – Migration Profile*, CARIM, EUI, Florence. p8.

with Tunisia (at Dehiba) and northern crossing to Egypt (at Salloum) are both operational but effectively closed – no interviewee knew of any confirmed official crossings of these borders for several months. All available information and expert interviews supports the view that official state control is completely absent from all Southern border crossing points and any patrols between crossing points. In addition, the Libyan coast guard operates from a number of ports near Tripoli²²⁴, though has only three boats to cover the entire coast. Several interviewees observed that the coastguards were not trying to prevent departures but were concentrating resources on intercepting boats already at sea, sometimes returning people to detention centres.

At all of these points, the pre-revolutionary migration legislation is the only legislation that is being enforced, though there is no consistent approach to this. The basic migration law in Libya is law no. 6 of 1987 on “the entry and residence of foreigners in Libya”. The law covers the issuance of visas, time limits for foreign residency, requirements to register accommodation and employment of foreigners in the country and sets out provisions for removal. It has been modified on a number of occasions. Two amendments to this law technically remain in force. First, Law 2 of 2004 enacts the ratification of the 2001 Vienna protocols to UN Convention Against Transnational Organised Crime, on migrant smuggling and human trafficking, introducing heavy penalties, including up to 20 years in prison, for those entering Libya illegally or assisting such entries, especially if this is linked to a broader criminal operation. This law however does not include a clear distinction between smuggling and trafficking. Second, decision 125 of 2005 specifies legal points of entry and requires Arab nationals to obtain residence permits (this partially revises law no. 10 of 1989 which allows Arab nationals the same rights as Libyan citizens). Finally, the most recent law on migration, law no. 19 of 2010 on illegal migration, defines situations of illegal migration (Art. 2) and reinforces penalties for trafficking.²²⁵

Libya is not party to the 1951 Geneva Convention on the Status of Refugees, or its protocol, though it is party to the 1969 OAU convention Governing the Specific Aspects of Refugee Problems in Africa. UNHCR has operated in the country since 1991, though its relationship with the Libyan government has not always been easy and it was briefly expelled in 2010. Libya has not historically recognised refugees, though according to the Libyan Constitutional Declaration of August 3rd 2012 “The state shall guarantee the right of asylum by virtue of the law. The extradition of political refugees shall be prohibited” (Art. 10). This constitutional principle has yet to be implemented, either in a new constitution or in any primary legislation. Interviews with UNHCR Libya conducted for this report confirmed that although the operation of UNHCR was severely constrained by the civil war, they were able to operate remotely to arrange a small number of resettlements in emergency situations.²²⁶

The state organisation managing detention centres is the Department for Combatting Illegal Migration (DCIM). The DCIM is the only migration control institution established in Libya since the revolution. It was created in 2012 and has only been a directorate since June 2014. DCIM is currently active in detention centre management. The operation of detention centres fluctuates very considerably. There is also some confusion in reports from migrants at the difference between officially operated detention centres (which are all managed by DCIM) and bondage houses (not to be confused with “safe houses” operated by smugglers) run by militia groups, sometimes on the sites of centres that previously operated officially. There are 19 official detention centres. At the height of the political crisis in 2014 only four or five centres were operating though by March 2015 this had increased to 11. The maximum population in detention at any one time is approximately 6,000, though at the end of March 2015 there were 3,323 people in detention in the detention centres in the west of the country and Kufra in the south.²²⁷ No data is available on populations in the four detention centres in the east, although anecdotal evidence suggests that three of them were operating in April 2015. UNHCR is engaged in monitoring the conditions of detention centres through a partner organisation. Although they have limited contact, mostly through the directors of detention centres, they are re-establishing monitoring and more detailed information should be more easily available in the future.

²²⁴ IOM (2015) Press Release ‘IOM Libya Aids Migrants Rescued at Sea’ <http://www.iom.int/news/iom-libya-aids-migrants-rescued-sea> Accessed 12 May 2015

²²⁵ Euromediterranean Human Rights Network (2012) Asylum and Migration in the Maghreb. Country fact sheet Libya, EHRN, Copenhagen.

²²⁶ LB/I/3

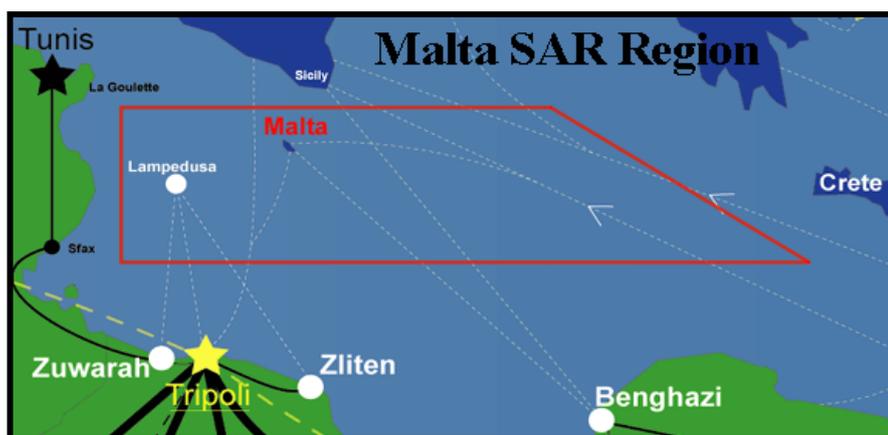
²²⁷ LB/I/3

Detention limits are set out in law no. 2 of 2004, though interview sources report that in practice these can be indefinite and migrants report detention until they are able to afford the cost of leaving the country. During the conflict the situation of detained migrants is extremely uncertain. Reports of serious human rights abuses, including torture and rape, in detention centres are widespread. Reports of collaboration between centre officials and migrant smugglers are also common and were found to be credible by most people interviewed for this report, though in the absence of regular monitoring clear evidence is very hard to come by and such reports are understandably denied by DCIM officials. In April 2015 the head of IOM Libya reported that officials in detention centres were still being paid their basic salary,²²⁸ though they lacked additional benefits such as overtime or special health provisions. In the east it appears that not even basic salaries were being paid. If the state withdraws further from such provision, the incentives for state officials to make money from migrants will obviously increase.

4.4 National policy framework: Malta

In terms of government authorities in Malta charged with combating migrant smuggling, the AFM is responsible for carrying out search and rescue operations within Malta's extensive SAR zone, as represented by Figure 4. The resources available to the AFM for the conduct of maritime operations are limited and include: four patrol vessels operated by the Maritime Squadron; a fixed-wing aircraft and helicopters operated by the Air Wing; Command, Control and Communications facilities operated from the AFM Operations Centre; and a Rapid Deployment Platoon capable of boarding vessels by sea or air.

Figure 4: Malta's Search and Rescue Zone



The AFM Maritime Squadron maintains a de facto policy of only intercepting migrant vessels that are in distress. While Dublin regulations require that Maltese authorities rescue vessels in distress within the SAR zone and process the asylum claims of the migrants on board, boats that are not deemed in distress by the AFM are often provided with necessary supplies of fuel, food and water and directed to continue their voyage toward the European mainland.²²⁹ Though the AFM maintains this "push-on" policy, migrants will often demand rescue if they fear that their vessel is no longer sea worthy or simply want to make land fall as soon as possible.

The international legal framework on migrant smuggling centres on the two Protocols to the Convention Against Transnational Organized Crime (UNTOC). Malta signed the United Nations Protocol Against the Smuggling of Migrants in 2000 and ratified it in 2003. Malta also signed and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons in the same years, respectively.

²²⁸ LB/I/1

²²⁹ MT/N/1; MT/M/SO/1; MT/M/SO/4; MT/A/2

With regard to the smuggling of migrants by sea, applicable international laws include the United Nations Convention of Law of the Sea, the International Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue. Moreover, the EU's legal framework on migrant smuggling is also considered relevant, notable the Council Directive 2002/90/EC and the Framework Decision (2002).

However, the principal legal instruments in Maltese law are those considered most relevant in the Maltese context in terms of addressing migrant smuggling:

- ★ *Article 337a of Chapter Nine of Laws of Malta*: Provides for the crime of migrant smuggling (called 'traffic in persons') which is punishable by up to five years of imprisonment. Under certain aggravating circumstances, such as acting as part of a criminal organisation or endangering the lives of smuggled persons, the crime is punishable by up to 12 years of imprisonment. The full text of the relevant section covering migrant smuggling is detailed in the Introduction section on Malta. Under this law, twenty-one people were arraigned before the Maltese Criminal Court and charged for migrant smuggling between 2009-2013.²³⁰
- ★ *Immigration Act, Chapter 217 of the Laws of Malta and subsidiary legislation*: Regulates entry requirements for persons entering Malta. Defines who is considered a 'prohibited immigrant' (Article 5). Also sets out enforcement powers vis-à-vis irregular migrants, including detention of undocumented immigrants.
- ★ *The Refugees Act, Chapter 420 and subsidiary legislation*: Establishes procedures with regard to asylum seekers and persons seeking international protection.
- ★ *Territorial Waters and Contiguous Zone Act, Chapter 226*: Regulates enforcement powers of Maltese authorities, such as boarding and searching a vessel or arresting persons, in Malta's territorial waters and its contiguous zone.
- ★ *Continental Shelf Act, Chapter 194*: Regulates enforcement powers of Maltese authorities beyond Malta's territorial waters.
- ★ *Extradition Act, Chapter 276*: Provides for the extradition, to and from other countries, of persons accused or convicted of criminal offences.
- ★ With regard to particular international projects or initiatives relevant for Malta with regard to migrant smuggling, several have been noted in particular:
 - ★ *Strengthening Malta's long-term Return Management Capacities – MAREMCA Project I and Project II*: supported a series of dialogues with African countries of origin that resulted in MoUs being signed with Burkina Faso, Nigeria and Gambia. No authorities interviewed commented directly on these cooperation initiatives.
 - ★ *Cooperation between Malta and African countries to enhance migration dialogue and development - COMAM I and COMAM II*: The Maltese Ministry for Home Affairs partnered with countries of origin and the IOM to enhance voluntary return capabilities. No authorities interviewed commented directly on these cooperation initiatives.

In carrying out its maritime patrols, Malta has in recent years been receiving some support from other EU countries under the framework of Frontex. Malta participates in Frontex Joint Operation Triton with the provision of AFM 'briefing experts' and by conducting surveillance flights as part of routine maritime enforcement activities. The AFM

²³⁰ EMN Report 2014

has pledged a maritime patrol plane and a coastal patrol boat to Operation Triton, as well as maintaining a national liaison officer at the coordination centre in Rome.²³¹ The current Frontex operation, Triton, in the central Mediterranean shelters Malta from irregular migrant arrivals as those rescued are disembarked in Italy. This has not been the case with previous Frontex operations, where the point of disembarkation was a contentious issue between Malta and Italy. As with the current Frontex Operation, the Italian Mare Nostrum operation in 2013-2014 also effectively served to shelter Malta from irregular migrant arrivals, primarily as a result of the fact that operations were carried out south of Malta on the high seas and in Libyan territorial waters.

Intelligence on smuggling organisations gathered by the AFM and the Police Special Immigration Branch is not operational as Maltese authorities have no capacity to effect conditions on the ground in Libya. Though intelligence on smuggling organizations is shared with a number of entities (i.e. Italy, the United States, Interpol, Europol, Frontex) feedback from these partners is limited and often non-existent.²³²

Maltese authorities stress that cooperation with Italy has improved significantly over the past five years, and is now excellent with regard to operations at sea and intelligence sharing. The official Maltese government line on cooperation with the European Union more broadly is that Malta requires greater financial and operational assistance in addressing irregular migration. Both authorities interviewed also noted that cooperation with the African countries relevant to these studies was limited and constituted a significant obstacle to deportations and the identification of migrants, as noted in Table 8 below.

Table 8: People Deported to Third Countries, 2010-2013.

Year	Deportations	Somalia	Libya	Sudan
2010	272	1	67	0
2011	159	0	21	4
2012	568	3	156	0
2013	460	2	212	0

Source: NSO data

4.5 National policy framework: Italy

In terms of international instruments, Italy is a state party to the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons (ratified 2 August 2006) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (ratified August 2nd 2006 and transposed into Law 146/06).

The following conventions also apply and all of them are considered extremely important to assure the protection of human life at sea and at the same time the detection of facilitators: the United Nations Convention of Law of the Sea (1982) (ratified 13 January 1995); the International Convention for the Safety of Life at Sea (1974) (ratified 23 May 1988); the International Convention on Maritime Search and Rescue (1979) (acceded 22 August 1989). A correct interpretation of these conventions, together with an analysis of the Italian jurisdiction, has allowed to define the legal possibilities of the Italian authorities in order to intervene at high sea for searching for possible facilitators in the boat, even in the case that the boat is outside national waters.

²³¹ MT/A/2

²³² MT/A/1

The following recent European resolutions, communications and regulations are also considered especially relevant for the Italian Government:

- ★ European Parliament resolution of 23 October 2013 on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa (2013/2827(RSP)) recognises the efforts of the Italian government to manage the infra-Mediterranean mixed-migration flows;
- ★ Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, December 4th 2013 (TFM) (COM(2013) 869) put the issue on a high level in the EU Agenda and proposed a new European approach to better address migratory and asylum flows, and prevent migrant deaths in the Mediterranean;
- ★ Regulation of European Parliament and Council establishing the European Border Surveillance System (EUROSUR), becoming operative on December 2nd 2013 created a new framework for action and information exchange for the prevention of accidents and border control.
- ★ Facilitator’s Directive 2002/90/EC: Due to the relevance of the issue, Italy updated its legislation to prevent and punish smuggling of migrants in 1998, before the Directive 2002/90/EC was put in place. In fact, the pre-existing national laws were sufficient to cover the subject matter of the said Directive. The Testo Unico sull’Immigrazione (TUI), Article 12, contains the definition of the crime referred to under Article 1 of the Directive, and the corresponding sanctions. The TUI was adopted on 25 July 1998 and entered into force on 2 September 1998.²³³

In terms of cooperation with other EU Member States, in Italy the rules on the procedure of extradition are contained in Articles 697 to 719 of the Code of Criminal Procedure. In particular, Article 13(4) of the Criminal Code regulates the extradition of Italian citizens. Italy is bound by Article 6(2) of the European Convention on Extradition, and the definition is also in accordance with the Convention relating to extradition between the Member States of the European Union.

In terms of national instruments, Italy, due to the relevance of the migrant smuggling operations directed towards its territory, has adopted specific instruments to combat migrant smuggling and to protect smuggled migrants, described further below: the Inter-ministerial decree to define specific roles of different authorities, since 2003; and most recently the Mare Nostrum operation (2013-14), the DNA guidelines (2014), the national plan for the reception of mixed migration flows (2014).

At sea, on the operational side, for the safeguard of migrants and the identification of smugglers, a specific policy was adopted with the Mare Nostrum Operation (see Table 9), a humanitarian assistance and anti-smuggling operation conducted by the Italian Navy, in force from November 2013 to 31 October 2014. The operation, launched after the shipwreck of the 3 October 2013, has been considered successful in preventing the deaths of migrants at sea, but its results are controversial. It was also critiqued because some observers, at both the national and international level, consider rescue in international waters a “facilitation” of the smuggling process. Technically, according to the DDA Catania Prosecutor with Mare Nostrum:

“The rescue was operated in international waters and sometimes in the national waters of Libya, in order to avoid the drowning of migrants. It is necessary to say that no other countries sided Mare Nostrum Italian efforts, neither in their own SAR.²³⁴ However, the operation determined an unexpected effect. The criminal organisations handling the migrant smuggling took advantage of the new opportunities and deliberately enhanced the situation of danger in order to force the Italian Navy to advance toward the African coast, so lowering their costs and consequently the prices requested of the migrants. That caused new tragedies very close to the Libyan coasts. From this point of view it is difficult to make a budget of the Mission: thousands of

²³³ <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1998-08-18&atto.codiceRedazionale=098G0348¤tPage=1>.

²³⁴ With reference to Malta.

lives have been saved, it is moving to watch the images of women, children of any age, babies, men rescued by Italian seamen and women. At the same time, the increasing number of migrants (due in same way to the new opportunities to be rescued) and the actions of the traffickers, deliberately endangering them, caused increasing numbers of deaths and shipwrecks.”²³⁵

The operation ended in October 2014 because the government decided its costs were too high. However, after the end of the operation, the numbers of departing migrants are still on the rise.

A “Device for Naval and Maritime Security Surveillance” has been set up to coordinate operations at sea. Navy, Air Force, Carabinieri, Guardia di Finanza, Port Authorities and Police are in charge of safety and security at sea, search and rescue operations and first investigation at sea. Specifically, investigations are made mainly by the National Police (led by Servizio Centrale Operativo (SCO), which coordinates the local Squadre Mobili), and by Carabinieri and Guardia di Finanza, the Navy and Coast Guards are active at sea. The Inter-ministerial Decree of 14.7.2003 of the Ministry of Interior to combat irregular migration defines the coordination mechanisms and main competences of each body.

Table 9: Mare Nostrum Operation (18 October 2013 – 31 October 2014).

Migrants rescued by the Navy	156,362
Search and rescue operations at sea	439
Smugglers arrested	366
On-board inspections	15
Captured and seized ships (including 5 Mother-Ship)	9

Source: Italian Navy

The Triton operation is currently active (since November 1st 2014)²³⁶, and merchant ships are obliged to perform rescue operations as well. Currently (end of April 2015) the effectiveness of Triton, if compared to the action of the Italian Authorities, seems to be very low, as can be seen in Table 10. In 2015, between 1 January 2015 and 28 April 2015, in total 26,215 migrants were rescued and landed in Italy.²³⁷ Triton activities resulted in the rescue of 1,906 migrants, while Italian authorities took charge of 24.309 migrants at sea, also with assistance from commercial ships.

After the shipwreck of 19 April 2015, the EU approved an extension and enlargement of the Triton operation. Naval forces and aircraft are currently not able to properly safeguard lives: the operational area of Triton activity is within 30 miles off the Italian coasts, while migrants are in need in international waters. Mare Nostrum did operate in international waters.²³⁸ International organisations published a joint statement in April 2015 underlying that EU efforts are not adequate to the current situation (see Annex 7).

²³⁵ Procura di Catania (2014)

²³⁶ See at: <http://www.avvenire.it/Cronaca/Documents/JOU%20Concept%20on%20EPN-TRITON%20%282%29.PDF>

²³⁷ Source: Ministry of Interior

²³⁸ See for example <http://www.eutopiamagazine.eu/en/ferruccio-pastore/speakers-corner/mediterranean-shipwrecks-what-changes-19-april>

Table 10: Rescue operations at sea after 31 October 2014, date of end of Mare Nostrum Operation

	Italian authorities	Triton Operation
1/1/2015 - 28/4/2015	24,309	1,906
1/1/2014 -28/4/2014	24,563	

Source: Italian MoI

Since 1 November 2014 the Frontex “Triton” operation is active at sea with an operational office set up in the military airport of Pratica di Mare (Rome), and EU naval and air forces are coordinated with the Italian Ministry of Interior and the Guardia di Finanza.

However, due to the overall scarcity of means at sea, both on the Italian side and Triton side, merchant ships are often called by the Italian Coast Guard, and directly involved in rescue operations. As remarked by the International Maritime Organisation (IMO), ship companies are currently facing serious problems, because they are obliged to perform this duty, which damages their commercial activities in the short and long term. Also, their crews and ship structures are not technically prepared to provide rescue operations and adequate first aid assistance. According to IMO, the current situation creates an intolerable strain on rescue services of merchant vessels, and it poses a threat to navigational safety and the marine environment. As an example of the distress at sea the IMO reported that in only one day, 15 February 2015, 12 boats with 2,225 migrants on board were rescued, involving 3 Coast Guard, 2 Navy, 2 Guardia di Finanza and 4 merchant ships.²³⁹ Table 11 and Figure 5, below, reports data on the involvement of merchant vessels in rescue operations in the year 2014, divided by flag. It is clear from this data that merchant vessels rescued a very high proportion of units (i.e. boats/vessels) in 2014 as compared with other authority institutions, only surpassed by the Italian Navy.

²³⁹ IMO (2015), <http://www.imo.org/en/About/Events/Documents/migrantspresentations/z%20IMO%20initiatives%20on%20persons%20rescued%20at%20sea.pdf>

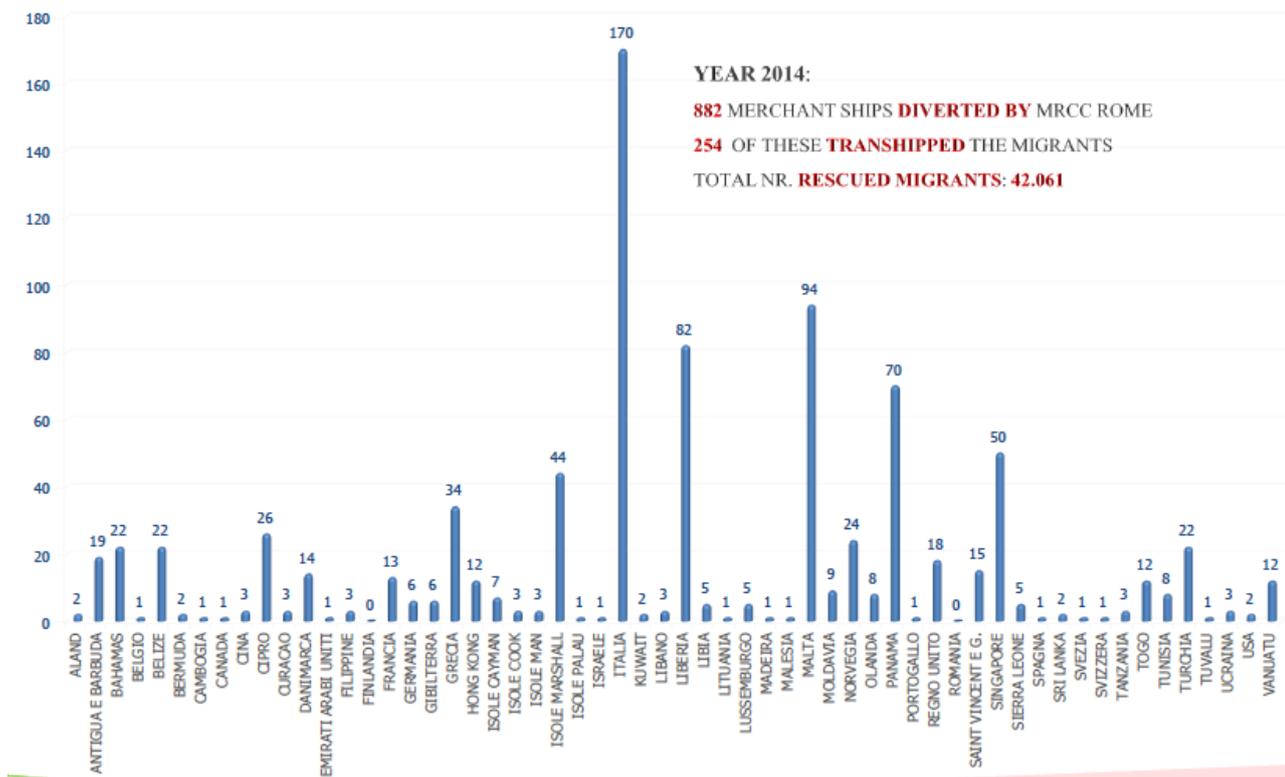
Table 11: Migrants and asylum seekers rescued at sea, Italy, 2014

Rescues conducted by...	Units (i.e. vessels)	Persons
Italian Navy	459	82.952
Italian Coast Guard	243	38.047
Merchant Vessels	254	42.061
Police Forces	27	1.601
Other	15	1.709
Total	982*	166.370

*Some units were rescued in cooperation by coast guard assets and other military units/police forces. *Source: Italian Coast Guard, 2015*

Figure 5: Number of merchant vessels involved in search and rescue operations under the coordination of the Italian Coast Guard, 2014

NUMBER OF MERCHANT VESSELS INVOLVED IN SAR OPERATIONS CONNECTED WITH MIGRATION FLOWS UNDER COORDINATION OF ITALIAN COAST GUARD



Source: Italian Cost Guard, 2015

The main Ministries in charge of migration control (promotion and participation in international programmes, participation in migration dialogues, signing of bilateral and re-admission agreements to tackle smuggling and reduce facilitated irregular migration activities) are the Ministry of Interior (Department of Civil Liberties and Immigration and Department of Public Security) and the Ministry of Foreign Affairs and International Cooperation.

In the field of prosecution, the District Prosecutor Offices are in charge of the investigations and prosecutions. When crimes are committed by criminal organisations the DDA (Anti-Mafia District offices) are in charge of investigations; Police, Guardia di Finanza, Carabinieri are directed by the judiciary during investigations in both cases.

Investigative authorities face some difficulties. In Italy it is usually possible to arrest those transporting and receiving migrants, extorting or collecting their money, and/or organising their exploitation in labour markets or their irregular travels to other EU countries. The main nationalities of those facilitators reported to Italian courts (arrested and not arrested) are in Tables 12 and 13. In 2013 and 2014, the most common nationalities of facilitators were reportedly Italy and Egypt. However, the organiser of the boat, the shop owners and all those smugglers who reside abroad are not arrested. At sea and at disembarking ports the police are in charge of identifying possible facilitators. The Italian law, read in accordance with the international conventions and instruments, and when specific conditions occur, allows the seizure of the ships, the capture of the crew and the punishment of the criminal organization, even if the ship remains far from the borders and out of the 24miles zone. In 2014, the Procura Nazionale Antimafia (DNA – Anti-

Mafia Prosecutor Office) issued an important document directed to the DDA (Anti-Mafia Directorate or Prosecutor District Office) sharing this approach.²⁴⁰ Directives have been also issued to police (SCO, Servizio Centrale Operativo) and the Navy.

Table 12: Facilitators reported to courts, arrested 2010-2014, first 6 nationalities

2010	2011	2012	2013	2014 (up to 30/9)
Italy	Italy	Italy	Italy	Italy
China	China	China	Egypt	Egypt
Morocco	Egypt	Egypt	China	Bangladesh
Egypt	Unknown	Unknown	Morocco	Tunisia
India	Senegal	Morocco	Unknown	China
Unknown	Tunisia	Tunisia	Albania	Morocco

Source ENM (2014)

²⁴⁰Procura di Catania (2014)

Table 13: Facilitators reported to courts, not arrested 2010-2014, first 6 nationalities.

2010	2011	2012	2013	2014 (up to 30/9)
Italy	Italy	Italy	Italy	Italy
China	China	China	Egypt	Egypt
Morocco	Egypt	Egypt	China	Bangladesh
Egypt	Unknown	Unknown	Morocco	Tunisia
India	Senegal	Morocco	Unknown	China
Unknown	Tunisia	Tunisia	Albania	Morocco

Source ENM (2014)

Once the facilitators are arrested, investigations, if they are possible, are complex: firstly because of language problems. Usually extensive research with wiretaps is required. Some large networks of facilitators operating in Italy have been dismantled, but not their organisational heads. Even if the network behind the landing is discovered, and collaboration is established between police forces of third countries, a lack of international cooperation typically prevents the prosecution of the smugglers located abroad. According to an investigator, smugglers are mainly based in Egypt, Tunisia, Turkey, and Libya.²⁴¹ The frustration arising from being incapable of catching the smugglers recently lead three Italian NGOs to send the UN Secretary General a list of the names, addresses, photos, operational facilities and telephone numbers of smugglers identified by migrants who survived.²⁴²

For initial reception of landed migrants in more relevant landing ports of Sicily and southern Italy, personnel of the Military Corp of the Italian Red Cross, IOM, Save the Children Italia Onlus, UNHCR (*Alto Commissariato per le Nazioni Unite*), provide primary assistance to migrants and asylum seekers after their landing with coordination by the local Prefectures, in the framework of *Progetto Presidium*²⁴³. Third Sector (Associations and NGOs), and local health structures are involved as well at the local levels, in ports and their surroundings.

For secondary reception, Regions, Provinces, Municipalities, Third Sector (Associations and NGOs), SPRAR, health structures provide humanitarian assistance after the first assistance schemes are involved. Different kinds of centres are set up. The Ministry of Interior, through Prefectures, coordinates the efforts of the different organisations and agencies all over the Italian territory. A *National Plan for Tackling the Extraordinary flow of TCNs, Adults, Families and UAMs* was signed by the Government on 9 July 2014 for reception activities. Some problems arise in the regional distribution of the would-be asylum seekers and negotiations with local authorities are always necessary, as the demand for reception is growing. Human rights advocates and NGOs have recently published books, based on

²⁴¹I A 1

²⁴²See <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1998-08-18&atto.codiceRedazionale=098G0348¤tPage=1>, Accessed 23 April 2015

²⁴³Ministero dell'Interno, (2014)

research in the field describing the inhumane conditions in most reception centres²⁴⁴ and the inefficient management of the funds for dealing with irregular migrants.²⁴⁵

Authorities involved in cooperation activities are recently making new diplomatic efforts with countries of the southern Mediterranean. Meetings are organised by the offices of the Ministry of Interior with their counterparts, although their results are not shared on a public level.²⁴⁶ However, since bilateral diplomatic relations with Libya are not currently active due to the political situation in the country, significant prevention or cooperation activities are not at play between the two countries. Cooperation with other countries of the Southern Mediterranean area, such as Tunisia and Egypt has been reinforced, in an attempt to strengthen the prevention strategies in the areas neighbouring Libya (See Case Study 1 for more information regarding cooperation with Egypt).²⁴⁷ However, as a result of growing control of other routes, and due to the intensification of diplomatic relationships with third countries, such as Turkey and Egypt, part of the flows previously arriving through these countries now comes through Libya.

At the international level, Italy participates in the major Migration Dialogues and is involved in projects funded or co-funded by the European Commission with third countries aimed at combating smuggling and irregular migration. According to EMN, the main projects in this regard have been:

“Some of these projects have been completed (*Across Sahara I*, with Libya and Niger; *Across Sahara II*, with Libya and Nigeria; *Sahara-MED: prevention and management of irregular migration flows from Sahara Desert to Mediterranean Sea*, with Libya; *Programme for Stranded Migrants in Libya and Morocco* (LIMO), with Libya and Morocco; *A comprehensive approach to the effective management of mixed migration flows in Libya*, with Libya; *Enhancing cooperation to fight trafficking in human beings from Nigeria to Europe*, with Libya; *Lutte contre l’immigration illégale et le trafic des êtres humains à travers la participation des familles victimes de l’émigration clandestine, des associations organisées de la société civile et des institutions locales*, with Morocco; *Back to the future – A transnational network for unaccompanied minors*, with Albania). Others are still under way: *Support to the Libyan authorities to enhance the management of borders and migration flows*, with Libya. The activities of these projects include: training of police personnel employed to manage migration flows, fighting irregular immigration and the smuggling of human beings; support assisted voluntary return; acquire information for investigative and intelligence purposes; and provide technical means and equipment. The above projects provided for a general exchange of information, but did not lead to the setting up of a data exchange mechanism.”²⁴⁸

Italian authorities are currently engaged at the international level in order to promote a more consistent application of existing international legal instruments.²⁴⁹ At the multi-lateral level Italy has recently sponsored the ECOSOC Resolution 2014/23 on *Strengthening International Cooperation in Addressing the Smuggling of Migrants* at the Commission on Crime Prevention and Criminal Justice at its 25th session.

Italy has signed a number of technical assistance programmes with North African countries (Egypt, Tunisia, Libya in the past) for strengthening police cooperation and promoting training, and also Memorandums of Understanding with West African countries (Nigeria, Ghana and Niger). Diplomatic dialogue has recently been reinforced with Turkey to stop migrant smuggling via cargo ships (“ghost ships”) which were reported in 2014. Moreover, readmission agreements for irregular migrants have been signed with 22 countries: Slovenia, Macedonia, Romania, Georgia, Hungary, Lithuania, Latvia, Estonia, Yugoslavia, Croatia, France, Austria, Albania, Bulgaria, Morocco, Slovakia, Tunisia, Switzerland, Greece, Spain, Algeria, and Nigeria (see table 14).

²⁴⁴ Medici per I diritti umani (2013)

²⁴⁵ Lunaria (2013)

²⁴⁶ I A 4

²⁴⁷ I A 1

²⁴⁸ ENM Ad Hoc Query on Facilitation of irregular immigration to the EU (2014)

²⁴⁹ DNA (2014)

Table 14: Repatriations and readmissions, 2010-2015

2010	2011	2012	2013	2014	2015 (to 30/5)
16,086	25,163	18,592	16,482	15,726	5,048

Source MoI

Italy participates in the Frontex coordinated European Border Patrols Network (EBPN) along with France, Spain, Portugal, Malta, Slovenia, Greece, Cyprus, Romania and Bulgaria. It also organises significant conferences. A Euromed meeting was held in Rome on 19th December, entitled "*Changing the narrative. Fostering a positive approach to migration in the Mediterranean*", with representatives attending from almost 40 different southern Mediterranean and European countries: EUROMED promotes economic integration and democratic reforms across 16 neighbours to the EU's south in North Africa and the Middle East and facilitate cooperation mechanisms.²⁵⁰ Italy participates²⁵¹ in the Rabat process, facilitating migration dialogue with the West, Central and North Africa regions. In the East Africa region, Italy participates in the process of strengthening cooperation on migration issues: on the 28th of November 2014, a ministerial conference was organised in Rome with representatives of 40 European, Horn of Africa and Mediterranean African countries, and regional organisations, for the launch of the *Khartoum Process (EU-Horn of Africa Migration Route Initiative – HoAMRI)*, the collaboration framework specifically aimed at combating migrant smuggling and human trafficking through legal reform, capacity building and cooperation.

²⁵⁰ Euro-Mediterranean Partnership http://www.eeas.europa.eu/euromed/index_en.htm

²⁵¹ Rabat Process. Euro-African Dialogue on Migration and Development <http://processusderabat.net/web/>

5 Conclusions

The migration route from Ethiopia, via Libya and onwards to Malta and Italy is clearly a very high priority for the European Union. In 2014, the route from Libya accounted for the majority of all detected illegal entries to the European Union and a similar proportion of the fatalities. In 2015, it looks likely that this figure will be surpassed. This report contributes a number of key findings to this debate.

First, the current political instability and ongoing conflict in Libya is central to developments in migration patterns along this route. Libyan state infrastructure is proving surprisingly resilient, especially in the west of the country. Many essential services are continuing to operate and civil servants are still being paid. This supports an ongoing, though substantially reduced, coast guard operation and the functioning of at least ten detention centres, under the direction of the DCIM. Yet, state authority has completely collapsed in the East and South of the country and even in the west it is extremely fragile. Smuggling of migrants goes largely unpunished and has resulted in an inflation of supply, which has driven down prices and is partly responsible for the recent growth in numbers on the Mediterranean crossing. Serious abuse of migrants is widespread, particularly in the largely ungoverned areas of the south and east of Libya. The Islamic State has carried out two large scale and widely publicised massacres of migrant groups in the last few months, which exacerbates the climate of fear and further encourages departure.

Second, at present, the extreme instability of migration governance in Libya is not being effectively addressed at other points along the route from the Horn of Africa to Europe. On 23 April 2015, the EU announced a small expansion of Operation Triton, along with other measures such as 5,000 additional resettlement places and a new initiative to destroy smugglers' boats. These measures are extremely unlikely to have any significant impact on the number and vulnerability of migrants along this route, since they are neither sufficiently significant nor sufficiently well-targeted. Ethiopia and Sudan have both recently introduced robust new anti-trafficking measures but the difficulty of securing evidence of coercion mean that there are serious difficulties in prosecuting individuals under this new legislation. The confusion between smuggling and trafficking leaves significant protection gaps and does not address the situation of migrants who see irregular migration and smuggling operations as their only option.²⁵² International coordination across North East Africa is now facilitated by the Khartoum process, though it is currently too early to evaluate the impact of what is no more than a framework for future cooperation in the region.

Third, all available statistics support the fact that a large proportion, if not the majority of migrants on this route are likely to be refugees. Although refugees can come from any country and any determination of refugee status can only proceed on an individual basis, the presence of very significant numbers of Syrians, Somalis and Eritreans suggests that protection is a very significant motive for migration. Migrants from Ethiopia and Sudan are also likely to have protection based reasons to leave their countries. Within this broader movement of refugees, the secondary movement from Eritrean refugee camps in Ethiopia and Sudan raises particular concerns. There are reports of a growing number of minors moving illegally as individuals seek to leave Eritrea before they reach the age of obligatory military service. The increasingly fragile situation in Libya means that refugees who have been living in Libya for some time, such as significant numbers of Syrians and Iraqis, are further destabilised and though they may prefer to remain in Libya, the renewed violence is undermining the protection that they have found there. It is clear that some relatively long term residents of Libya, including refugees, are now amongst those seeking to leave. Keeping this in mind, addressing the protection concerns of refugees is an important priority of ongoing policy responses to the broader crisis.

Finally, much of the logic of a route based analysis assumes a linear logic of transit. Yet, this is often not the case. Migration patterns are far more random and improvised than this logic suggests. Examples of departure, arrival and transit can be found in all countries and care should be taken to ensure simplified approaches do not overlook significant groups of people on the move. Several migrants interviewed in Ethiopia only wished to reach Sudan for

²⁵² United Nations Office on Drugs and Crime (2015) (UNODC) Contribution to International Efforts to Address the Smuggling of Migrants across the Mediterranean Strategy for the Building of Capacity of North African Countries through an Integrated Response, UNODC.

work and then returned. Others, interviewed in Malta, travelled initially to Kenya and only moved on when their protection needs were not met and they received further information. All experts interviewed in Libya emphasised the significant presence of migrants and refugees who would prefer to remain in Libya and the increasingly attractive salaries in Libya help to explain a continued labour migration towards the country. Unless policy interventions can account for the observed complexity of migration patterns they will fail to address the range of significant concerns raised by these movements.

In the continued absence of a sustainable solution to the conflict in Libya that re-establishes a degree of central state authority, options to address the difficulties and protection needs of migrants on this route are limited. Experts interviewed in different locations identified a number of key priorities; five related options are apparent. The first option involves the provision of legal routes to allow alternatives to risky unauthorised travel at all locations. This is not only relevant to movement to Europe, which probably covers a minority of total migrants on this route, but also involves connections between Ethiopia and Sudan, for example.

The second priority identified by experts was an important element of legal routes for individuals in need of protection is the development of humanitarian visas. Many countries have emergency humanitarian operations, which allow UNHCR to identify priorities for emergency resettlement. Even without any direct access to Libya for foreign staff, UNHCR is still able to identify and respond to a small number of individuals in urgent humanitarian difficulty with compelling protection requirements. A more systematic response to these urgent humanitarian needs would include a broad suite of policies covering greater flexibility in considering other visa requests, such as family reunification, in certain cases. For individuals who reach Europe, such humanitarian consideration may relate to the upcoming redesign of the Dublin system.

Third, there will inevitably be individuals in humanitarian difficulty across the region who would not qualify for refugee status, even under the broader 1969 OAU definition. Where individuals are in distress at sea, a robust search and rescue operation would be necessary to provide assistance. If this were to include financial measures it would allow more sustainable involvement of commercial vessels in rescue at sea. Where individuals are in danger at other points in the region, assisted voluntary return would offer further alternatives, though in clearly monitored situations which ensure the voluntary nature of the return decision.

Finally, a significant factor in the recent rise of migration attempts in the Mediterranean is the relative lack of control of smuggling operations in Libya. There are few barriers to anyone with access to a boat establishing a new smuggling operation. The economics of this process can be addressed more directly, though the current EU solution of destroying boats will likely struggle to identify smuggling boats.

Migration in the North East African region, some of which is directed to Libya and on to Europe raises a range of human rights concerns. Effectively addressing these concerns requires a logical shift from the linear approach of transit to recognise the broader complexity and improvisation involved in these migrations. This could include greater attention to free movement or labour migration agreements within the region. With this in mind, those practical responses focused at different stages or regions of this migration zone to reduce the incentives to profit from the vulnerability of migrants and to provide effective, safer responses for those who see little alternative but to move illegally have been considered more effective.

6 Interviews and consultations

Information included here is based on the level of consent given by each interviewee. Interview codes have been produced by combining the place of interview(ee), with the type of interview (w.g. migrant, NGO, authority), with the nationality of the interviewee (only for interviews with migrants and smugglers) and the number of the interview.

	Code	Organisation	Type
1	ET/M/ET/1		Migrant
2	ET/M/ET/2		Migrant
3	ET/M/ET/3		Migrant
4	ET/M/ET/4		Migrant
5	ET/M/ET/5		Migrant
6	ET/N/6	Agar Ethiopia	NGO
7	ET/S/ET/7		Smuggler
8	ET/A/8		Authority
9	ET/A/9		Authority
10	ET/I/10	ILO	International Organisation
11	ET/A/11	High Court, Ledeta	Authority
12	ET/N/12		Independent researcher
13	ET/I/13	UN agency	International Organisation
14	MT/A/1	Malta Police Immigration Branch	Authority
15	MT/A/2	Armed Forces Malta	Authority
16	MT/N/1	IOM Office Malta	International Organisation

17	MT/M/SO/1		Migrant
18	MT/M/SO/2		Migrant
19	MT/M/SO/3		Migrant
20	MT/M/SO/4		Migrant
21	MT/M/SO/5		Migrant
22	LB/A/1		Authority
23	LB/I/1	International Organisation for Migration, Libya	International Organisation
24	LB/I/2	UNHCR, Libya	International Organisation
25	LB/I/3	UNHCR Libya	International Organisation
26	LB/N/1	Regional Mixed Migration Secretariat (RMMS), Nairobi	NGO
27	LB/N/2	Human Rights Watch	NGO
28	LB/N/3	Human Rights Watch	NGO
29	I A 1	Guardia di Finanza, Headquarters, Rome	Authority
30	I A 2	DDA, Procurer Office in Catania	Authority
31	I A 3	Procurer Office in Siracusa	Authority
32	I A 4	Ministry of Interior, office via Tuscolana 1558, Rome	Authority
33	I S 1	Progetto Siria- Fondazione Arca (reception centre), Via Aldini, Milan	NGO
34	I S 2	Medici per I Diritti Umani, Office in Ragusa	NGO
35	I S 3	International Organisation for Migration, Mission in Rome, via Nomentana	International Organisation
36	I M PS 1	Rome	Migrant

37	I M PS 2	Rome	Migrant
38	I M PS 3	Rome	Migrant
39	I M PS 4	Rome	Migrant
40	I M SY 5	Milan	Migrant
41	I M E 6	Milan	Migrant
42	I M SY 7	Milan	Migrant
43	I M SY 8	Milan	Migrant
44	I M SY 9	Milan	Migrant
45	I M GM 10	Ragusa	Migrant
46	I M SEN 11	Ragusa	Migrant
47	I M ML 12	Ragusa	Migrant
48	I M GM 14	Ragusa	Migrant
49	I M SL 15	Ragusa	Migrant
50	I M ERI 13	Ragusa	Migrant

*Pseudonyms have been used to protect the identities of the migrants interviewed.

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8 Annexes

Annex 1: Institutions involved in migration management

Table 1: Institutional actors in Ethiopia with involvement in migration. Sources: interview data; Siegel and Kuschminder, 2011.

Institution	Role
Ethiopian government organisations	
Ministry of Foreign Affairs	Provides migrants workers with information and support and negotiates agreements with destination countries regarding employment. Also offers support to Ethiopians abroad through embassies.
Ministry of Labour and Social Affairs	Focuses on facilitating legal labour migration by making bilateral agreements in destination countries, providing pre-departure training and logistical support for the education. Facilitates implementation of rehabilitation support for returned migrants, which may include irregular migrants/victims of trafficking.
Ministry of Justice	Explores current gaps in legislation of migrant issues. Prosecutes illegal employment agencies, regulates prosecution of illegal migration.
Ministry of Women, Children and Youth Affairs	Creates conditions that allow women and children to get legal counsel, provides rehabilitation services, devises strategies to prevent illegal migration of children.
Ministry of Education	Provides education on migration, awareness creation about employment abroad.
Federal Police	Prevent and investigate human trafficking and migrant smuggling.
International Organisations	
International Organization for Migration (IOM)	Facilitating migration and migration research, capacity building for data processing and analysis.
United Nations High Commissioner on Refugees (UNHCR)	Provides protection to refugees from Somalia, Eritrea, Sudan and South-Sudan.

The United Nations Children and Education Fund (UNICEF) Support for child migrants, including unaccompanied children who have been returned.

The National Committee Against Human Trafficking the main programme addressing migrant smuggling and human trafficking. Since it was established in 2012 there has been an emphasis on the importance of regulating migration.

Table 2: Malta: Administrative Set-Up and Relevant Authorities

Field of Responsibility	Ministry	Agency
General Matters	Migration Ministry for Home Affairs and National Security	Department of Citizenship and Expatriate Affairs
Border Control	Ministry for Home Affairs and National Security	Malta Police Immigration Branch
	Office of the Prime Minister (prior to 2013)	Armed Forces of Malta
Smuggling and Trafficking		
Law Enforcement	Ministry for Home Affairs and National Security	Malta Police Vice Squad, Malta Police Immigration Branch
Victim Support	Ministry for Family and Social Solidarity	Agenzija Apogg
Asylum and Protection		
Identification	Ministry for Home Affairs and National Security	Office of the Refugee Commissioner
Refugee Determination	Status Ministry for Home Affairs and National Security	Office of the Refugee Commissioner
Appeal	Ministry for Home Affairs and National Security	Refugee Appeals Board

Reception and Detention

Reception Ministry for Home Affairs and National Security Agency for the Welfare of Asylum Seekers (AWAS)

Detention Ministry for Home Affairs and National Security Detention Services

Return and Readmission

Assisted Return **Voluntary** Ministry for Home Affairs and National Security Agency for the Welfare of Asylum Seekers (AWAS)

Ministry of Foreign Affairs

Forced Return Ministry for Home Affairs and National Security Malta Police Immigration Branch

Annex 2: Irregular Immigrants Arriving in Malta by Boat 2010 - 2015

Segregated by gender and nationality as stated upon arrival. *Provided by Malta Police Immigration Branch February 2015.*

Nationalities	2010				2011				2012				2013				2014				2015				Totals
	M	MM	F	FM	M	MM	F	FM	M	MM	F	FM	M	MM	F	FM	M	MM	F	FM	M	MM	F	FM	
Algeria													1												1
Bangladesh					31								2	2											35
Benin					2		1						1								1				5
Burkina Faso					11								1									1			13
Cameroon					8	2	4						4		1										19
Central Africa Rep.																	1	1							2
Chad					10	4	1		1								3	1	1	1					22
Congo					2																				2
Egypt	16				9	1			45	7							3	12							93
Eritrea					179	16	65	20	308	40	100	7	363	36	56	7	24	4	9	1					1235
Ethiopia					50	7	43	3	17		4		16		3		4		3						150
Gambia					7		1		2				56	14			31	6	3		5				125
Ghana					73	3							35	8			1								120

Sierra Leone					3		1		1				3												8
Somali	20	3	5		320	37	87	11	734	200	259	40	492	321	141	46	32	69	9	8					2834
Sudan					53			1	6		1		4				69	3	6	2					145
Syria										1			114	26	16	12	66	32	18	18					303
Togo					8		1										2								11
Tunisia					1				1					1	1										4
Zimbabwe					1																				1
UNKNOWN																			1		1				2
	39	3	5	0	1168	89	278	44	1215	253	373	49	1251	438	243	76	322	152	59	36	78	9	0	0	6180
Totals	47				1579				1890				2008				569				87				6180

MALES	4073	6180
MALE MINORS	944	
FEMALES	958	
FEMALE MINORS	205	

Annex 3: Malta: Irregular Immigrants Rescued at Sea v. Illegal Entry

Illegal immigrants arriving by boat from the year
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R - Rescued**IE - Illegal Entry**

Nationalities	2010		2011		2012		2013		2014		2015		
	R	IE											
Algeria								1					1
Bangladesh			31				4						35
Benin			3				1				1		5
Burkina Faso			11				1				1		13
Cameroon			14				5						19
Central Africa Rep.									2				2
Chad			15		1				6				22
Congo			2										2
Egypt	16		8	2		52			15				93
Eritrea			229	51	455		461	1	38				1235
Ethiopia			99	4	21		19		7				150
Gambia			8		2		70		40		5		125
Ghana			76				43		1				120
Guinea			2					1					3
Guinea Bissau					1		6		1		1	1	19

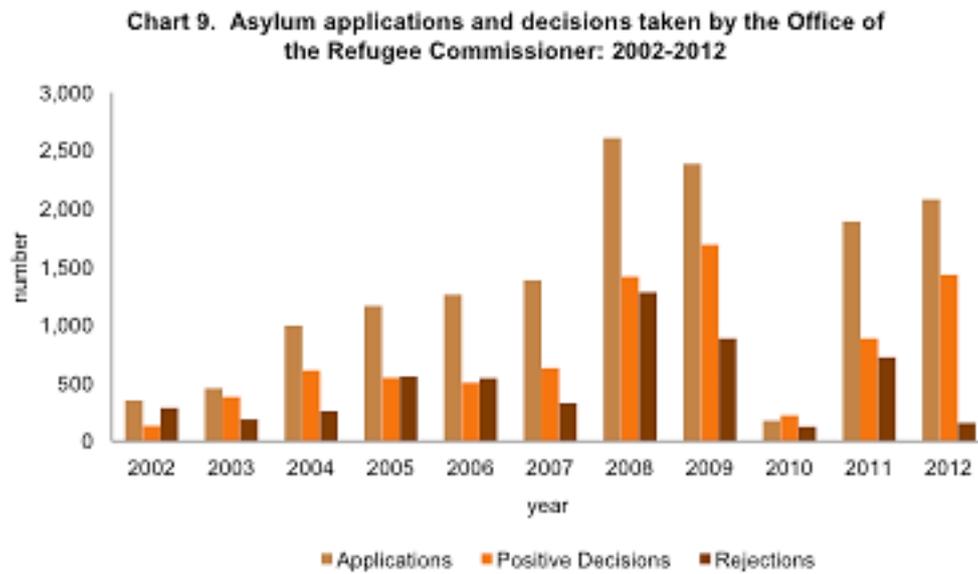
Guinea Conakry						2		4		1		7
Iraq								20				20
Ivory Coast			114			3				1 6		133
Lebanon						1						1
Liberia			2			2						4
Libyan	3		5									8
Mali			86		2	35	2	29		2 7		181
Mauritania			1									1
Morocco			2			1	6					9
Myanmar			1									1
Niger			16		4			1				21
Nigeria			239		79	76		30				424
Pakistan			24	5	23							52
Palestine					3	52	1	30				86
Senegal			5		4	37		10		2 4		80
Sierra Leone			4		1	3						8
Somali	28		184	271	1045	188	790	210	118			2834
Sudan			54		7		2	2	80			145
Syria					1	137	31	134				303
Togo			9					2				11
Tunisia			1		1		2					4

Zimbabwe			1										1
Unknown								1		1			2
	47	0	124 6	33 3	1650	24 0	175 3	25 5	56 9	0	8 7	0	6180
Immigrants Totals:	47		1579		1890		2008		569		87		

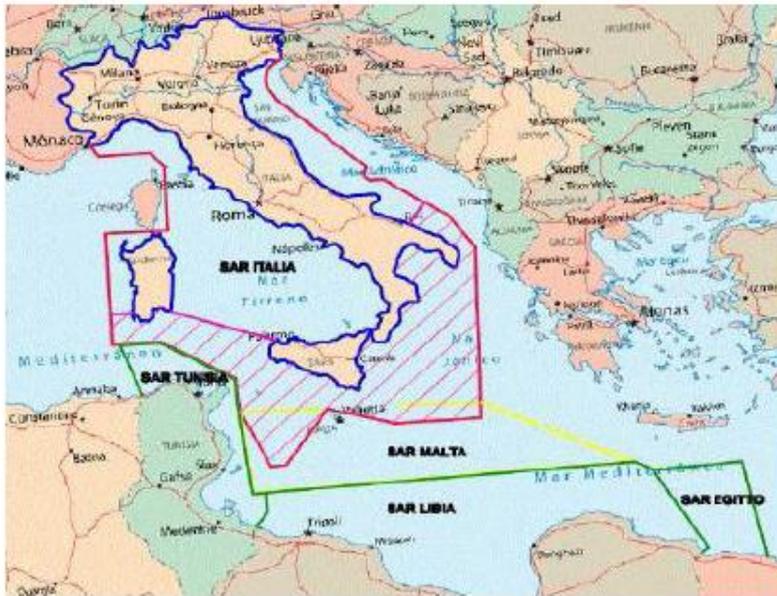
	R	I E	R	IE	R	IE	R	IE	R	I E	R	I E	Groups
Group Totals:	2	0	8	1	22	5	20	4	7	0	1	0	70
	2		9		27		24		7		1		

Annex 4: Asylum applications and decisions taken by the Office of the Refugee Commissioner 2002-2012.

Source: National Statistics Office (2015), *Demographic Review 2005-2012: Post Census Revisions*. Valletta, Malta.



Annex 5. Italy in the Mediterranean Sea: SRR areas



Mediterranean Sea:

46,000 km of coastline and 22 Coastal State

With its 8,000 Km of coast - Italy alone represent about the 16% of the Mediterranean coastline

2,500,000 km² its total area

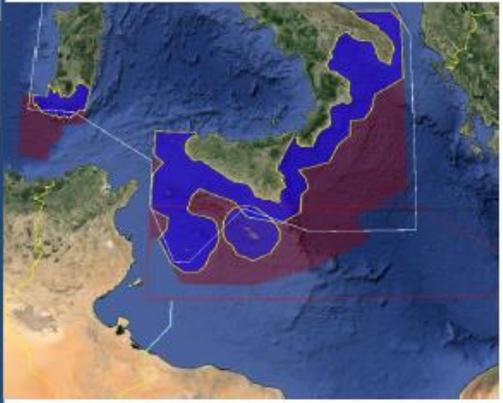
Search and Rescue Regions (SRR) of the countries interested by migration flows

500,000 km² Italian Search and Rescue Region (Red line)

630.000 Km² North Africa and Malta (green line)

Source: Italian Coast Guard, 2015

Annex 6. Italy and EU: operations at sea, a comparative table

<p><i>SAR</i> SEARCH AND RESCUE OPERATION</p>	<p><i>MARE NOSTRUM</i> MILITARY AND HUMANITARIAN OPERATION</p>	<p><i>TRITON</i> EUROPEAN OPERATION FOR ENHANCING MARITIME BORDER CONTROL</p>
		
<p>ITALIAN COAST GUARD THE IMRCC (ITALIAN MARITIME RESCUE COORDINATION CENTER) NATIONAL AUTHORITY RESPONSIBLE FOR SEARCH AND RESCUE IT HAS COORDINATED AND DIVERTED 882 MERCHANT SHIPS (254 SHIPS RESCUED 42.061 MIGRANTS)</p>		
<p>38.047 MIGRANTS HAS BEEN RESCUED BY ITALIAN COAST GUARD ASSETS</p> <p>20 M€ PER YEAR 1,6 M€ month</p>	<p>82.952 MIGRANTS HAS BEEN RESCUED BY THE ITALIAN NAVY SHIPS DURING THE MARE NOSTRUM OPERATION</p> <p>18 October 2013 – 31 October 2014 110 M€ 9,5 M€ month</p>	<p>3707 MIGRANTS HAS BEEN RESCUED BY THE UNITS OF TRITON OPERATION: IT POLICE FORCES – IT COAST GUARD – IT NAVY - OTHERS EU ASSETS</p> <p>From the 1st November 2014 2,9 M€ month</p>

Source: Italian Coast Guard, 2015

Annex 7. Joint statement on Mediterranean Crossing presented by UNHCR on the 23 April 2015

Joint Statement on Mediterranean Crossings of UN High Commissioner for Refugees António Guterres, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, Special Representative of the UN Secretary-General for International Migration and Development Peter Sutherland, and Director-General of the International Organization for Migration William Lacy Swing

A tragedy of epic proportions is unfolding in the Mediterranean. We, the undersigned*, strongly urge European leaders to put human life, rights, and dignity first today when agreeing upon a common response to the humanitarian crisis in the Mediterranean.

The European Union is founded on the fundamental principles of humanity, solidarity and respect for human rights. We urge EU Member States to demonstrate moral and political leadership in adopting a holistic and forward-looking action plan centred upon these values.

The European Union response needs to go beyond the present minimalist approach in the 10 Point Plan on Migration, announced by the EU on Monday, which focuses primarily on stemming the arrival of migrants and refugees on its shores. As a paramount principle, the safety, protection needs, and human rights of all migrants and refugees should be at the forefront of the EU response. EU leaders must look beyond the present situation and work closely with transit and origin countries both to alleviate the immediate plight of migrants and refugees and address in a more comprehensive way the many factors that drive them to resort to such desperate journeys by sea. Enforcement alone will not solve the issue of irregular migration, but could increase the risks and abuse faced by migrants and refugees.

We would therefore encourage bold, collective action to expand the range of measures under consideration to include:

- Setting in place a State-led, robust, proactive, and well-resourced search-and-rescue operation, urgently and without delay, with a capacity similar to Mare Nostrum and a clear mission to save lives.
- Creating sufficient channels for safe and regular migration, including for low-skilled migrant workers and individuals in need of family reunification, and access to protection where needed, as safe alternatives to resorting to smugglers.
- Making a firm commitment to receive significantly higher numbers of refugees through EU-wide resettlement, in addition to current quotas, and on a scale which will make a real impact, combined with other legal means for refugees to reach safety.
- Bolstering arrangements to support those countries receiving the most arrivals (Italy, Malta, and Greece) and to distribute responsibility more equitably across the European Union for saving lives and protecting all those in need.
- Combatting racist and xenophobic rhetoric vilifying migrants and refugees.

*Peter Sutherland, Special Representative of the UN Secretary-General for International Migration and Development; António Guterres, UN High Commissioner for Refugees; William L. Swing, Director-General of the International Organization for Migration; Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights