

Forum: HRC1

Issue: Measures to control migratory flows in the Mediterranean region

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Introduction

With multiple humanitarian crises around the world, it has become imperative for asylum seekers and migrants to be able to have access to safe asylum in MEDCs. Europe, being one of the most accessible destinations for asylum seekers, has historically been receiving large amounts of refugees. Being directly above a war-filled Africa and being greatly accessible to asylum seekers in Asia, it is pivotal for Europe to continue to act as a safe haven for asylum. However, this has not been the case, especially considering the perilous journey migrants go through to reach Europe. Nowadays, most migrants pass through the Mediterranean, especially its sea routes, due to its efficiency and direct access to Europe. However, the Mediterranean is extremely unpredictable as a result of volatile sea conditions and can pose a great risk to migrants' safety during their journey. In addition to that, with an increasingly anti-immigration attitude towards an overwhelming amount of refugees and migrants, many European nations have been actively pushing back migrants and often abusing their human rights. While states reserve the right to deport illegal migrants, it is still important to balance state sovereignty and migrant rights within the issue in order to ensure a safe way for migrants to search for better opportunities and for states to better accommodate them.

Definition of Key Terms

Xenophobia

Xenophobia is the dislike towards those of a foreign origin. It often derives from nationalism and can lead to violent attacks and protests against refugees and migrants. The most historically prominent example of xenophobia would be the holocaust, in which Jews were the primary victims of Xenophobia.

Asylum seekers

Asylum seekers are those who claim they are in danger if they were to continue to stay in their homelands. A distinction between asylum seekers and refugees is in their statuses. While refugees are verified to be under a humanitarian threat, asylum seekers don't have their claims evaluated by official bodies yet or are awaiting evaluation.

Refugees

Refugees are people who are fleeing their homes often involuntarily due to persecution or conflicts. Refugees usually cross national borders in search of safety, thus requiring legal pathways to

ensure their safety during the journey. They have been recognized by official bodies and have access to humanitarian and financial support from government bodies.

Migrants

Migrants are those who voluntarily leave their homeland usually in pursuit of pull factors, which are conditions that pull people towards a destination. They usually do so in search of better economic opportunities and living conditions. However, since most migrants hope to be able to stay in the country of their choice for long periods, they often abuse protection statuses issued by governments in hopes of receiving long-term residence without going through convoluted procedures.

Refugee status determination (R.S.D)

The R.S.D system is a set of procedures that governments follow to determine whether or not a person is a refugee. This is usually achieved through extensive identification of a person and information on their background. There is currently no universally agreed upon R.S.D system. This process can sometimes take up to months or years, leaving refugees vulnerable without governmental support.

Irregular migration movements

Irregular migration movement is a movement of people that is deemed illegal as they are outside the control of laws. Most asylum seekers and migrants traveling with irregular migration movements are often undocumented, making their journey extremely dangerous since governments aren't aware of them and aren't able to provide assistance. Many migrants and asylum seekers choose to travel this way usually due to the slow process and intake rates of their destination nation.

The Central Mediterranean Route

The Central Mediterranean Route is currently the most used in the Mediterranean. Starting from Egypt and Algeria, passing through Libya, and ending in Europe, the Central Mediterranean Route is sometimes considered the deadliest migration route in the region as it passes through the Mediterranean sea, which is filled with many unpredictable conditions. However, due to its accessibility to African nations and also passing through the largest transit country in the region, the Central Mediterranean Route remains to be the most popular choice among asylum seekers and migrants who seek to make their way to Europe swiftly.

Background Information

Europe's role in asylum seeking

In the rapidly changing scenes of the world, Europe serves as an important region for many looking for better opportunities and living conditions. Due to its geographical location, Europe has become critical in providing asylum for refugees and migrants. Being directly above the African continent, which is currently experiencing over 35 armed conflicts and next to the highly conflicted Ukraine, Europe has become the most accessible and cheapest option for refuge compared to the Americas. As such, it is crucial for governmental and non-governmental organizations to establish legal and carefully

monitored routes to be able to provide migrants with adequate care and protection. Systems such as the RSD (Refugee Status Determination) and distribution of refugees and migrants are in urgent need of reassessment to better allocate responsibilities among European states, enhancing states' abilities to receive migrants. This is greatly imperative to prevent overwhelming border states and increase the number of migrants Europe can take in.

Migrant smuggling

Migrant smuggling constitutes a major part of the migratory flows in the Mediterranean region. In 2016, Europol estimated that over 90% of all illegal migrants and refugees rely on migrant smuggling during their journey to Europe. However, it is precisely because of the illegal status placed upon migrants that forces them to rely on smugglers. For example, migrants moving through West Africa are allowed to move freely throughout the West African region, thanks to the agreements among members of the Economic Community of West African States (ECOWAS), all the way up to Niger. However, they will be officially labelled as "illegal" migrants once they attempt to move any further, causing them to become susceptible to arrests and abuse from border control agents. Consequently, smugglers play a crucial role in not only allowing migrants to enter transit states such as Libya but also operating boats that transfer migrants across the Mediterranean Sea.

While apprehending smugglers may seem like a simple task at first, a closer look reveals that rooting out smugglers can be a greatly challenging task. Due to the large number of migrants travelling through transit countries combined with strict border controls, smugglers have easy access to desperate migrants looking for better living conditions in Europe. Thus, smugglers have developed a complex and highly adaptive system that poses great difficulties for governments to weed out. In 2015, it is estimated that the smuggling industry made over 5 billion dollars in the Mediterranean region alone, with smugglers making up to 60,000 dollars per trip. Due to an extortionately high demand for the service, smugglers often charge up to over 1800 euros per migrant. According to a 2019 Europol report, smugglers have guided nearly 100,000 migrants across the Mediterranean in one year, not including failed or intercepted attempts, which constitute up to nearly 50% of all attempts. Needless to say, the smuggling industry within the Mediterranean is a greatly lucrative business that calls for immediate attention from organizations.

The smuggling industry is a significant cause of humanitarian crises. Due to harsh conditions and a lack of adequate equipment, smugglers often use makeshift boats that are highly vulnerable to the conditions at sea. To further exacerbate the issue, smugglers often overcrowd these boats to meet the skyrocketing demands of migrants, increasing the chances of boats being capsized. Additionally, boats are often unequipped with sufficient flotation devices, leaving migrants prone to drowning in the case of a boat sinking. Unfortunately, due to its surreptitious nature, it is nearly impossible for governments to rescue victims promptly when migrants are in jeopardy, leaving many deaths undetected.

Anti-immigration and nativist policies

In recent years, with a drastic increase in refugees, anti-immigration and nativist narratives have become increasingly mainstream. With seemingly no end to the refugee crisis along with countries constantly being overwhelmed by influxes of irregular migrants, many citizens of European countries have grown worried about their financial livelihoods, mistaking refugees for economic migrants, which are migrants who move solely for financial motives. This unease is further enhanced by European governments who capitalize on the fears of citizens to a political edge over their opponents. For example, Slovakia's prime minister has claimed that over 95% of incoming migrants are economic migrants when in reality, 50% of migrants qualify for refugee status and protection. This is largely a result of citizens feeling as if governments haven't previously dealt with the issue of illegal migration, leading to a sudden support for anti-immigration policies. Before tackling the issue of migratory flows within the Mediterranean, anti-immigration sentiments must be quelled for solutions to be fully effective. The media's role in swaying people's opinions is non-negligible as it is currently the main mode of spreading information to the masses, making it key in changing public views towards refugees and migrants.

Gender-based violence (GBV)

Gender-based violence is one of the major human rights violations taking place in the Mediterranean. Besides women, GBV also extends to LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual ... etc.) refugees. Since many refugees are taking illegitimate routes and aren't under governmental supervision, they are far more liable to suffer from not just sexual assault, but also kidnapping for ransom and even potentially being involved in human trafficking. While most GBV occurs in Libyan camps, European governments still hold great influence in improving the situation, especially through the establishment of safer routes that allow for greater refugee flow. Throughout the numerous migration routes, women are often subjected to sexual harassment, forcing them to regularly take contraceptives to avoid becoming pregnant during their journey. Now, during the critical post-COVID recovery period, it has become increasingly critical to tackle this issue as the recent pandemic has raised rates of GBV. This is largely due to lockdown restrictions, obstructing governments and organizations from supplying timely assistance to survivors of GBV.

Insufficient infrastructures and resources

Insufficient infrastructure is a major factor in exacerbating the conditions of refugees and migrants. The main culprit of this issue is the absence of a collective effort to receive and provide assistance to arriving migrants, leaving some states alone in dealing with this issue. Border states shoulder the most responsibilities in the issue, mostly due to their close geographical proximity to the Mediterranean Sea. For example, Italy currently receives the largest amount of incoming migrants. In 2023 alone, Italy admitted over 150,000 migrants, most arriving unannounced, overwhelming the nation

and stretching its diminishing resources. Though host countries constantly receive funding from international organizations, such as UNICEF (United Nations International Children's Emergency Fund), support from other European states is crucial in providing adequate care for incoming migrants. Laws such as the Dublin Regulation originally intended to quickly allot responsibilities for asylum claims among EU states achieve the opposite effect by concentrating a majority of migrants in border countries, putting undue pressure on a select few states. In addition to this, rescue programs such as government search and rescue programs are no longer as well funded, leading to a surge in deaths. The last well-funded rescue program was arguably Italy's Mare Nostrum operation, which received more than 100 million in funding. Since then, rescue programs have been severely compromised as they no longer receive as much funds and more importantly, support from governments, causing them to become less active. Consequently, most rescue programs nowadays are operated by NGOs.

Another cause for the lack of resources is the redistribution of funding towards other facets of this issue. Most notably, a large amount of funds have been going to origin or transit nations to prevent irregular migration movements. In 2015, the EU established EUTF Africa (European Union Emergency Trust Fund Africa) in order to "address the root causes of instability, forced displacement and irregular migration (European Union)," greatly limiting funds directed towards rescue missions and assistance for newly arrived migrants. Besides funding coastguards in origin or transit countries, such as Libya, the EU is also actively providing training for coastguards in hopes of increasing their efficacy. However, coastguards trained by the EU have only exacerbated humanitarian abuses. These coastguards not only systematically identified and captured vessels, but also carried out illegal pullbacks of migrants. Additionally, coastguards are also responsible for the detaining of caught migrants, often subjecting them to physical and even sexual abuse in detention centers. While the EU has expressed great censure towards the conduct of these Libyan coastguards, it still provides constant funding to strengthen border security. Just this October, the EU attempted to expand its program by signing a deal with Tunisia but was ultimately unsuccessful. In order to tackle this issue, it is imperative to reevaluate the policies instituted by European nations and direct funds towards supporting humanitarian causes.

Major Countries and Organizations Involved

Libya

As one of the largest transit countries in the Mediterranean, it is absolutely necessary to find solutions to improve migrant and refugee conditions in Libya. Currently, Libya receives the largest amount of funds from European nations as a transit nation, with nearly 60 million dollars dedicated to reducing migratory flows. Most funds go to training coastguards and providing them with equipment and resources for monitoring and pulling back illegal migrants who attempt to make the journey across the

Mediterranean Ocean. However, this has only resulted in a rise in humanitarian abuses within the region and refugees are subject to a myriad of abuse from coastguards. With many reports alleging coastguards and officials for using excessive force in detention centers, it is paramount for governments to reform policies to alleviate abuses. Additionally, Libya has also become a hotspot for extortion, with coastguards demanding hundreds of dollars from migrants in exchange for their release. While Libya is greatly important in controlling migration flows, the EU should reevaluate its current coalition with Libya in order to reduce instances of human rights abuses. Moreover, rather than limiting migratory flows and preventing migrants from departing from transit or origin states, the EU should instead shift their focus to cooperating with them in establishing safer and legal routes.

European Union (EU)

The EU is arguably the most crucial stakeholder in the entire issue. With the EU's ability to create a centralized system of refugee and migrant filtering and distribution, it is key for the EU to play an active role in the issue. This has especially become especially true with the surge in refugees and the increasingly unstable conditions in both the Mediterranean and the origin countries. One major issue the EU currently faces is the upsurge in Eurosceptic views. Euroscepticism is a view that expresses scorn towards the European Union and European integration. It holds a strong belief in dissolving the EU due to the decreasing legitimacy of the EU in the public view over the years. Euroscepticism experienced an increase in support during the recent pandemic with Eurosceptic votes constituting 27% of votes in 2022, along with a rise in far-right attitudes. It is greatly pivotal for the EU to regain support throughout Europe as its centralized nature allows for EU members to discuss and arrive at a collective decision, enabling for a larger flow and intake of refugees and migrants throughout Europe.

Italy

Out of all the current border states, Italy is the largest host country in Europe, receiving over 150,000 migrants and refugees in 2023 alone. With being the most accessible and prominent state in asylum-seeking, Italy naturally also receives a large multitude of migrants, both legal and illegal. Before this year, the Italian government and officials would hand out special protection statuses to migrants that would ensure migrants' right to residence and other amenities to facilitate their lives in Italy. However, following the death of more than 90 migrants off the shore of Curto, the Italian government began to crack down on the issue. With numerous laws being passed on the issue, the Italian government has severely curtailed the protection and benefits entailed by these special protection statuses. The Italian government justified these measures by highlighting the benefits given by special protection statuses and how they act as pull factors enticing migrants to make the journey across the Mediterranean. Despite the Italian government's positive intentions, it has been greatly admonished by

human rights organizations concerned with migrants' rights to seek fair asylum determination decisions. As Italy continues to struggle with overwhelming waves of migrants, Xenophobic and racist views are becoming greatly extensive. With conservative politicians warning against the adverse impact of immigrants on the economic well-being of Italian citizens, discriminatory narratives of "ethnic turnovers" begin to emerge among citizens. While tackling the issue of the irregular influxes of refugees and migrants into border states, it is also important to address the various anti-immigration narratives permeating throughout nations to further facilitate the asylum-seeking process.

Greece

Greece is another major border state bearing the brunt of irregular migration patterns. Due to its similar geographical characteristics to Italy, Greece has also been a hot destination for migrants, especially those arriving from Asia. However, Greece has arguably the worst cases of xenophobia and anti-immigration policies. Greece has a track record of turning migrants away at sea, abandoning them. Only recently did the European Court rule Greece responsible for the deaths of migrants attempting to make the journey across the Mediterranean Sea in 2014. In this incident, Greek coast guards attempted to tow a migrant boat back to Turkish coasts, causing the boat to capsize. This is just one of the many cases of Greek officials illegally pushing back migrants. Besides these illegal pushbacks, Greece has also instituted numerous anti-immigration and nativist policies to minimize the amount of incoming migrants. With far-right ideologies and narratives on the rise, Greece has been rapidly adopting an anti-immigration view as far-right parties gain skyrocketing support.

Timeline of Events

Date (start - end)	Name	Description
2005	Establishment of FRONTEX	FRONTEX, the European Border and Coast Guard Agency was established. During this time, its primary goal was to protect the free movement of people. However, as the amount of refugees entering Europe starts to increase exponentially, it has been made into a border control agency that would use military means to return refugees. In recent years, FRONTEX has been alleged of involved in many cases of burying evidence of refugee rights violations.
February, 15th,	Start of the Libyan Civil War	Prior to the Libyan Civil War, Libya was a popular

2011		destination for migrants from Southern Africa. However, after the civil war ignited, Libya's economy crashed, causing Libya to become unable to support incoming refugees, shifting its role from a destination state to a transit/origin state.
March, 15th, 2011	Start of the Syrian Civil War	The onset of the Syrian civil war has produced a substantial amount of refugees, adding another source of migrants that attempt to cross the Mediterranean to Europe. So far, the Syrian Civil War has forced around 6.7 million refugees to flee and numbers are only going to increase as the civil war continues.
October, 18th, 2013	Commencement of the Mare Nostrum Operation	The Mare Nostrum Operation was a campaign launched by Italy as a response to the increasing amount of humanitarian emergencies in the Strait of Sicily. The Italian government dedicated over 100 million dollars to rescue and search missions off the shores of Italy to assist migrants stranded at sea. However, despite its positive intentions, the Mare Nostrum Operation was severely criticised by other European nations for being overly lenient towards illegal migrants.
2015~2016	European Migrant Crisis	The European Migrant Crisis is a direct result of an upsurge in refugees from all parts of the world, including Africa, Libya, and Syria. During this time, European nations were constantly overwhelmed by the amount of asylum claim applications and migrants arriving illegally. Consequently, many European governments began to crack down on the issue, reforming their migration policies and strengthening their borders.
May, 18th, 2015	Establishment of Operation Sophia	Operation Sophia is one of the largest initiatives targeting vessels used to smuggle refugees across the Mediterranean. The program also provided

		training, funding, and equipment to the Libyan coastguard, resulting in the abuse of countless refugees in the coastguard's custody.
2019~2022	COVID Pandemic	The recent pandemic has had an immense effect on the issue as regulations and measures against COVID-19 have severely compromised European governments' abilities to assist migrants. While the pandemic has drastically decreased the number of migrants, most are stuck in transit nations where they are subjected to constant abuse.

Relevant UN Treaties and Events

- Refugee Convention of 1951
- On migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya (**S/RES/2240**)
- The New York Declaration for Refugees and Migrants
- High-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, 30 June 2016 (**A/RES/70/290**)
- Transforming our world: the 2030 Agenda for Sustainable Development, 21 Oct 2015 (**A/RES/70/1**)
- Addis Ababa Action Agenda of the Third International Conference on Financing for Development, 18 Aug 2015 (**A/RES/69/313**)
- Declaration of the High-level Dialogue on International Migration and Development, 03 Oct 2013 (**A/RES/68/4**)

Previous Attempts to solve the Issue

With the rise in multiple anti-immigration narratives, policies revolving around push backs and fullbacks have begun to gain great popularity. These policies often enable coastguards to seize migrant vessels and return them to their origin states. However, this has only resulted in numerous humanitarian violations. In transit countries such as Libya, pulled-back migrants are often subjected to great abuse in detention centers and are often extorted by coastguards and officials in exchange for their freedom. Additionally, when caught, coastguards and officials have little to no regard for the safety of migrants, towing them back with speedboats, resulting in boats capsizing. While states reserve the right to deport

illegal migrants if they see fit, it is necessary for it to be carried out with human rights in mind, making it necessary for more humane and safer return methods and routes to be created.

Another attempt at reducing migration flows is to reduce the amount of pull factors and create systems that limit the amount of outgoing illegal migrants. This is best seen through Italy's curtailing of benefits included with special protection statuses. However, this poses the question of how migrants, both legal and illegal, will be able to be assisted after arriving in host nations. Additionally, this can also greatly affect asylum seeker's chances of receiving a fair refugee status evaluation, especially considering how they won't be able to access resources necessary throughout the evaluation. Another attempt at alleviating the number of incoming migrants is to limit the number of outgoing refugees, usually through the use of strengthening borders and training coastguards from transit or origin nations. Despite this solution being seemingly efficient on paper, it still poses a myriad of issues with the main one being the exorbitant cost. Consequently, much funding will be detracted from search and rescue programs or financial aid offered to newly arrived migrants.

To tackle the issue of the high number of deaths at sea, European nations have attempted to create large and systematic rescue programs in hopes of being able to provide timely aid to migrants at sea. The most prominent example of this would be Italy's Mare Nostrum Operation, which included a fund of 100 million dedicated to rescuing migrants stranded at sea. However, these attempts typically don't last long or are small-scale due to the lack of collective effort and support from European nations in assisting illegal migrants, mostly as a result of the rising anti-immigration narrative.

Possible Solutions

Sub-topic 1: Addressing the issues of refugee migrations:

One of the primary causes for the multitude of incoming refugees and migrants is the sheer number of civil wars taking place around Europe. With these continued wars, Mediterranean migratory flows will only perpetuate and exacerbate as European nations reach their carrying capacity. The myriad of armed conflicts in places such as Syria, northern Nigeria, and Yemen require immediate attention for tensions to quell, thus reducing the number of refugees. Besides assisting countries involved in an armed conflict, aid should also be provided to recovering nations as the aftereffects of armed conflicts can continue to contribute to unregulated migration within the region. Migrants from countries like Libya, which had recently been involved in a civil war, continue to migrate to Europe for economic reasons as their economy struggles to recover. A great way to solve this would be for the EU to provide funding and experts to advise recovering nations while also acting as a third-party mediator for countries at war.

Sub-topic 2: Tackling Coast Guard humanitarian abuses:

One of the primary human rights concerns in the issue is caused by numerous Coast Guard abuses. Not only is this prevalent in origin and transit states, but it also pervades border states in Europe. It is important to note that one of the biggest stakeholders within this issue is the EU itself as it is often involved in the training, funding, and supplying of coastguards that perpetrate these human rights violations. To solve this issue, stricter monitoring systems can be implemented to supervise coastguards more effectively as most humanitarian abuses are often overlooked as a result of coastguards burying away evidence.

Sub-topic 3: Addressing the use of dangerous migration routes, especially sea routes:

The largest point of contention within this issue is the use of sea routes within the Mediterranean. With over 2500 people dead in 2023 alone, the Mediterranean sea routes are often deemed one of the deadliest in the world. In contrast to the US-Mexican border, which recorded only a little over 650 deaths, the Mediterranean is in desperate need of improvements in safety in order to prevent any further casualties. This has become especially more exigent considering the exponential rise in deaths from year to year. A potential solution for tackling the issue would be to create more official and safe routes for not only legal but also illegal immigrants to use. Additionally, incentives could be provided for illegal immigrants to compel them to choose legal routes over illegal ones.

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