

Human mobility and human rights: the international protection of migrants and refugees in the Central Mediterranean

Abstract

The aim of this thesis is to analyse the approach of the European Union (EU) to migration and, in particular, its policies, the behaviour of its Member States and the difficulties faced by migrants during their journey to Europe. In the first chapter a general framework of the international legal framework and the drivers of migration, such as socio-economic and climate change factors, is given. The chapter analyses the most relevant binding international conventions and protocols for the protection of migrants – such as the 1951 Geneva Convention on the Status of Refugees, the European Convention on Human Rights and the Common European Asylum System. The second chapter focuses on the dangerous routes to Europe and the unwillingness of the Member States to share responsibility in the cooperation of immigration management. This behaviour has led to human rights violations caused by the conclusion of informal agreements with third countries, such as the EU-Turkey Statement and the Memorandum of Understanding with Libya, that aim at “containing” migration flows and pushing migrants back to their home country. The third chapter deals with the Italian case: a detailed description of the Italian immigration policies is given including the so-called “closed ports policy” and the criminalisation of NGOs performing rescue operations, through the analysis of the violations of human rights committed by Italy because of the cooperation with Libya in “containing” migration flows. Moreover, this chapter highlights the illegitimacy of closing ports by declaring the Italian territory as unsafe by utilising the Covid-19 emergency as a justification. As a matter of fact, although States may put in place health measures such as screening and testing upon entry, the right to asylum procedures must be guaranteed. Finally, the fourth chapter focuses on the need for new legal pathways to Europe. Through the analysis of migration from Africa to the EU, the aim is to highlight the difficulties faced by migrants due to the lack of a wider range of legal ways to travel to Europe. The current legal pathways – such as the Blue Card or family reunification – are not enough. Only a small number of privileged individuals may fit in those schemes, while the vast majority often get their visa request rejected. This situation has become one of the reasons why many end up travelling through dangerous and deadly routes. In conclusion, it is possible to affirm that there is a crisis of protection and of policy created by a

“Fortress-Europe” that not only does not improve its international mobility schemes but bases the entire immigration framework on a matter of security, control and push-backs. However, the right to migrate can be guaranteed only with a serious implementation of the protection of migrants’ human rights and with an innovative way to conceive human mobility by offering more inclusive visa schemes and cancelling restrictive migration policies that have failed to solve the issues that the EU has tried to tackle only through border closure and push-backs.