



Open Air Prisons

The Realities and Failings of Containment Policies
of Italy & Spain's Watch Dogs

Lameese Madi

Dr. William Arrocha

Table of Contents

Abstract and Research Question	4
Background	5
The Migrants	7
Motivation for Leaving	9
Current Policies and Incentives	10
Survival Migrants	13
Governments and Public Opinion	14
Open Air Prisons, Systematic Pushbacks, Covid-19 and Policy Failings	16
The Future	21
Recommendations	22
Resources	23

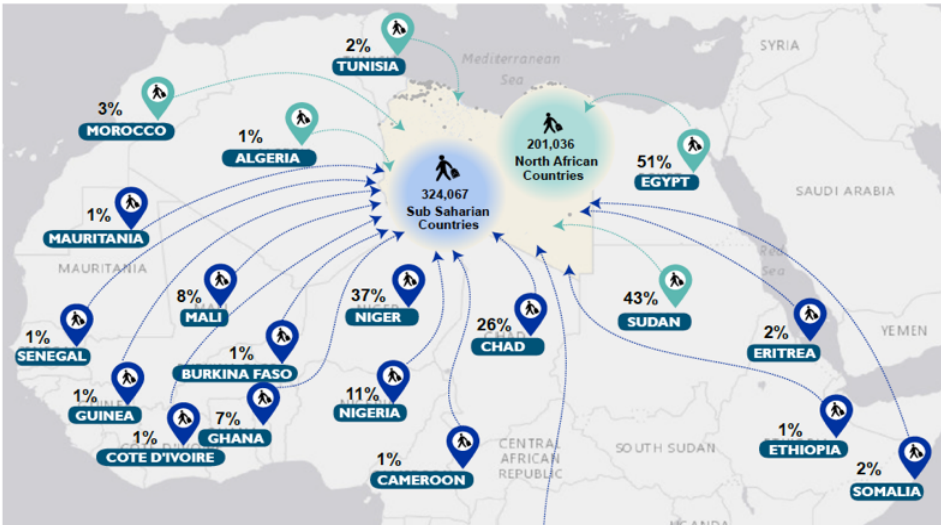


Figure 1: Map of Migrants by country of origin from the regions of North Africa

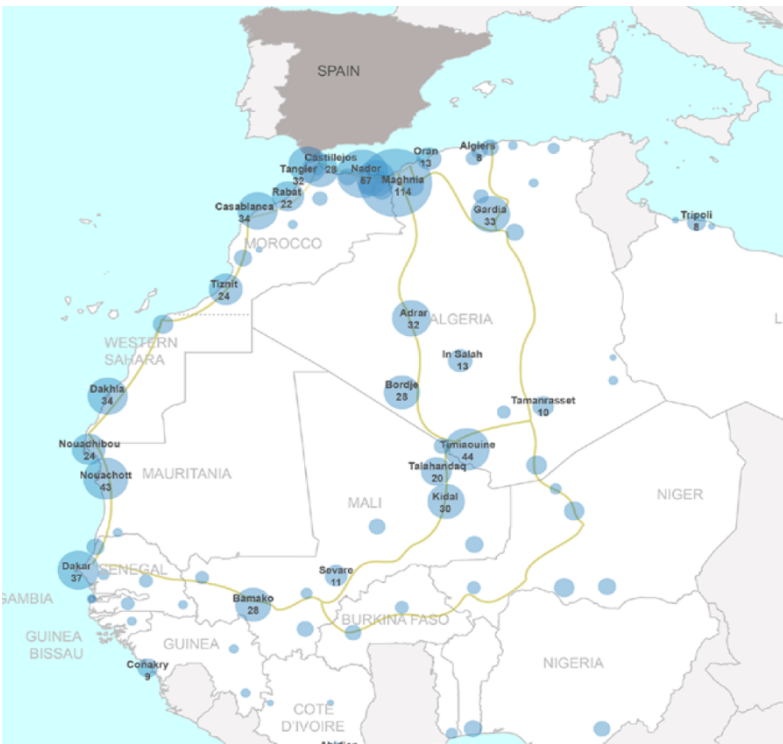


Figure 2: Graphic from UNHCR and CSIS of Transit Routes from Morocco to Spain

Abstract: Europe is sending millions of dollars to North African Nations in order to crack down on Euro-bound irregular migrants for securitization. Libya and Italy made agreements and outlined Libya's role in deterring, preventing and returning migrants to their country of origin for the promise of access to development. Similarly, Spain and Morocco have a long history of agreements, incentives and treaties that create a symbiotic relationship between the two neighboring nations with promises of both development and economic opportunities for Moroccans. As Europe continues to play a key role in the migration crisis, thousands of migrants are met with COVID-19 conditions in detention centers, starvation, and human rights violations on their journey. These policies are deemed as successful despite exasperating the horrific conditions and experiences Euro-bound irregular migrants face on their journey for what they hope to be a better life. Policies of containment have become the norm and we will explore how these policies create a new reality for millions of migrants.

Research Question: Migrants arriving by the thousands on the shores of Europe has created a new dimension in politics, economies and questions the very fabric of what it means to be European. North African nations have been funded millions of euros to help with the containment process of migrants and often times are revered as both taking a "solutions-based" based approach and celebrated as being "successful." These solutions endanger thousands of migrants as they experience human rights abuses in a system that extends European needs and implemented by the hands of North African Nations. Far right groups are on the rise, COVID-19 poses a health issue and borders are closed, creating a dangerous environment as migrants. The question remains: How do Spanish-Moroccan and Italian-Libyan agreements and policies implement and uphold systematic violence in the containment of Euro-bound migrants?

Background:

On February 17, 2011, was the spark of the Libyan Arab Spring. Waves of Libyans took to the streets after staying dormant for more than 40 years living in fear of speaking up for their freedom. By July 2011, Syria joined suit, and by the end of the year Gadhafi was ousted and the biggest refugee exodus in history began as Syrian refugees left to hopes of safety in Europe, creating what is now called the Migration “Crisis.” Protests and rallies of tens of thousands took place as the people asked for constitutional reform (James N. Sater, 2011). The histories from here on out would be like night and day as Libya’s governments vie for power and Morocco’s government doubles down with support from Europe on issues of migration.

Morocco and Libya’s handling of migrants as the arms and handlers of the ever-reclusive Europe each are formed at different times with similar roles and motivations. Many of the policies between the EU and these North African nations create a system where North Africa will play the role of judge, jury and prosecutor with the financial support of Europe.

The current status of Libya includes being caught in the cross hairs of proxy wars, militia violence, a power vacuum, the COVID-19 crisis and a constantly progressing changes as the Government of the National Accord continues to form and the East and West of Libya create deals for hopeful unity and continued cease-fire.

The current ground and terrain of Libya is creating many obstacles for migrants as they make their way to Libya, a country the largest coast on the Mediterranean. The majority of the issues lay between the East and West. To the East and surrounding the city of Benghazi which borders Egypt, is being held by Libyan National Army (LNA) headed by General Khalifa Haftar, who is being supported by Russia, Egypt, Saudi Arabia, Jordan, Sudan the U.A.E, and with suspicions, France. They continue to support him with the sales of arms, drones, air defense systems, finances as well as Russian mercenaries and Sudanese troops on the ground. Tripoli to the West is held by the Libyan Government of National Accord (GNA), and supported by the UN, Turkey, France, the United States, Qatar. Italy continues to be neutral although they have created agreements with the GNA. Up until 2021, Fayeze Al-Sarraj held the position of chairman and president of the Presidential Council, with much of his presidency effecting much of the current issues and human rights abuses we see today. After Al-Sarraj stepped down, , Abdul Hamid Dbeibh took over as prime minister as of March 2021. Mostly withing northern coast of Libya, the majority centering around the town of Sirte and Misrata to the, ISIS has made camp in

several locations throughout all three states in Libya. Each of these major powers in Libya are vying for power in this instable, throwing the country into a state of anarchy. Many Libyans are displaced due to the violence and others are migrants themselves as they flee from the conflict and some are unfortunately having to stay and endure the war. No one is able to escape the war that is currently on everyone's front doorsteps. Of course, Covid-19 also poses a danger as it rages through a country with little to no infrastructure and easy access to medical needs and care. Euro-bound migrants are thus the most vulnerable to these dangers.

Morocco as well as the rest of Maghreb have a long history of mobility between North Africa and Europe. Migration between Spain and Morocco has a long history that dates back to the Islamic period and beyond. Spain has two enclaves on the continent of Africa, Ceuta and Melilla and share a long history between Morocco and Spain. Following the "Reconquista," Melilla was held under Spanish rule and later following the Treaty of Lisbon in 1668, power was transferred from Portugal to Spain and Ceuta became Spanish Territory. Currently many Moroccan and Western African migrants are Euro-bound through Spain to France, Belgium, Germany, Italy and Scandinavia (Mehdi Lahlou, 2018). Many of this is driven from responses to their country of origin's economy and an ineffective job market. Both Morocco and Spain have many treaties, agreements and other forms of incentives, particularly ones concerning labor and financial, where the increase of authorities on the borders, especially in Morocco, is used to curb the migratory flow.

Morocco is relatively stable, a kingdom that is still heavily influenced by its French colonizer and ruled by King Muhammad VI. Morocco experiences protests on issues ranging from the economy, politics and social issues. Some of this was seen during the beginning of the Arab Spring but quickly quenched with promises and agreements with the introduction of a constitutional monarchy. In the south the country has an ongoing conflict in the Western Sahara between the Polisario Front and the Kingdom of Morocco. Lack of development creates access to resources difficult for even native Moroccans, especially in the Rif region of Morocco near Melilla. Large diasporas live outside of Morocco and many Moroccans themselves are migrants making the journey across the Mediterranean by boat or land. The three largest diasporas outside are all in Europe, including France, Spain and Italy, all with over 2 million Moroccan migrants largely explained by family reunification but just as often mixed forms of migration. (Hein de Haas, 2014).

The Migrants:

Many of the migrants talked about on the news, social media platforms and even politicians will often be referred to as simply migrants, or illegal immigrants and occasionally invaders. The migrants taking the route through Morocco to Spain or Libya to Italy to their final destinations have different motivations and are made up of irregular mixed migratory flow (that of migrants, Internally Displaced Persons, asylum seekers and refugees). Outlining who these migrants are and what their motivations are to migrate allows for a better understanding of them and gives them the autonomy they deserve.

In 2017, CNN traveled to Libya and witnessed an auction of a dozen men, sparking alarms. All eyes landed on Libya and in that same year, on November 14, 2017, CNN released an exclusive report on how migrants were being sold by smugglers (Raja Razek & Lauren Said-Moorehouse, 2017). Libyan officials that same week condemn the auctioning of slaves but request aid from the global community. The GNA responded about the situation after the CNN investigation was released with, “[Libya] is going through difficult times which affected its own citizens as well. It is, therefore, not fair to assume responsibility for the consequences of this immigration, which everyone unanimously agreed that addressing the phenomenon exceeds the national capacities (Raja Razek & Lauren Said-Moorehouse, 2017).” Layers of violence continue to plague in Libya instilled by the current policies in place, state violence, the war raging in Libya and route to Libya.

According to the latest Displacement Tracking Matrix created by IOM as of March-April 2020, more than 652,638 migrants were identified in Libya. In Figure 3 (IOM, 2021, p.25), these migrants are made of a variety of nationalities and country of origins, with the vast majority being from Sub Saharan Africa and reaching into North Africa and Asia. In this same report,

Nationality	Number of Migrants (ind)	% Migrants
Niger	121,023	21%
Egypt	103,326	18%
Sudan	86,815	15%
Chad	84,124	15%
Nigeria	35,235	6%
Mali	24,865	4%
Ghana	24,022	4%
Syria	21,539	4%
Bangladesh	20,351	4%
Somalia	6,130	1%
Palestine	5,426	1%
Morocco	5,347	1%
Eritrea	4,869	1%
Guinea	4,735	1%
Senegal	4,281	1%
Tunisia	3,827	1%
Other	3,192	1%
Côte d'Ivoire	3,131	1%
Mauritania	3,117	1%
Pakistan	2,095	0.4%
Burkina Faso	1,960	0.3%
Ethiopia	1,863	0.3%
Algeria	1,721	0.3%
Zambia	1,635	0.3%
Gambia	1,245	0.2%
Grand Total	575,874	100%

Figure 3: IOM report of Migrants in Libya



Figure 4: Map of Migrants by country of origin from the regions of North Africa and Sub-Saharan Africa

Tunisia. These migrants often enter directly into Libya or transit through other neighboring countries into the deserts of Libya. Figure 4 (IOM, 2021, p. 24) highlights migrants from country of origin as percentages of total migrants from the regions of North Africa and Sub-Saharan Africa. According to European Commission, the make-up of the migrants includes 9.3K Refugees, 35.6K Asylum seekers, 197K Internally displaced persons and a majority of 788.4K migrants (Guilana Urso et al., 2019). Largely there are mixed migrations headed towards the Mediterranean to make the journey across the sea to Europe.

According to a UNHCR report created alongside the CSIC (Spanish National Research Council) 2019 report, Figure 5 (*Refugee and Migrants Arriving in Spain*, 2019, p.11) shows Nationalities arrival in 2017 and highlights the make-up of migrants entering into Ceuta and Melilla is quite diverse. The main ports though Morocco into Spain is Ceuta and Melilla, both of which are Spanish territories.

The majority of migrants are Sub-Saharan Africans, North Africans and Syrians. Those coming in from Gambia and Côte d'Ivoire are from the largest cities, most Algerians are from large urban centers in the north of the country, while Guineans are from a variety of regions within the country. Those coming in from Syria, Morocco or Mali are usually from more specific areas. Those coming in from Syria are likely from Aleppo, Idleb, and Hama. Those from Morocco are typically from Tangier-Tetouan and those from Mali are from Kayes region (Iyora, 2018). Within the same report, the overwhelming majority of migrants headed across through this border are men, with the exception of Syrian migrants where the men are 57% and women are 43%.

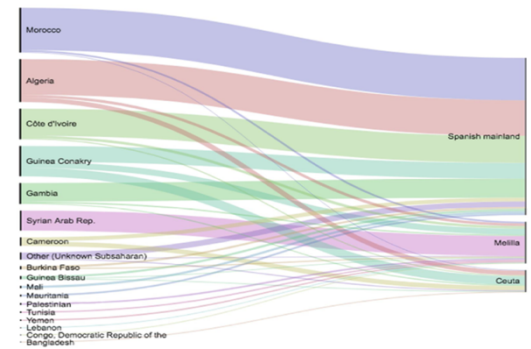


Figure 5: IOM report of Migrants in Morocco

Motivation for Leaving:

The main reason for migrants to leave their country of origin is for a multitude of factors. Many are motivated by better economical means, but predominantly, many are escaping for reasons of war or conflict, family disputes, ethnic disputes, forced marriage or domestic violence and lastly political reasons.

In this same report, Syrians and Yemenis are most likely to cite the conflict as their main reason for departure. Those coming from Morocco are most likely to state discrimination based on sexual orientation or gender as their main reason for leaving and several also cited family disputes and fear of imprisonment as well as harm for political reasons. Algerians would also cite somewhat similar issues of family disputes, fear of unfair persecution or imprisonment, and individual persecution. But there are some differences, including citing ethnic-based discrimination, religious-based discrimination, domestic violence, fear of forced recruitment and discrimination due to sexual orientation or gender identity.

Those coming from Côte d'Ivoire and Guinea cited family disputes in extremely high rates. Out of 17% of those from Côte d'Ivoire (2% of men and 60% of women) would cite forced marriage as well. Many women would also cite fear of female genital mutilation and domestic violence. Lastly many migrants would cite fear of harm for political reasons, electoral violence and/or conflict.

Lastly those coming from Guinea would cite family disputes usually combined with a loss of parents, domestic violence, escaping forced marriage or female genital mutilation. Many also cite ethnic discrimination.

Many of the same sentiments are seen by the migrants fleeing through Libya. An Aljazeera article noted that Nigerian often times are fleeing poverty and escaping because of local conflicts (Iyora, 2018). Egyptian migrants in Libya are the second largest as of 2020. This could be due to a lot of factors including and possibly irregular migration

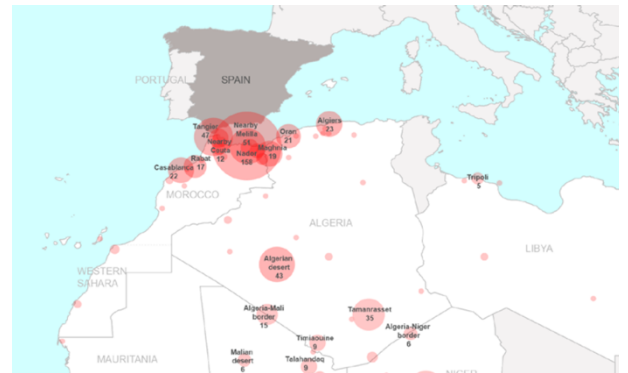


Figure 6: Largest Camps of Migrants in Morocco

Current Policies and Incentives:

Western Europe experienced a boom in migrants in the 1960s as many migrants from former colonies and countries located on the European periphery but also started including an increase of European and non-European origin countries (Hien de Haas et al., 2020, p. 117). As migration has been growing the last couple decades, the 2015 migration crisis sounded the alarms as almost a million migrants reached the shores of Europe (Spindler, 2015) and it has forever shifted the conversation in the Schengen area and the policies that have solidified to containment policies.

Libya was a place where migrants would travel to pre-2011 Arab spring with the work opportunities and the Libya's oil wealth made a strong economy. Now it has become a transit point for many migrants from Sub-Saharan Africa and neighboring countries to make the treacherous journey to Europe. The Italian-Libyan Memorandum of Understanding (Di Filippo, et al., 2017) highlights in three pages 8 articles that express the roles of Italy and Libya and the Migration Flow. This document was signed by the Italian president of Council of Ministers, Paolo Gentiloni and the GNA's President of the Presidential Council, Fayeza Mustafa Siraj. This was signed February 2nd 2017 and was renewed in February of 2020 with no amendments. This document was created to "achieve solution regarding some matters that negatively affect the Parties [Italy and Libya], including clandestine immigration phenomenon and its impact, the fight against terrorism, human trafficking and fuel smuggling (Di Filippo, et al., 2017)." There is also agreements with the EU including funding from the EU Emergency Trust fund of Africa and policies to curb migration. The Migration on the Central Mediterranean route-managing flows, saving lives and the Malta Declaration foster supporting a migration management and asylum system in Libya. Libya is also supported under the Common and Security Defense Policy where in the EU assists the Libyan Coast Guard to furthermore provide through two civilian/military missions under: CSDP: European Union Border Assistance Mission Libya (EUBAM Libya) and EUNAVFOR MED Operation IRINI as an approach for crisis management (*Neighborhood Policy*, 2016).

Morocco precolonial population had been shifting patterns of human settlement and uprooting of different groups (Hein de Haas, 2005). Morocco and Spain are split by the Mediterranean and Strait of Gibraltar, Ceuta and Melilla by border walls, waters and social and economic paradox. Ceuta and Melilla were made as key important locations, Spanish costal enclaves on the African continent that are now central to the transit routes to Europe. Both part

of these territories was made part of the EU in 1986. In 1993, the two cities were marked by fences under the pretext to stop irregular migrants from entering the territories. In autumn of 1995, the fences were secured with a more robust system and advanced technologies of the time such as infrared cameras (Saddiki, 2018). Later in 2005, the Spanish government built a third fence around the eroding first fence, but this time introduced a €200 million for the construction of razor-wire border fence around Ceuta (European Commission, 2005). Included that year in both Melilla and Ceuta was 106 fixed cameras for video surveillance, microphone cables, infrared surveillance, 316 policemen and 626 Guardia Civil Officers and 37 movable cameras at the wall as well as helicopters. Additionally in 2009, the integrated system of external surveillance which started in the Strait of Gibraltar in 1999 and spread to the east and west of Morocco, the Andalusia coast and the Canary Islands by the end of 2006. This growing surveillance were in an attempt to stop the migrants from coming to Spain. As recently as 2020, the surveillance and containment of migrants had become so successful, many of the migrants have been making a new route to the Canary Islands, a Spanish autonomous community.

In the early 1990's Spain introduced visa process which prior had not been there. Many Moroccan men that had gone to Spain for seasonal work were now largely outnumbered by Latin Americans and Eastern Europeans (Enríquez & Ramón, 2011). In 1991, Spain and Morocco signed a Treaty of Friendship (United Nations Office of Legal Affairs, 1999) that was designed under a security framework of cooperation between these two neighbors to handle and manage migration. This was later developed in under the 1992 Agreement on the Movement of People, the Transit and the Readmission of Foreigners Who Have Entered Illegally (BOE núm. 130). This agreement highlights the priorities that Spain has and cooperation it made with Morocco in controlling arrivals and establishing return and admission policies. These agreements did not prioritize and often put aside the needs of the Moroccans which was to give employment opportunities in exchange as well as remittance in an attempt to keep connected the diaspora in Spain. As the years passed, these priorities were later reaped by Morocco over the years (Lixi, 2017, p. 5).

With increased and ramping up of security in Spain, the fortress in Africa's policies and approaches are both draconian and punitive. Border control on both sides act as judge, jury and persecutor in ways that break many international conventions for human rights. The realism approach it takes is a "struggle for power among self-interested states (Meyers, 2021, p. 1263)"

where national security is of the utmost importance to the international agenda. The policies and incentives created between Spain and Morocco not only disregards the national needs of Morocco and gives them the status of “watch dog,” but does not take into any sort of consideration of international human rights to be outlined and protected, does not attended to the actual needs of the migrants and instead criminalizes the act of movement. Similarly, Libya’s agreement with Italy also takes on a realism approach. This open-air prison, turmoiled with war, violence and an inability to sustain the agreements outlined in the agreement due to lack of resources, embezzlement and the GNA’s inability to enforce policies. These two policies and incentives for these four countries to keep the current status quo creates a system of violence implemented by these states and carried out by the people.

The EU council has outlined goals for both Central Mediterranean and Western Mediterranean to include both Morocco and Libya in their measures to address migration. EU is focusing on four goals to address migration in Libya including (*Central Mediterranean Route*, 2021). Training Coast Guards, 2. Protecting and Assisting migrants and Refugees, 3. Supporting Local Communities, 4. Improving border management. Furthermore, more than €408 million has been committed to fund programs in Libya. The EU council has outlined their partnership and cooperation with Morocco in the following areas (*Western Mediterranean*, 2021): border management, socio-economic integration, institutional support and capacity building, and protection and rights of migrants. Morocco different slightly in that it is the beneficiary of seven different EU-funded projects totaling around €182.9 million and seven different regional projects which funds total €120.7 million.

Survival Migrants:

The definition of who can claim refugee status was created in 1951 in the Refugee Convention and defines refugees as: “Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion (Refugees, 1951, p. 5).” Those migrants coming in on boats often time wait on the Mediterranean for days, waiting to be cleared for entry in receiving countries. This often causes issues because although Europe has signed and agreed to the 1951 Refugee Convention and its 1967 protocol many migrants will be met with what the UN calls “systematic pushbacks” especially following Covid-19 pandemic (UNHCR, 2021b).

These definitions are currently presented have not been able to fulfil and often times neglect the current situations and issues for why migrants are trying to seek refuge in Europe. Alexander Betts rightfully critics the current structure of the limitations of the existing refugee framework currently in place and introduces the idea of survival migrants. These migrants are seeking refuge because who are “experiencing existential threats for which they have no access to a domestic remedy or resolution (Betts, 2013).” This concept instilled Henry Shue’s framework of “basic rights” and defined by developing basic rights including basic rights of: basic liberty, basic security, and basic subsistence. These current migrants fleeing with different motivations are often times unable to seek refugee status because of the current definition of refuge, even as their situations they are fleeing from are dire and their basic needs are not being met.

Governments and Public Opinion:

On March 2017, former Italian Minister of the Interior and Secretary of the Northern League, Matteo Salvini stated this after a visit to a migration camp: "I'm increasingly convinced that there is an ongoing attempt of ethnic replacement of one people with another people. This is not emergency migration, but organized migration that aims at replacing the Italian people with other people, Italian workers with other workers."

Media and political rhetoric play an important role on receiving countries and the way in which nationals view migrants. Often times the way political-state defined categories word choice can shape the narrative of migrants as they cross the border. With the rise of populist governments, the rise of inflammatory language such as 'immoral', 'invaders', 'terrorists', 'criminals', 'illegal immigrants' and even 'rapists' are used to incite fear and terror amongst nationals of otherwise normal people who happen to be migrating (Hien de Haas et al., 2020, p. 22). The role of the receiving parties, Spain and Italy's local and federal governments as well as media portray of migrants is extremely important to understand the attitudes of nationals on the ground. What is so interesting about the public opinions and rising populist governments in Europe is how much both Italy and Spain seem to support one another's public opinions. Spain had a long standing been quite liberal in their elective parties saw an emergence of a new far-right political party, Vox. This party became the third largest party in Spain in the last election (López-Rodríguez et al., 2020). Mirroring Spain, Italy also had more anti-immigrant discourse with unprecedented support of Italian public opinion from La Lega Nord, a previously known separatist party. Both these far-right groups associate immigration with delinquency and taking resources from nationals. Unfortunately, the media in both Spain and Italy often times depict migrants as an invasion, express anger towards Moroccan/Arab immigrants, islamophobia, negative stereotypes as well as a general willingness to accept policies from alt-right anti-immigrant parties of both the Spanish and Italian people alike. Covid-19 also saw an increase in unemployment in Italy and during the pandemic, migrants were often used as scape goat. This was especially exasperated by media and social networks and the dissemination of misinformation and hate speech.

Just in the province of Almería, a province south of Spain, 20% of the population has no Spanish nationality and an additional 39.6% are of Moroccan immigrant descent. In 2018, their regional election showed major support for Vox and later again in the most recent 2019 Great

Elections. Italy's Northern League and Federal Secretary and interior prime minister Matteo Salvini has been changing the landscape of Italian migratory politics. Inflammatory language and emergence of this far right political group in the north of areas with the dense immigration populations has created a tenacious environment. Under the Northern League, boats were often time left stranded in the Mediterranean or even sent back. This rise in populism in Italy has affected the migration policies currently being used to ignore human rights.

A 2019 report came out from the Parliamentary Assembly calling out pushback violations that many European member states have been illegally performing. These pushbacks include not allowing boats with migrants who are refugees or asylum-seekers from reaching port, a grave violation of international and human rights law. This document includes Spain and Italy as the European member states to have violated the Human Rights Convention by turning away and pushing back migrants. These policies are not only illegal but defy the very documents that these member states agreed to.

Although the current Italian Minister of the Interior has changed hands and is being held by Luciana Lamorgese, part of the independent party, and many changes have been made regarding migrants, the fact remains that the rise of the right continues to pervade through rhetoric and political content and context. The rhetoric and the outcomes of policies and realities of pushbacks and agreements with Morocco and Spain instill systematic violence through increasing security and charged by the by the National Identity Approach. This approach chooses to use security in the name of safety and "nation state needs" over the importance of process and international laws and agreements made in the protection of peoples and refugees. Critiques and politicians who have risen in the last couple of years in Spain and Italy, as well as the new emergence of nationalism and far right are driving tensions for migrants to not only enter the country, but to integrate into the national community. Often times migrants are not settling into the immediate receiving country but instead have final destinations in other areas in the Schengen area. The loss and fear of national identity is very much present in the rhetoric spewed by politicians and media outlets in Spain and Italy.

Open Air Prisons, Systematic Pushbacks, Covid-19 and Policy Failings:

The journey through the Maghreb is markedly different in subsequent ways and at the same time increasingly and irrevocably similar. Attempts to intercept migrants via the state, the terrain they travel, and the obstacles and human rights abuses they meet on the road are all instilled into these migration paths. The war that has been reigning in Libya and violence continues due to no enforcement of power, the road to Libya is marked by the harsh terrains of the desert, the ravaging war in Tripoli and Benghazi, the ongoing pandemic and the subsequent dangerous journey from the shores of Libya to the beaches of Italy. The journey for migrants going through Morocco is one that is also just as perilous with issues of the road, protentional for human trafficking and abuse from Moroccan police, Moroccan border control and Royal Gendarmie and Auxiliary Forces, and of course the pandemic. Unfortunately, the journey does not stop once they cross the border and often times upon arrival they meet xenophobia, islamophobia, and potential violence as the far right rises and radicalizes.

Just in 2021, 7,370 migrants arrived in Spain, 7124 arriving by sea and 246 arriving by land (*Situation Mediterranean*, n.d.). The routes themselves were organized by a step-by step journey as they paid their way to the tip of Morocco. The other option were purchases of packages to Spain which involve paying someone for organizing all aspects of the trip, costing around €1,800 and are twice as fast as the other option(*Refugee and Migrants Arriving in Spain*, 2019, p. 24). Those on the route to Spain suffered numerous abuses such as extortion, physical abuse, violence, detainment, food and water deprivation, labor exploitation, sexual abuse, sexual exploitation and even being sold into slavery. Accounts found also several reports of abuse to LGBTQIA+ individuals trying to escape as refugees unable to seek asylum and instead harassed by police. UNHCR found that the highest level of abuse was founded surrounding the region of Melilla and Ceuta, the fortified area of Spain as well traveling from settlement to settlement. Most of the reports included police harassment and forced relocation by national authority to the Algerian or Mauritanian border (*Refugee and Migrants Arriving in Spain*, 2019, p. 28). Furthermore, rates of sexual abuse were higher in women than in men. The highest reported abuse was that of psychological abuse.

Amenity International has called out the Moroccan crackdown on Sub-Saharan migrants, refugees and asylum seekers and the state's violation of human rights (Brito, 2019). "The Moroccan police together with the Royal Gendarmerie and the Auxiliary Forces have carried out

major raids on the neighborhoods where refugees and migrants live in several cities, with particular intensity in the northern provinces of Tangiers, Nador and Tetouan, which neighbor the Spanish borders (Amnesty International, 2018).” Young children and legal UN-recognized asylum seekers, refugees and legal registered migrants holding residency cards were being rounded up and subjected to cruel punishment. During these raids, migrants will experience unlawful arrests and destruction of property. Many of these migrants were to be found bordering or entering into Ceuta and Melilla and were sent back to Morocco. Those trying to do so will sometimes incur injuries from the double fences that can be life threatening.

Adding to the pressure, the Temporary Stay Centers for Migrants found in the Ceuta and Melilla are also notoriously overcrowded and over run, unable to provide for the basic needs of migrants going through Morocco. The wait-time in these centers is long and often without an end in sight. Those holding UN-recognized asylum-seeking ID will be denied procedural rights, even as they are protected under international law. The systematic violence is often times incurred on both sides of the border, both by Moroccan and Spanish armed forces alike. Although some changes have been made with different objectives and goals by both Spain and the European Union, the fact remains that within these current policies there is no mention of protection and enforcement of human rights, a outcome and testament to the failings of such agreements and policies.

Libya became a focal point for many after the subsequent release of an exclusive by CNN called, *People for Sale: Exposing Migrant Slave Auctions in Libya*. A video exposed Libya’s ongoing slave trade in “October of 2017 where a dozen men were being sold for less than 400 dollars (*People for Sale*, 2017).” At this point the world was looking into the treatment of migrants in Libya as they made their way to the Mediterranean as the country pillages a war.

UNHCR documented 34,154 people arrived to Italy via sea in 2020 (UNHCR, 2021a, p. 5). Just this year in 2021, a total of 8,491 migrants were sea arrivals with 5,399 coming from the shores of Libya (*Italy Weekly Snapshot - 18 April 2021*, 2021). Many migrants are not receiving their basic need such as blankets, poor quality of nutrition, shelter, and water and are stuffed into cramp detention centers, ones that are overcrowded and cannot accommodate for their vast needs. Reports also account children that are subsequently put in these detention centers with no activities, play areas or schooling.

Navy and Ground Militia are often times ordered to guard and process migrants in the detention centers, making a dangerous condition for these migrants as they wait for their turn to be either returned to their country of origin or be sent to Europe. Many migrants account sexual assaults and rapes of minors and adults. One migrant woman accounts that she would purposefully keep herself stinky as to not allow the Libyan militia to touch her. Many accounts document guards beating, whipping and use electric shock torture on migrants in the detention centers. Accusations remain of embezzlement and stealing of money, hence not reaching the migrants themselves. Threats of extortion and forced return are also placed on the migrants as Libya militia demand payments from migrants. Lastly, systematic human trafficking has been documented as smugglers, militia and militarized groups sell and buy migrants into the newly established slave markets. Although it is unfortunate, the fact remains that with the current agreements made between Italy and Libya, there is not a shred of mention of the protection and enforcement of human rights in the 3-page document, further instilling the failing of such policies and agreements.

Although both Morocco and Libya play insidious and draconian roles in this systematic violence, these roles could not be fulfilled without the funding of the EU and support, both through policy making and incentives from Spain and Italy. Each of these two countries also similarly play a role of their own to keep migrants out as they are often timing the point of entrance into Europe's iron fortress.

It is important to note the important role that the EU has with both Libya and Morocco and the type of relationship that has been built with both. The European Commission has highlighted the goals of cooperation with Morocco through simple objectives including: border management, socio-economic integration, institutional support and capacity building and lastly, instilling rights for migrants (*Western Mediterranean*, 2021). This also included budget plans of seven EU-funded projects totaling a sum of €182.9 million and a number of regional projects totaling €120.7 million to help aid and achieve these objectives. Libya, similarly, also has agreements and goals set by the EU and European Commission. The goals and objectives highlights of utmost importance includes: official trainings of coast guards, protection and assistance of migrants and refugees, supporting local communities, and improving border management (*Central Mediterranean Route*, 2021). With this, the EU has promised and delivered €408 million to funding these goals and projects, including into the improvement of

detention centers. Although these may sound like lofty and perhaps even solution-based goals, they often times cater, instill, and fund the current draconian ways that are used in both countries in order to keep migrants at bay.

Both Spain and Italy have been accused of what is often referred to as “systematic pushbacks” by international organizations and media. Pushbacks are characterized as systematically keeping migrants who are stranded in sea from reaching port. Often times these migrants will be stuck in boats waiting for a port to receive them. During Salvini’s time in Italy, these pushbacks were made quite popular as migrants would sometime stay weeks at a time in Mediterranean aboard NGO ships or even small boats. Many of these NGO ships will be penalized and fined for docking at the port, a technique used to deter NGO’s from helping collect stranded migrants. Those who make it to Italy have accounted numerous deaths in custody in the hands of the Italian government. Italy has also been criticized for supplying boats, training and funding Libyan Navy militia to bring migrants back to Libya, where they may face beatings and torture like conditions in the detention center. Lastly, Italy has been condemned for assisting in the systematic returns of migrants to their country of origin with zero regard to their needs, possible right to asylum and the dangers it might pose to those being forcibly returned back.

Similarly, Spain faces similar allegations of pushbacks with migrants stranded in the Mediterranean with similar accounts of the inability for NGO ships and small boats to dock at the ports in Spain. Importantly, Spain reformed in 2018 what is often characterized as a ‘gag law’ called the Law of Citizen Security passed in March of 2015 as well as reforms to the Criminal Code (EDRi, n.d.). These policies hold severe restrictions on freedom of speech as well as freedom of assembly. The reform however kept an important piece that makes it unlawful the capturing of police officers via photography or video. This law makes it impossible to capture and document what is happening the border. Similarly, to Italy, Spain has also been condemned for supporting, supplying and funding Moroccan Border Patrol and Navy in the capturing of migrants and returning them to their country of origin. Lastly, due to Covid-19, the border shut down has caused migration to Spain to drop by 13% to virtually 0%, making a false idea of success from keeping migrants from entering the border, but in fact has endangered many of those who were trying to seek asylum and instead making an environment for containment and easy transfer of the virus.

The systematic violence created in these policies allows, instills and enforces acts of aggression, abuse and human rights violations to occur by creating environments of containment, leaving migrants in limbos of being unable to escape a hell-ish nightmare. Although much of the hands of European will is placed North African Nations' hands may render Europe innocent from what is the draconian ways of Morocco and Libya, it does not erase the fact that systematic pushbacks, forced returns, possible death in custody and the funding, supplying and training of militia and border patrol is completed by the EU, Italy and Spain. North Africa plays an important role of being the extended arms of the EU, a border extended, and a container to keep out what Europe does not want in.

Recommendations:

Although it is difficult to create recommendations that can solve an issue that has been talked about, debated and experienced for more than two decades, the fact remains that biggest equation to the “issue” of migration is the delegitimizing and frankly illegal breaking of human rights. The current policies, agreements and initiatives in place either do not mention human rights in their drafting or do not emphasize the importance. The issue here is one that will be historical, is historical. Globalization seems to be a continued point of discussion, one that is often used as talking points to refer to the current migration, but the fact remains that those who can access the power of movement through globalization continue to be from major power houses such as the United States and Europe. Migrants will continue to face injustice, inhuman conditions and human rights abuses if the way that movement has been policed thus far continues or even increases in security. This risk is one that will rarely be felt by those with passports and countries that can easily move, but by those who are trying to migrate what they hope for to be a new life. Emphasis on Human Rights needs to be at the center of every policy passed, every bill proposed.

Secondly, the relationship between Europe and North Africa as enforcer and container needs to be reassessed as it directly casts a system of violence onto vulnerable migrants and groups. The direct funding, training and supplying of boats and equipment is a direct contribution to these abuses. This relationship and enforcement need to be dismantled and recreated to assess the needs of refugees and other migrants. Assessing the definition of Refugees and who may be admitted is also important in this dismantling process and including survival migrants into the definition is vital if nations are going to assess the needs of migrants.

Lastly, there needs to be legal action and policy changes to address the growing slave trade in Libya and the greater Maghreb region. As nation states find it difficult to police the people, especially in a state that is thrust in anarchy, situations will not only continue to be prevalent but remain the status-quo. Full persecution and investigation into these actors need to be considered.

The Future:

The situation develops forward in these regions and with the discussions of migration during and after the pandemic. Migration will continue to be a hot button issue and it will most likely be a target and a corner stone for many debates and policy changes as health becomes the center point of stringent migration deterrents. Covid-19 has affected many migrants already by imprisoning them in states due to the border shutdowns and leaving many to have to face the pandemic with no protection. These migrants are also unable to access vaccines or may have a harder time to attain them. Additionally, Italy, Libya and Spain have all seen administrative changes, with Italy seeing more liberal policies and procedures to allow migrants to dock on Italian ports. Libya currently is under new negotiations after the cease-fire to form a new government and bring together the east and west under the GNA. Lastly, Libya and Morocco are both under negotiations with Italy and Spain and the Larger Schengen area. The question remains if they will decide to take an approach that human or continue to further securitize borders, rendering migrants in even more dangerous conditions.

Resources

- Amnesty International. (2018, September 7). *Morocco: Relentless crackdown on thousands of sub-Saharan migrants and refugees is unlawful* [NGO]. Amnesty International.
<https://www.amnesty.org/en/latest/news/2018/09/morocco-relentless-crackdown-on-thousands-of-sub-saharan-migrants-and-refugees-is-unlawful/>
- Betts, A. (2013). SURVIVAL MIGRATION. In *Survival Migration* (pp. 10–28). Cornell University Press. <https://www.jstor.org/stable/10.7591/j.ctt32b5cd.6>
- Brito, R. (2019, April 26). *Migrant arrivals plunge in Spain after deals with Morocco* [News]. AP News. <https://apnews.com/article/6e4c62e3255444c78196aef3f463fca0>
- Central Mediterranean route*. (2021, April 29). European Council- Council of the European Union. <https://www.consilium.europa.eu/en/policies/eu-migration-policy/central-mediterranean-route/>
- de Haas, Hien, Castles, S., & J. Miller, M. (2020). *The Age of Migration: International Population Movement in the Modern World*. (6th Edition). Red Globe Press.
<http://www.age-of-migration.com/>
- Di Filippo, M., Marati, E., Palm, A. (2017). *Memorandum of Understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic*. Odysseus Network. https://eumigrationlawblog.eu/wp-content/uploads/2017/10/MEMORANDUM_translation_finalversion.doc.pdf
- EDRi. (n.d.). *Spanish Citizens' Security law: There is still some hope*. European Digital Rights (EDRi). Retrieved May 22, 2021, from <https://edri.org/our-work/spanish-citizens-security-law-hope-not-lost/>

- Enríquez, C. G., & Ramón, M. R. (2011). CIRCULAR MIGRATION BETWEEN SPAIN AND MOROCCO: *MEKTOIKOS Research Project*, 40.
<https://cadmus.eui.eu/bitstream/handle/1814/19721/METOIKOScasestudySpainMorocco.pdf?sequence=1&isAllowed=y>
- European Commission. (2005). *TECHNICAL MISSION TO MOROCCO Visit to CEUTA AND MELILLA ON ILLEGAL IMMIGRATION* (p. 18) [Mission Report].
- European Neighbourhood Policy And Enlargement Negotiations: Libya*. (2016). [EU Neighborhood Policy]. European Neighbourhood Policy And Enlargement Negotiations - European Commission. https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/libya_en
- Guilana Urso, Francesco Sermi, Dario Tarchi, Julia Koopmans, & Ana-Maria Duta. (2019). *Migration profile Libya: End 2017*. Publications Office of the European Union.
<https://data.europa.eu/doi/10.2760/984578>
- Haas, Hein de. (2005, January 10). *Morocco: From Emigration Country to Africa's Migration Passage to Europe*. Migrationpolicy.Org.
<https://www.migrationpolicy.org/article/morocco-emigration-country-africas-migration-passage-europe>
- Haas, Hein de. (2014, March 19). *Morocco: Setting the Stage for Becoming a Migration Transition Country?* Migrationpolicy.Org.
<https://www.migrationpolicy.org/article/morocco-setting-stage-becoming-migration-transition-country>
- International Organization of Migration (IOM). (2021, February). *Libya—Migrant Report 35 (January—February 2021) | Flow monitoring*. Flow Monitoring.

<https://migration.iom.int/reports/libya-%E2%80%94migrant-report-35-january%E2%80%94february-2021>

Italy Weekly Snapshot—18 April 2021. (2021, April 18). UNHCR Operational Data Portal (ODP). <https://data2.unhcr.org/en/documents/details/86131>

Iyora, F. (2018, February 4). *Nigeria migrants who escaped Libya restart their lives* [News]. Aljazeera. <https://www.aljazeera.com/features/2018/2/4/nigeria-migrants-who-escaped-libya-restart-their-lives>

James N. Sater. (2011, October 1). Morocco's "Arab" Spring [Policy Center]. *Middle East Institute*. <https://www.mei.edu/publications/morocco-arab-spring>

Libya slave trade—CNN. (2017, October). [<https://edition.cnn.com/specials/africa/libya-slave-auctions>]. People for Sale- Exposing Migrant Slave Trade in Libya. <https://edition.cnn.com/specials/africa/libya-slave-auctions>

Lixi, L. (2017). Beyond Transactional Deals: Building Lasting Migration Partnerships in the Mediterranean. *Migration Policy Institute Europe*, 28. <https://www.migrationpolicy.org/sites/default/files/publications/TCM-Partnerships-Mediterranean-FINAL.pdf>

López-Rodríguez, L., Vázquez, A., Cuadrado, I., Brambilla, M., Rodrigo, M., & Dovidio, J. F. (2020). Immigration: An invasion or an opportunity to the country. The effect of real news frames of immigration on ethnic attitudes (Inmigración: Invasión u oportunidad para el país. El efecto del enfoque de noticias reales sobre la inmigración en las actitudes étnicas). *International Journal of Social Psychology*, 35(3), 452–491. <https://doi.org/10.1080/02134748.2020.1783834>

- Mehdi Lahlou. (2018). *Migration Dynamics in Play in Morocco: Trafficking and Political Relationships and their Implications at the Regional Level*. Middle East and North Africa Regional Architecture: Mapping Geopolitical Shifts, Regional Order and Domestic Transformations (MENARA).
https://www.iai.it/sites/default/files/menara_wp_26.pdf
- Meyers, E. (2021). Theories of International Immigration Policy-A Comparative Analysis. *The International Migration Review*, 34(4), 39. <https://www.jstor.org/stable/2675981?seq=1>
- Raja Razek & Lauren Said-Moorehouse. (2017, November 23). “Where is the world?”: Libya responds to outrage over slave auctions—CNN. CNN.
<https://edition.cnn.com/2017/11/23/africa/libya-reaction-slave-trade/index.html>
- Refugees and Migrants Arriving in Spain January 2019* (No. 3; p. 49). (2019). CSIC and UNHCR. <https://data2.unhcr.org/en/documents/download/68532>
- Refugees, U. N. H. C. for. (1951, 1967). *Convention and Protocol Relating to the Status of Refugees*. UNHCR. <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>
- Saddiki, S. (2018). 3. The Fences of Ceuta and Melilla. In *World of Walls: The Structure, Roles and Effectiveness of Separation Barriers* (pp. 57–81). Open Book Publishers.
<http://books.openedition.org/obp/4562>
- Situation Mediterranean Situation*. (n.d.). Retrieved May 20, 2021, from
<https://data2.unhcr.org/en/situations/mediterranean/location/5226>
- Spindler, W. (2015, December 8). *2015: The year of Europe’s Refugee Crisis*. UNHCR.
<https://www.unhcr.org/news/stories/2015/12/56ec1ebde/2015-year-europes-refugee-crisis.html>

- UNHCR. (2021a). *Routes Towards the Western and Central Mediterranean Sea: Working on Alternatives to Dangerous Journeys for Refugees*. (Risk Mitigation Strategy and Appeal, p. 43) [UNHCR Update]. UNHCR. <https://reporting.unhcr.org/sites/default/files/UNHCR%20Western%20and%20Central%20Mediterranean%20Appeal%202021.pdf>
- UNHCR. (2021b, January 28). *Asylum seekers subject to systematic pushbacks at Europe's borders, says UNHCR*. UN News. <https://news.un.org/en/story/2021/01/1083192>
- United Nations Office of Legal Affairs. (1999). No. 29862. Spain and Morocco. In *Treaty Series 1717* (pp. 173–208). United Nations. <https://www.un-ilibrary.org/content/books/9789210596367s002-c072>
- Western Mediterranean and Western African routes*. (2021, April 29). European Council-Council of the European Union. <https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-routes/>