

# THE PROTECTION OF REFUGEES NEEDS A STRONG CIVIL SOCIETY

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## THE SITUATION OF REFUGEES IN 2015

In 2015, UNCHR, the UN Refugee Agency, counted 60 million people who were forced to leave their homes. Out of these 60 million, 20 million were refugees, according to the Refugee Convention of 1951. This is the highest number of women, men and children on the move since the Second World War. About 87 per cent of the world's refugees left their country and were given protection in their neighbouring countries, mostly in the global south. Europe has only given protection to around 10 per cent of the world's refugees.

Although the numbers of refugees in the European Union (EU) have been comparably low from a worldwide perspective, 2015 was the year in which several EU member states stated over and over that the EU might break apart due to the refugee situation and the lack of the sharing of the burden between EU states.

Germany has taken in approximately one million asylum seekers, among them many refugees from war-torn Syria. But parallel to this widely appreciated government humanitarian action, the German government also passed several restrictive pieces of legislation for persons seeking protection. Several countries in the Balkans were declared as safe countries of origin and the asylum claims of refugees from these countries were processed in a fast procedure, and restrictions of refugees' social services were passed, despite the problematic human rights situation for minorities in these countries. In February 2016, restrictions were introduced on family reunification in cases of subsidiary protection, and the scope was widened to expel a person who has committed a crime.

On top of that, many of the measures of the EU and its member states, including Germany, have the aim of externalising migration control in countries that lie outside the EU, such as Turkey or Northern African countries, and others that are part of the Khartoum process. This process was started in November 2014 as an initiative of the EU, the African Union, Eastern African countries such as Eritrea, Ethiopia, Kenya and South Sudan, and other countries such as Egypt and Tunisia, to combat the smuggling and trafficking of migrants and refugees on the route from the eastern Horn of Africa to the EU. In the process, the main focus has been to agree on cooperation in the management of border control, the building of reception facilities and the identification and prosecution of smuggler networks. The process has been

criticised by human rights organisations, because the EU is cooperating on security matters, such as migration management, with countries that consistently violate human rights. And for refugees, this means facing long and dangerous journeys, detention and lack of protection in the countries in which they become stranded, and denial of their economic, social and cultural rights.

Several European countries have decided, despite their legal obligations according to the Refugee Convention of 1951, to restrict the numbers of refugees to be admitted. For example, Austria has placed a limit of 80 per day. In many EU countries, racism and racist political parties are on the rise, which makes it more difficult for refugees to access those countries and survive in them.

## POLITICAL AND HUMANITARIAN ASSISTANCE

Development organisations, such as Bread for the World (Brot für die Welt), and humanitarian aid initiatives, such as Diakonie Emergency Aid, support refugees in various ways, including by giving emergency assistance, but also by offering political support through the organisations with which they partner.

Bread for the World - Protestant Development Service is the globally active development and relief agency of the Protestant Churches in Germany. It is active in more than 90 countries all across the globe and has as its goal the empowerment of poor and marginalised communities to improve their living conditions. In its refugee work, Bread for the World contributes to improving the legal situation and living conditions of refugees and migrants in transit countries and countries of destination. In addition, it supports the work of church-based and social welfare organisations.

Bread for the World is also active in seeking to address the root causes that force people to leave their country. In this field, Bread for the World, together with many other organisations, advocates for a situation in which everyone can assert their right to freedom of movement, or make their own decision to remain in their homeland and not have to flee human rights violations, war and violence, or flee for other reasons. Peace education projects, such as work in Eastern Congo to prevent violence, make an important contribution to this. On the humanitarian side, Bread for the World facilitates humanitarian aid, together with its partner organisations, for internally displaced persons and refugees, and seeks to provide stable living conditions both for refugees and local populations.

As part of the same umbrella under which Bread for the World works, Diakonie Deutschland (German Diaconia) advocates for improvements in the legal status and health care of asylum seekers in Germany. Its position is that good reception standards must be guaranteed at the local and state levels, regardless of the high numbers of refugees.

For Bread for the World, a main area of work for many years has been to expose the human rights violations that occur through the expanding policies of the EU to deter refugees even beyond the EU's external borders. Opportunities to enter the EU legally are now almost non-existent for migrants and refugees. The restricted legal methods of migration force refugees and migrants to migrate illegally, and make them liable to being victims of human rights violations in countries of transit, at the

border and in the countries into which they are fleeing. In particular, women and children are often subject to violent attacks and exploitation. An essential part of the organisation's work is its close cooperation with Diakonie Deutschland and other civil society actors to engage with migration and refugee policy, both in Germany and at the EU level.

Bread for the World advocates and lobbies for a common European asylum system which is based on the Refugee Convention and on human rights standards enshrined in the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. This means that the minimum standards that the EU member states have agreed upon, concerning reception conditions, accommodation and health care, have to be met by all EU countries. So far this is not the case, and the European Commission, together with member states, has not put enough pressure on those governments not complying with the minimum standards to do so.

Further, Bread for the World advocates for a human rights oriented system based on solidarity to ensure that EU member states apply asylum procedures in a manner that respects the fundamental rights of refugees, because the present 'Dublin' system is accepted neither by the EU states on the region's external borders, particularly Greece and Italy, nor by refugees. The Dublin regulations define which country in the EU is responsible for processing an asylum claim. With exceptions, the principle is that the country a refugee reaches first is responsible for processing the asylum claim. Countries on the external borders of the EU are therefore responsible for the majority of asylum claims, because refugees mostly enter the EU through those countries. For refugees, the consequences are often inhumane, because their basic social and cultural rights are not guaranteed, and families often face difficulties in staying together.

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## **CHALLENGES FOR REFUGEES – AND THEIR SUPPORTERS**

Refugees are amongst the most vulnerable people in any country. Particularly in countries of the global north, refugees face racism from parts of the population. In many countries, there is also a large group of people supporting refugees in transit or in countries that refugees flee, and working to ensure integration. Particularly when refugees face situations where public services have collapsed, as in Greece, and when public services are not able to provide for the basic economic and social needs of refugees, civil society often fills the gap. In Germany, the government let many refugees enter the country to prevent a humanitarian crisis that would have resulted from leaving Syrian refugees stranded at the Austrian and Hungarian border. In line with the general positive mood of the German government, the population reacted in a very positive and receptive manner, supporting refugees in order to fulfil their basic needs quickly. But when, as described above, the government passed restrictive legislation to bring the numbers of arrivals down, movements within the country that advocate racism, nationalism and exclusion grew and became more militant. As a result, individuals and civil society organisations supporting refugees reported being faced with threats by right wing groups and individuals, as were refugees themselves. In several countries, groups supporting refugees have also been subject to surveillance and other pressures.

In many countries all over the world, refugees and migrants are being criminalised, forced to enter a country illegally and often denounced as a threat to national security. In countries such as Mauritania, which find itself under pressure to comply with demands from the Spanish government to readmit refugees and migrants, xenophobia and racism are also rising, despite the fact that the country previously has been very welcoming towards refugees and migrants in transit. Bread for the World, together with partners in the region, tries to expose the mechanisms leading to these situations where exclusion is reinforced.

In many countries, refugees and migrants face false allegations of supporting terrorist groups. For example, in countries bordering Nigeria, refugees face criminalisation and are in some cases suspected to be supporters of Boko Haram. In these cases, there is a great need for civil society groups to make sure that refugees and migrants, not necessarily familiar with local and national procedures and often not integrated into the structures of the local communities, have access to justice and can advocate for their rights.

## **CONCLUSION: THE NEED FOR A STRONG CIVIL SOCIETY TO PROTECT REFUGEES**

In conclusion, refugees and migrants, who are among the most vulnerable in society, can only get adequate protection if civil society is protected generally. In many countries, civil society takes over the state's duties to protect refugees and migrants and guarantee their access to economic, social and cultural rights. Bread for the World supports many organisations, in the Balkans, Mexico, Turkey, western Africa and elsewhere, that work with migrants and refugees and make sure the most vulnerable have access to rights.

The various organisations and networks of civil society should work together to expose the consequences of the externalisation of migration control by EU countries on countries outside Europe. Only an environment free of suspicion, surveillance and criminalisation can guarantee that diversity in society is recognised and pursued as an important goal, and an atmosphere created that protects refugees and migrants. Further, only governments that can be seen to be standing for and promoting a human rights based approach to refugee protection and migration control can prevent the rise of xenophobia and racism in their countries.