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“I only want to be human”

*Disembarkation platforms for refugees – not concentration
camps*

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Abstracts

In this study I have studied the European Unions suggestion about disembarkation of refugees from a human rights perspective - especially the perspective of human value and human dignity. Human dignity is central. It is expressed in the preamble to the UN Human Rights, as well as in its first paragraph; “*Everyone has the right to dignity, and it shall not be violated.*” I have studied refugees that have previously spent time in large refugee camps outside Europe, in Jordan and in Libya. In my study I use Libya as an example on what refugees can face in camps in third-world countries. The subject caught my attention since the Norwegian ship MS Tampa picked up refugees on international water outside Australia. The Norwegian captain tried to leave them on Australian land but was refused to do so. Australia sent a military boat to pick them up and left them at an island outside Australia. Moreover European politicians have discussed the idea of off-shore, placements of refugees at disembarkation camps as a way of solving the problem of huge number of refugees that are looking for asylum in Europe as well as the many deaths at the Mediterranean Sea. There has also been a discussion on quota refugees chosen by the UNHCR. This made me wonder how the situation would be for the remaining refugees that will stay in these large camps, maybe for years, as well as how their human rights are respected in camps outside Europe where Europe have no control? How does this correspond to the principle of human value? In my qualitative study I started by making a literature study. Thereafter continued with an interview study where I interviewed refugees that have stayed at camps outside Europe. The purpose of the interview and the study was to take part of their narratives and to make their voices heard. I found that the narrative of refugees is not heard, this makes them feel less valued as human, or not even a human. Their dignity is violated, and their human rights are not respected. Their interests have been forced to give way to the interest of the state.

Keywords

Refugee. Disembarkation platforms. Off-shore platforms. Regional platforms. Tampa. Refugee camp. Libya. UNHCR. IOM. European Union. Qualitative study. Human trafficking. Asylum. Politics. Salvini. Moral. Ethics. Human rights. Human dignity. Human value. Law.

Preface

I wish to thank my supervisor Johanna Romare, senior lecturer of ethics at Uppsala University for encouraging and inspiring me while supervising me in the spring, 2019. I owe her.

I also want to thank the three respondents that shared their narrative with me. They give refugees a voice, long time missing.

Stockholm, 27th of May, 2019.

Berit Edvinsson

LL.M.

Abbreviations

CAPS	Center Help Psycho Social Coop (Italy).
CJEU	Court of Justice of European Union
EM	European Member States
EUM	European Member States.
IOM	The International Organization for Migration
MSF	Médecins Sans Frontières.
MS	Member States of the European Union.
NGO's	Non-Governmental Organizations
RPD	Regional disembarkation platforms
SCIFA	Strategic Committee on Immigration Frontiers and Asylum
UNCR	The UN Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees

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Chapter 1. Presentation

In this chapter I will present formalities for my study, the background, the purpose, the demarcation, research overview. The various methods I have use are being presented and validity and reability are being discussed. I also have presented my theory and how the literature set a frame for my study regarding human value, human dignity and human rights.

1.1 Introduction, problem and formulating of the problem

When migration is estimated at a certain number during the upcoming years and the reality drastically changes planning EU's planning for migration is being put to a test. It looks like long-time planning is giving way for decisions made out of ad hoc character. A large influx of refugees force society to make new decisions about migration. To solve this, politicians in Europe are discussing to form a new asylum process that will work alike in all European countries with one central agency. One example on how to solve the problem of large numbers of refugees arriving in Europe is to have large refugee camps outside Europe where from all the asylum applicants will be handled, instead of applying personally at the first country of arrival in Europe, as today. EU calls them disembarkation camps and regional disembarkation camps. The reason to have camps outside Europe is being said to hinder human traffickers from taking refugees to Europe and also to lessen risk for death at sea while trying to reach Europe. As the refugee camps grow to be as large as cities different problems occur. Refugees in these "cities" do not have democratic rights or the same rights and possibilities as the people living in an ordinary society, at the same time their stay there can be very long. As EU will have no control of these camps, a consequence will be that human rights for refugees are challenged. Different opinions regarding human value affect the refugees human dignity and put human rights at risk in different types of camps out of European states control.

1.2 A general background

In the aftermath of the war in Syria, the refugee streams became remarkable, and the media focused on the interests of different countries of waging war in Syria. On average, one refugee is found dead in the Mediterranean every day, trying to reach Europe. Starting 2015 Europe received a large number of refugees, 1 015 877 arrived to Europe by the Mediterranean Sea and 3 771 died trying to reach Europe, this means that there is one dead person for every 269 arrivals.¹In 2018 the numbers of refugees went down to 116 647 arrivals and the death at sea was down to 2 275, which equal one death for every 51 arrivals.²Even though the number of refugees received in Europe decreased, the death rate grew to be higher compared to persons that arrived. Sweden received the largest number of asylum applicants in 2015 by 162 877, which affected the years to come.³This affected housing as well as the process of asylum and the time to wait until given decision.⁴Over the years the arrival of refugees decreased⁵as in 2018.⁶For the period from 2019-2022 The Swedish Migration Agency estimate that 21 000 will apply for asylum during 2019, and after that a more steady rate of arrivals.⁷The large influx of asylum seekers formed a background to a political wish for a new solution. The research I looked upon has polarized between the states responsibility, how refugees are being presented in literature, as well as how human value affect the concept of human dignity in connection with human rights. The range cover all from legal to social, and each part affect the other. Through the interviews and

¹ FFM-Online, Forschungsgesellschaft Flucht & Migration e.V. UNHCR Report, *Desperate Journeys. Refugees and migrants arriving in Europe and at Europe's borders, January-December 2018*, p 6. <https://ffm-online.org/wp-content/uploads/2019/02/document.pdf> (2019-05-16).

² Ibid.

³ Migrationsverket, *Inkomna ansökningar om asyl 2015*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html> (2019-05-15).

⁴ The year before, in 2014, 81 301 persons applied for asylum in Sweden.

Migrationsverket, *Inkomna ansökningar om asyl 2014*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html> (2019-05-15).

⁵ In 2016 it changed to 28 939, Migrationsverket, *Inkomna ansökningar om asyl 2016*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html> (2019-05-15).

⁶ In 2018 to 21 502 asylum applications. Migrationsverket, *Inkomna ansökningar om asyl 2018*. (2019-05-15). <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html> (2019-05-15).

⁷ In 2020-2022 the applicants for asylum are thought to be 22 000 every year in Sweden due to family members arriving to Sweden.

Migrationsverket, *Verksamhets- och utgiftsprognos*, Maj 2019 <https://www.migrationsverket.se/download/18.282774cb169446b4d20207a/1556779761971/Migrationsverkets%20prognos%20maj%202019%20P3-19.pdf> (2019-05-15).

literature study I wanted to connect human dignity and human value to the narrative of refugees that have spent time in large camps outside Europe. My study fills a gap in the research that has been made and will increase the knowledge of the situation where human rights might be at risk for refugees. What I see missing is the narrative that originates from refugees. Even though my study includes legal areas, it focuses on discussing the ethical dimension as well as how human rights are at risk in disembarkation camps where Europe has no control. In this interdisciplinary study I have looked into the theological, legal and political science views. I have studied how religion is respected in camps, how political decisions clash against the legal reality, how states' interests are being judged as conflicting with refugees' human rights as well as how the respect for human value differs in disembarkation camps as a consequence of political decisions.

1.3 Purpose

The aim of my study is to assess disembarkation platforms for refugees from the perspective of human rights and its ethical underpinnings. I aim to increase the knowledge of how changing policies and practices in the field of migration and asylum also can affect human rights for refugees in large camps outside Europe, especially if handling asylum applications will be outsourced from Europe. Therein lies the problem.⁸

My objective in this study is to seek the answer to the question of how human rights would be affected if Europe would outsource asylum decisions and refugee camps to locations outside European borders. What rights could be at risk if the outsourcing would take place outside Europe without reach for European control? Another objective is to assess whether human dignity can be at risk. The third objective is to give voice to refugees that once were in large camps. Combined with my literary study, I aim to increase the understanding of how moral, ethics and human value and dignity needs to be addressed in political decisions concerning refugees, especially in a context of large camps for refugees that Europe have no control over.

⁸ As the number of refugees increased rapidly in 2015-2016 the European politicians and nations was challenged. The asylum system in Europe was not prepared, nor dimensioned for situations like this with a large influx of refugees day after day.

1.4 Questions

If the member states in the European union outsource the handling of asylum application, to countries outside Europe, that are not run by the same laws as countries within Europe, there is a risk that European control will be lost. In order to answer this question I will also investigate what the member states of European Union planning regarding disembarkation for refugees and immigrants.

- How are refugee's human rights affected when placed in large camps in countries, outside Europe, where the European member states have no control?
- How can placement of refugees in these types of camps affect human value and human dignity?
- Is there a visible *de lege ferenda* in the area of asylum politics?

1.5 Demarcation

I have chosen to interview three refugees to through their narrative illustrate how accommodation in large camps outside Europe affects the human rights of refugees as being outside of the EU member states control. I have limited my interviews to refugees to these types of camps. All interviews are being made in the city of Bari in the south of Italy during spring 2019. When information about the situation for children in camps was mentioned during interviews, I included the facts. No child was present during the interviews as a safe guard for their rights.

1.6 Research overviews

Here I present some of the research that is being made, and have been made, in this area to place my study in position. The chosen ones all relate to states responsibility, different interpretations of human value in connection to human dignity and how it affects human rights in various ways.

1.6.1 International norm and state respect for Human Rights

At Uppsala University Kristine Eck is the project leader for a series of randomised experiments that encourage state respects for Human Rights. Focus is given on

”how international norms and sanctions impact on state respect for human rights.”⁹They study if there is divergence between people with power to violate rights and people considered to be ”right-holders.” Citizens, state agents and different types of norms are being studied during a period from 2017 to 2019.¹⁰ This study touches the situation I write about, but since their project is not yet finished the results have not been included in my study.

1.6.2 Narrative, ethic and the voice of a refugee girl

The researcher Gabriele Griffin at Uppsala University, Disciplinary Domain of Humanities and Social Sciences, Faculty of Arts, Centre for Gender Research ORCID in 2016 wrote about refugee crisis and ethical manner in the way that author Henning Mankell gives voice to a refugee girl in his book “*The Shadow Girls*” from 2012. Griffin discusses different theories and raises the narrative as a plight to the refugees.¹¹This brings out the responsibility of letting the objects for asylum rights to talk, hence my study.

1.6.3 Human dignity

Sofia Morberg Jämterud has studied “*Human Dignity, a study on medical ethics*” at Uppsala University in 2016. She discusses “ *the principle of dignity and the concept of it.*”¹² Jämterud bring forward a discussion on ”*the principle of dignity and the meaning of the concept.*”¹³She touches the medial sphere of ethics, but focus on giving another perspective; ”*an examination and discussion human dignity which is empirically informed.*”¹⁴The empirical material is contextualised in the area of neonatal and palliative care.

⁹ Eck, Kristine, Uppsala Universitet, *Encouraging state respect for human rights: A series of randomised experiments*, Projekt period; 2017-2019, Uppsala.
<http://pcr.uu.se/forskning/research-themes/human-rights> (2019-03-19).

¹⁰ Ibid.

¹¹ Griffin, Gabriele, *Embedded Narrative and the Ethical IM/possibility of “Giving Voice” in the Age of Migration*, Henning Mankell’s *The Shadow Girls*, Uppsala University, 2016.
<http://uu.diva-portal.org/smash/record.jsf?pid=diva2%3A1061876&dswid=4350> (2019-03-19).

¹² Morberg Jämterud, Sofia, *Human Dignity. A Study in Medical Ethics*, Uppsala University, Department of Theology, 2016, p. 4.

¹³ Ibid, p. 1.

¹⁴ Morberg Jämterud, Sofia, *Human Dignity. A Study in Medical Ethics*, Uppsala University, Department of Theology, 2016, p. 14.

“An empirically informed and context-sensitive constructive proposal on human dignity and show how a qualitative research study can concretise and challenge conceptions on human dignity.”¹⁵

In addition to that she studies the implication a constructive proposal would have when it comes to ethical concerns within medical practise.¹⁶

Michael Rosen wrote about, *“Dignity: Its History and Meaning.”*¹⁷ He is a philosopher and examined dignity as a concept, philosophy, legislation, and in history, published in Harvard University Press, that point out the importance of human dignity, even though opinions of the meaning of human dignity may differ.

Paulus Kaufmann, Hannes Kuch, Christian Neuhäuser, and Elaine Websters wrote in *“Humiliation, Degradation, Dehumanization, Human Dignity Violated”* about the importance of human dignity, how human dignity is violated and conclusions for a positive account of Human Dignity.¹⁸ A sentence in the preface is telling and connects to my study:

“In my opinion, it is the experience of the absolute powerless which creates the feeling among the victims of certain gross human rights violations to have lost their dignity and humanity.”¹⁹

While Jämterud moves in the field of medicine, I have chosen to study among other aims, how perception and interpretation of dignity and human value affect how human rights are respected, or not, for refugees and immigrants if they are to be held in disembarkation platforms in third world countries. I take a Kantian viewpoint on human value and I explain that view more thoroughly in chapter 2. Rosen lift the importance of human dignity, even though opinions of the meaning of the concept differ. I share his views on its importance. I found it to be important to explore the interpretations of human dignity and human value before conducting interviews to fully understand its meaning. Kaufmann, Kuch, Neuhäuser and Websters bring forward the consequence if human dignity is violated, and that can be visualized in the narrative from the respondents in the interviews I

¹⁵ Morberg Jämterud, Sofia, *Human Dignity. A Study in Medical Ethics*, Uppsala University, Department of Theology, 2016, p. 15.

¹⁶ Ibid, p. 15.

¹⁷ Rosen, Michael, *Dignity: Its History and Meaning*, Harvard University Press, 2012.

¹⁸ Kaufmann, Paulus, Kuch, Hannes. Neuhäuser, Christian. Websters, Elaine, *Humiliation, Degradation, Dehumanization, Human Dignity Violated*, Springer, 2011.

¹⁹ Nowak, Manfred, Ludwig Boltzmann Institute of Human Rights, University of Vienna, Kaufmann, Paulus, Kuch, Hannes. Neuhäuser, Christian. Websters, Elaine, *Humiliation, Degradation, Dehumanization, Human Dignity Violated*, Springer, 2011, Vienna, 2010, p. vi.

made. The empirical voice in my study is heard through my interviews with refugees that have spent time in large camps in Libya and in Jordan. This since I see that their empirical evidence can bring forward evidence that their situation is not fully respected or acknowledged in this field.

1.6.4 Human vulnerability and vulnerable rights

Elena Namli and Linde Lindkvist have recently published a chapter in an anthology by Hille Haker on “*Human vulnerability and vulnerable rights. Children’s rights and the asylum politics in Sweden.*”²⁰ They describe and discuss the paradox of that Sweden is praising human rights, but at the same time sending unaccompanied minor back to a hazardous life. The very process of asylum affects unaccompanied minors and their human rights in a negative way.

1.7 Methods

For my study I have mainly used a qualitative method. To fully embrace the field of this study, I started with literature studies to set the frame for the ethical field and its borders and study the different interpretations of human value and human dignity in connection to human rights. I saw this as essential to begin with to reach a wide understanding before conducting the interviews as to fully comprehend the different layers of interpretation of human value, human dignity that the respondents have experienced. I have worked with quotes to express the different authors interpretation of human dignity, human value and as a way of comparing different texts that was needed to see how different values affect the way you look upon human dignity. That is especially important when studying political texts since everything will not come clear only in decisions. The political field demand more to uncover the intent behind decisions that might come later. In chapter two I study the interpretation of the expressions of human value and human dignity and the concept of it. That is made to increase the understanding of the importance of, not only respecting human rights de facto but also, to see how different ethical understandings affect refugees in large camps outside Europe.

²⁰ Haker, Hille, *Unaccompanied Migrant Children, Social, Legal and Ethical Perspectives*, Lexington Books, 2018, London, UK: Elena Namli and Linde Lindkvist, *Human vulnerability and vulnerable rights. Children’s rights and the asylum politics in Sweden*, p. 121 ff.

The legal doctrinal method was used to systematic and interprets the material as to be able to compare similar situations the same way. I have also used the material in this interdisciplinary study as an approach to the *de lege ferenda*. To explore the field more thoroughly, and because I cannot enter these overseas camps myself, the observation was made by interviewing refugees that have stayed in camps outside of Europe.

By working through my material, I have used the method of the hermeneutic spiral to increase the understanding of how the material placed in different contexts affect one another. As the texts challenge each other, combined with information from the interviews, I criticised the source to detect any anomaly. I was aware of my own pre-understanding and I used that as a way of finding facts. Finally I performed the interviews with three refugees to have a first hand narrative from camps run by the UNHCR and the situation in camp run by others.²¹

1.7.1 Methods regarding interviews

Initially, I intended to do interviews with approximately five refugees in Italy that have spent time in camps outside Europe. Through their narrative I wanted to achieve a better understanding of the situation for the refugee being in a large camp outside Europe. I ended up doing three interviews.²² I performed the interviews in a city called Bari in the south of Italy. Bari is a coastal city, and thus, a place where many refugees first arrive when they come to Europe. In order to reach respondents with a history of being in a camp, I first reached out to an organisation called CAPS.²³ Initially, I e-mailed them to ask for possible participation by respondents that could be interested in participating in an interview. Un-

²¹ Were the refugees are at risk of being placed as they head on a journey as refugees or when placed in disembarkation or regional disembarkation camps outside Europe.

²² The reason is that the political situation has changed for refugees in Italy and many refugees have either been sent away or moved. Permits are hard to get, and projects for refugees have stopped and people are being put in the street. The willingness to participate in interviews is small.

²³ This is an organization that have been working with different groups that are especially exposed in society, among them immigrant, but also criminals, persons with addiction, etc. For refugees they help with providing clothes, food, and various types of help. They used to have different types of projects for refugees.

CPS- Psycho-Social Aid Center, Bari, Italy.
<https://www.coopcaps.it> (2019-03-19).

fortunately, they could not help,²⁴ but the telling quote on Caps homepage inspired me to look further for respondents:

*“Ascoltate, ascoltate, ascoltate soprattutto chi non ha voce. Gli “altri” sono la prova che noi stiamo vivendo. Ridate loro dignità.”*²⁵

I contacted an organisation called Auxillium in Italy, but got no response.²⁶ In the end I organized interviews by contacting friends in Italy that made these meetings possible. Since it is hard for the refugees to talk about these things, you have to be delicate in the conversations. Many refugees have long-time trauma from staying in camps. To open the door to their experiences from the camps, you need to handle conversations gently. By letting the respondents initially answer more formal and neutrally questions and thereafter move into more depth in questions I aimed to not only get the refugees narrative as an illustration to a theme or problem, but also aimed to reach a hermeneutic understanding. The respondent’s different background will challenge each other and thereby increase the understanding of the situations in camp into a new understanding. By analysing the narrative, I learned about their situation in camp, and also the impact the time spent there had on them. By comparing the interviews with one another, I saw similarities, but also differences. Their narratives have increased my understanding of their situation.²⁷ I taped the interviews in order to be able to re-listened to it type extracts as a deductive method to extract the essence from the interviews. I used a semi-structured interview with a set of questions and since the area of questions could awake more questions I was prepared in case the interview would go in another direction than originally planned. This is a way to keep an open mind to the respondent’s answers. Since I received the interviews through contacts, the respondents were willing to talk about the situations in camps. The contact that

²⁴ Since they were afraid that even if the respondents initially would agree to participate, they could later change their minds.

²⁵ Signorile, Tonio, *“Listen, listen, listen especially to those who have no voice. The “others” are the proof that we are living. Give them back their dignity.”* (2019-04-15). <https://www.coopcaps.it/Home.aspx> (2019-05-16).

²⁶ It turned out that Matteo Salvini (deputy Prime Minister of Italy and Minister of the Interior since 1st of June, 2018) had ordered that no projects for refugees would be made any more and that reception for refugees in many areas all over Italy would be closed down due to the new law that only give asylum to political refugees and for humanitarian reasons only in exceptional cases. That led to a change of work for Auxillium, and they had to move, hence no contact possible with them. They used to organize activities in different types of projects involving housing, education and support for refugees to find work.

²⁷ Boreus, Kristina. Bergström, Göran, *Textens mening och makt. Metodbok i samhällsvetenskaplig text- och diskursanalys*. Studentlitteratur, Lund, 2018, p. 25.

helped arrange the interview was not present during the interview – so as not to affect the respondent in any way. The interviews give an insight in how human rights are upheld, or not, and can show differences. Henriksen and others describe is well:

“Being human is to be a storytelling story. We tell our life - that is, we tell our story. My story is me. You know who I am only after you know my story; in order for you to become familiar with it, I must tell you. When I tell my story, I think I reconstruct who I was (..) to tell you who I am today, in light of the circumstances and experiences of the past that have made me the person who is now sitting in front of you and tells about his life.”²⁸

To me this is why I find narrative interesting. It brings depth in the theories and brings life into words, since it carries the mark of realism. In order to get a good result in the interview, I needed to respect the respondent’s origin and the different culture aspects in the interview situation as well as their present situation.

1.7.2 Ethical aspects of interviews

At the start of the interview, I informed the respondents about my aim of conducting interviews and the information I hope to receive by making them.²⁹ The respondents signed an informed consent, in which I also affirmed their anonymity in my report. The principle of autonomy stage that every person should be able to make their own decision regarding their private life to keep their dignity, but the refugees have little autonomy in regards to making their own decisions on where to live and where to work. Autonomy comes from the Greek term *autonomia* in the meaning of independent and that you can decide for yourself, autonomy.³⁰ Autonomy can also be interpreted as a human being that can decide for themselves, but are dependent on different functions as emotional, experience, will and understanding functions that can respond in respect of every humans integrity as a moral requirement, as Bischofberger says.³¹ I see presenting the respondents with information about my study and letting them sign consent forms as a way to slowly start the interview and give the respondent information on why I ask for an interview about an experience, that might be traumatic to talk about. This is an aspect

²⁸ Henriksen, Jan-Olav. Vetlesen, Arne Johan, *Etik i arbete med människor*, Studentlitteratur, 3:e upplagan, Lund, 2013, p. 141.

²⁹ The information to respondents given pre interview as well as the consent form and questionnaire can be found in appendix 1-3 in the end of this study.

³⁰ Bischofberger, Erwin, *Kroppens etik*, Bokförlaget Libris, Örebro, 2002, p. 76.

³¹ *Ibid*, p. 77.

of conducting interviews I had to be aware of. Refugees can find themselves in situation where they have no way of deciding anything for themselves, and the ethical aspect of that is that I have to thread lightly in the interview situation as not to cause the refugee an experience that might increase trauma for them. That is why in my information paper to the respondents I included my contact information, if they would have further questions to me. The principle of informed consent concerns experiments, but is adaptable for making interviews. It gives the respondents an opportunity to have information about the background to my study and also an opportunity to decline to participate. The possible consequences for participating in interviews will be avoided by making the respondent anonymous in the report and only reveal age, sex and country of origin, or what type of camp they spent time and very little personal information. I also chose to not talk about the very reason for them leaving their country of origin as being asylum grounds, since that was not the aim of my study.

1.7.3 Validity

By explaining all the steps taking in this study in the method chapter, a firm validation of my study can be made. My own pre-understanding is being discussed, since that could affect the study. To avoid that I have made ascertained that the questions I use in the interview is held neutrally as I chose to work with a semi-structured interview as not to miss information that could be given. Had I used a structured way for performing the interviews information could have been lost.

In order to increase my knowledge, I have compared different literature that shows different interpretations on dignity and human value. To further study the context I have compared two researchers works from Uppsala University that have a wider experience. What make my study robust and valid is that the literature is given, discussed and criticised and that even though interviews are being made with three persons, they represent situations that occurred in camps that are likely to affect a large number of refugees held in these places.

1.7.4 Reability

I have used statistic regarding migration to form a backdrop in understanding exactly how large the influx of refugees to Europe was in 2015. The statistic I used came from UNHCR (United Nations High Commissioner for Refugees) and SMA (the Swedish Migration Agency) and I consider them trustworthy regarding statistic. To fully hear the voices of refugees, I conducted interviews, as “*talking about*” refugees never comes close enough, you need the refugees own voices to be heard to get accurate precision, reability for the study.

To get full reability the number of respondents needs to be higher than the volume of this thesis admits and also the range of the interviews would have had to be wider. Therefore, the interviews are done to illustrate and give voice to some of the refugees that have been in these types of camp to show risk they face, and not as statistics. For the scope of my aim to give some understanding of the situation of the reability in this thesis the numbers of respondents is acceptable. Whether or not the intersubjectivity³² can reach the same result I will let unanswered, since the refugees I interviewed can, due to their anonymity, is difficult to reach to answer questions again. As my thesis is transparent and my results are well motivated this is acceptable. The very nature of being a refugee can result in them being transported to different places to other camps or to be deported without previous notice.

1.8 Theory

Chapter 2 will be my main theory section. My own, main theory in this report is to find the true ontology, “*what is real and what exist.*”³³ In large refugee camps outside Europe the refugee’s contact with his native country is weakened, if at all existent, and the refugee cannot seek diplomatic support from their country of origin. They are left to the mercy of the country that they are in at the moment and since not being a citizen in that country - who will protect their human rights? When human value is not valued alike for all human, human dignity as well as human rights will be at risk. I wonder how a different understanding of human

³² Boreus, Kristina. Bergström, Göran, *Textens mening och makt. Metodbok i samhällsvetenskaplig text- och diskursanalys*. Studentlitteratur, Lund, 2018, p. 40 ff.

³³ Ibid, p. 26.

value and human dignity are perceived will affect human rights for refugees. My theory is that if refugees are being placed in disembarkation or regional disembarkation camps in countries where EU has no control, the human rights for refugees risk being neglected.

1.9 Disposition

In Chapter one, I present the purpose, questions, the choices I made regarding to demarcation. I also present some of the research in this subject together with the various methods I have used while studying literature and research as well as the interviews I conducted and its ethical aspects. Validity and reliability is also presented and discussed here. In chapter two different theoretical aspects regarding how ethics, human dignity, human value and moral connect to human right is discussed. The human value, with a focus on human dignity, is brought to light in this chapter catching the meaning for further analysis. Various theoretical aspects regarding the offshore placements and disembarkation platforms for refugees are to be found in chapter three. The voice of the refugees from the interviews is presented in chapter four with interviews of refugees in Italy. Offshore planning for refugees in disembarkation platforms and regional platforms as well as its affect on refugee's human rights, human value and human dignity are discussed and analysed in chapter five. In chapter six a discussion regarding how my study connects to research was made. In the same chapter my conclusion is presented. Thereafter references, appendices and the information the respondents received about my study and consent forms for respondents, the main interview questions, and the specific articles of the UN human rights in my study are presented.

1.10 Summary

In this chapter I have made an introduction to the problem as well as a background, the purpose and demarcation. I have presented the questions of my study and a research overview to place my study in the right perspective. I have discussed and presented the methods I use for my study as well as ethical aspects of the interviews I made with refugees. Validity and reliability as well as my theory or pre-understanding of this thesis together with the disposition of the study is pre-

sented. I have a thesis that if the principle of human value is not respected for all human beings, human dignity and human rights risk being neglected.

In the next chapter I will study and discuss literature to widening my understanding of the different interpretations of human value in connection with human dignity and how it affects human rights to serve as a backdrop to my interviews with refugees in Italy.

Chapter 2. Human Rights and Ethics

Hannah Arendt describes the risks if human value is not respected:

“The first loss which the rightless suffered was the loss of their homes, and this meant the loss of the entire social texture into which they were born and in which they established for themselves a distinct place in the world. (...) What are unprecedented is not the loss of a home but the impossibility of finding a new one. Suddenly, there was no place on earth where migrants could go without the severest restrictions, no country where they would be assimilated, no territory where they could found a new community of their own.”³⁴

“The point is that a condition of complete rightlessness was created before the right to live was challenged.”³⁵

In the two quotes, Hannah Arendt describes the risk if human value is not respected. I see her words as a frightening background to what the future will bring to the refugees in third-world countries in camps, and to refugees in Europe without a permit to stay and without the economy and permit to make it possible to leave Europe. I see it as essential to respect the principle of human value in relation to migrants and refugees held in camps.

In this chapter I have brought forward different views concerning the principle of human value, human dignity and ethics in connection with human rights to serve as a frame to my study, a tool of understanding, and as a guideline in conducting interviews with a wider understanding. The perspective of these values is used to shed light on my questions and to present the problem in itself. I see the different interpretations of ethics and human value in combination with human dignity as important to have a greater understanding of the respondent’s narrative while conducting the interviews. My aim is to have a wider understanding how human dignity and human value is interpreted and to reach that aim I made a literature study before conducting the interviews.

2.1 Interpretation of human dignity and human value

This chapter elaborates on my conception of human dignity and human value. In the literature there is no consensus on what human dignity and human value

³⁴ Arendt, Hannah, *The Origins of Totalitarianism*, Meridian Books, The World Publishing Company, Cleveland and N.Y., 1951, p. 293.

³⁵ *Ibid*, p. 296.

means. In literature I saw many different interpretations of the expression or the concept of human dignity. Law has its viewpoint and other fields have its own interpretation. The different interpretations on human dignity could form a whole new study, as there is not just one interpretation of it.

I distinguish human value from human dignity. My view on human value is that it derives from human dignity. I see human dignity as a higher value that comes from a person experiencing being respected as a human person, like anyone else. It can be compared to the respect and dignity a person that is a citizen receives, compared to a stateless person with no rights and no state to protect his human rights. If other person value a person as having no value at all as a human, then he risk being used for other persons own purpose and gains, and he risk that others abuse him and violate him. He risks being sold like merchandise at a market. His inner core would be hurt. As a result of his human dignity is taken away from him, stolen by the people that abuse him and neglect his human value as a human being.

For a person to experience human value, it is essential to have autonomy since they are interlinked. What the refugees in camp experience is that all is taken away from them. In camps the refugees are being used as means for the others, and not for themselves. Refugees in camps in, for example Libya, are used for other people gains and that I see as a problem. Thereby, I will argue that autonomy creates human value for refugees. When refugees are being valued differently than other humans and without any respect for their dignity they lack all forms of autonomy. It is my interpretation that human value is a basic value and all human beings have a value as being human. In my view there is no human that does not own a human value. It is a core value that shall be respected, should not be taken away from anyone, and serve as a basic human value, holy in itself, as every person is a human being.

From the interviews I experienced that the refugees human rights was violated, but what hurts them the most was when they felt that their human dignity was stolen from them. A value that the respondents correspond when they talk about being human and how they lack autonomy and have lost the hope for a future. Human dignity I see as close to honour or like the human dignity citizens have, compared to the people that are stateless. To be citizen is to have the same human dignity as other citizens, a value that that is the same for all (citizens). This is my

definition of human value and human dignity, and this is the interpretation I assume when I study Fletcher, Bischofberger, Grenholm, Kant and others in my study.

2.2. Immanuel Kant and Jürgen Habermas

Immanuel Kant (1724-1824) spoke about the principle of morality as a standard (the Categorical Imperative) and that

“Specific moral requirements (...) are justified by this principle, which means that all immoral actions are irrational because they violate the Categorical Imperative.”³⁶

Kant also focuses on human autonomy due to human moral autonomy and claims that:

“Autonomy is the base of human value.”³⁷

As the principle of morality *“is the law of an autonomous will.”³⁸* Kant connects the ability for human to act free to human value and for him if you respect and secure freedom for a person, you also respect their human value.³⁹

I argue that even if the moral shift human value is a constant and it should be the same even if people and their attitudes shift, the principle of human value shall be respected. To have autonomy is an important factor that creates human value and human dignity for refugees, and when they are being valued differently than other humans and without any respect for their dignity they lack all forms of autonomy.

Jürgen Habermas talk about dignity that from the beginning was not meant for *“equal distribution of dignity but to status differences.”⁴⁰* He quotes Immanuel Kant:

“In the kingdom of ends, everything has either a price or a dignity. What has a price can be replaced by something else as its equivalent, what on the other hand is raised above all price and therefore admits of no equivalent has a dignity.”⁴¹

³⁶ Standord Encyclopedia of Philosophy, *Kant's Moral Philosophy*, 2016, p. 1 <https://plato.stanford.edu/entries/kant-moral/> (2019-06-18).

³⁷ Statens Medicinsk-etiska råd, *Det svärfångade människovärdet. En debattskrift*, Stockholm, 2012, p. 115.

³⁸ Standord Encyclopedia of Philosophy, *Kant's Moral Philosophy*, 2016, p. 1 <https://plato.stanford.edu/entries/kant-moral/> (2019-06-18).

³⁹ Henriksen, Jan-Olav. Vetlesen, Arne Johan, *Etik i arbete med människor*, Studentlitteratur, Poland, 2001, p. 155.

⁴⁰ Habermas, Jürgen, *The Concept of Human Dignity and the Realistic Utopia of Human Rights*, July 2010, Wiley, p 471.

To form a clearer understanding of the concept Kant voice I let Stanford Encyclopedia of Philosophy describe the thesis of Kant:

“Kant states that the above concept of every rational will as a will that must regard itself as enacting laws binding all rational wills is closely connected to another concept, that of a “systematic union of different rational beings under common laws,” or a “Kingdom of Ends.” (G4:433)”⁴²

And it states that

“We must “act in accordance with the maxims of a member giving universal laws for a merely possible kingdom of ends” (G4:439)”

Kant moves on in to precise the requirements:

- *“(I) It requires that we conform our actions to the laws of an ideal moral legislature,*
- *(ii) That this legislature lays down universal laws, binding all rational wills including our own, and*
- *(iii) That those laws are of “a merely possible kingdom” each of whose members equally possesses this status as legislator of universal laws, and hence must be treated always as an end in itself.”*

The importance of moral and ethics behind legislation and actions becomes evident. To further see my findings and conclusion in regards to that area see chapter four, five and six in this study, were I develop it some more in connection to respondents narratives and political decisions. Jürgen Habermas reminds us of the importance of dignity, when he describes how the Federal Constitutional Court declared the Aviation Security Act to be unconstitutional in Germany in 2006, he quotes the court and says:

“The respect for the dignity of every person forbids the state to dispose of any individual merely as a means to another end, even if that end be to save the lives of many other people.”⁴³

Habermans continues to develop this further by saying that:

“Human dignity (...) the moral “source” from which all of the basic rights derive their meaning.”⁴⁴

Habermas brings to light human dignity and that different aspects of it can emerge from experiences of *”what it means to be humiliated and be deeply hurt.”⁴⁵* As I did the interviews with refugees, their narratives bring forward their

⁴¹ Ibid, p 474.

⁴² Standord Encyclopedia of Philosophy, *Kant’s Moral Philosophy*, 2016, chapter 8. <https://plato.stanford.edu/entries/kant-moral/> (2019-06-18).

⁴³ Habermas, Jürgen, *The Concept of Human Dignity and the Realistic Utopia of Human Rights*, July 2010, Wiley, p. 465.

⁴⁴ Ibid, p. 466.

⁴⁵ Habermas, Jürgen, *The Concept of Human Dignity and the Realistic Utopia of Human Rights*, July 2010, Wiley p. 467-468 ff.

feelings of loss and how their spirit was broken as they were treated as being without human value and how their dignity was not respected.

2.3 Literature in the field of ethics, human dignity, human value and its connection to human rights

When human rights are threatened, it may be inevitable that ethics are being let down. I ask myself if that can be justified by security reasons or other reasons. Ethics run like a thin thread behind human rights articles and through them. Wherever dignity is threatened, the ethic is also at risk of being ignored as I see it. When it comes to responsibility of the state that is essential to address. The Swedish Constitution⁴⁶(1974:152), chapter 1, § 2 declares that:

“Public power must be exercised with respect for the equal value of all people and for the freedom and dignity of the individual.”⁴⁷

That is a core value in Sweden and a portal paragraph in how the state should be run.

I argue that the principle of human value should be respected for all, even if the moral shift. Rawls talk about a “veil of ignorance” and brings forward the possibility of mutual principles of justice in a fair procedure “*so that any principles agreed to will be just.*”⁴⁸If you look at the different standpoints of decisions regarding placing disembarkation platforms outside Europe decisions are not made behind a veil of ignorance, instead decisions are made for the greater good for Europe. There is a risk, as I see it, that decisions made in the greater good for society neglect that refugees have rights too.

Joseph Fletcher claims that persons are special.⁴⁹He makes difference between persons and sub persons, where as the sub persons do not have, the same qualifications and skills as persons.⁵⁰Sub persons are missing “*specific personal*

⁴⁶ Regeringsformen.

⁴⁷ Sveriges Riksdag, *Kungörelse om beslutad ny refereringsform SFS 1974-152*.
https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152 (2019-03-19).

⁴⁸ Rawls, John, *Dialogue on Justice: John Rawls on Distributive Justice*, The Belknap Press of Harvard University Press, 1971, p. 217.

⁴⁹ Collste, Göran, *Is human Life special? Philosophical perspectives*, Centre for Applied Ethics, Linköpings universitet, 1998, p. 28.

⁵⁰ The qualifications concerns among others, intelligence, self control, concern for others, sense of futurity, neo-cortical functions, etc.

traits.”⁵¹ Fletcher’s ideas come to my mind when I see the film the journalist from CNN made from slave auctions in Libya. Here the slave auctioneers first take themselves the right to sell people, second they describe the persons they are selling by only describing their skills as workers, like they lack all other skills. The film shows how people are being valued different and how human rights are totally neglected there. But the refugees lack most of their autonomy and their free will is not taken in consideration when it comes to migration. In my view the term of human dignity is historically connected to the human value arising from the religious view that human is created to be the image of God. What is then human value and how does the principle of human value enter our lives? If you read the preamble to the UN declaration of Human Rights with the 1 §;

*“The General Assembly,
Proclaim this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.*

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a Spirit of brotherhood.”

In the preamble and the first article focus is being put on the fact that all human beings shall have equal rights and dignity as its being closely interlinked with human rights. Grenholm conclude that within the principle of human value every human have the same value, regardless of it’s race, sex, nationality or what social group they belong to.⁵²This principle of human value derived from two moral principles; the principle that say that out of goodness we should strive for every-

Park, James Leonard, *Personhood bibliography, Joseph Fletcher, Humanhood: Essays in Biomedical Ethics*, 1979, 2017, p. 1.

<https://s3.amazonaws.com/aws-website-jamesleonardpark---freelibrary-3puxk/B-PERSON.html> 2019-05-26.

⁵¹ Collste, Göran, *Is human Life special? Philosophical perspectives*, Centre for Applied Ethics, Linköpings universitet, 1998, p. 37.

⁵² Grenholm, Carl-Henric, *Bortom Humanismen, en studie i kristen etik*, Verbum, Kristianstad, 2003, p. 264.

thing that is good and avoid everything bad.⁵³The other principle is a combination of two out of justice, first we shall divide equal and just for everyone and second every human shall be treated as equal, Grenholm says. In his conclusion he states that what is unique in Christian ethics are the three moral principles:

“Människovärdesprincipen, en godhetsprincip och en rättvisseprincip.”⁵⁴

The principle of human value I see as essential. When human value is interpreted as different for different nationalities, skin colour or sex it will affect these persons human dignity and the following human rights. Erwin Bischofberger develop the thought that the essential value a person have comes from the very existence of the person and contains here dignity with the conception of an ethical sign that promotes:

“The most basic and highest ethical value: the integrity in every person.”⁵⁵

Bischofberger sees the two concepts are tightly connected, with a different meaning.⁵⁶He lifts human dignity to the highest ethical level that I find correlates well to human rights. How can there be human rights for all if their dignity is not respected, I ask myself.

2.4 Summary and conclusions

To reach a fuller understanding of the concept of human value, human dignity and its connection to human rights I have made a literature study and form my knowledge about these concepts to be used as a tool when conducting interviews. A tool to be used as a backdrop to bear in mind while listening to the respondent's narrative about their time spent in camps outside Europe. The respondents talk about what really happened in camps and the theoretic frame that creates a wider understanding will serve as an analytical tool to fully grasp what impact the respect, or disrespect, of the principle of human value have. That is why the literature studies were made before the interviews took place. I found this essential since the interpretation of human value and human dignity differ among researchers and to fully understand how that affect refugees in camps I saw a need to investigate different interpretations closer.

⁵³ Ibid p. 264.

⁵⁴ Grenholm, Carl-Henric, *Bortom Humanismen, en studie i kristen etik*, Verbum, Kristianstad, 2003, p. 270.

⁵⁵ Bischofberger, Erwin, *Kroppens etik*, Bokförlaget Libris, Örebro, 2002, p. 78.

⁵⁶ Ibid, p. 78.

In this chapter I have discussed the views of Jürgen Habermas, John Rawls, Joseph Fletcher, Carl-Henric Grenholm, Erwin Bischofbergers as well as of Immanuel Kant and Hannah Arendt. I do not compare each researcher against Kant and Arendt; instead, I study their different views to reach a wider understanding. Hannah Arendt serve as a reminder of what could come in the future if politicians do not respect the principle of human value for all humans. When you study literature in this field, it becomes clear that there is no consensus in interpretation of human value and human dignity. Instead, it is a field that is evolving with new interpretations being made. Kant brings forward the importance of moral behind legislation and in actions.

My conclusion is that there should be no different settings for moral regarding members of the European union and refugees. If you interpret the principle of human value differently it will affect the respect of human dignity. If you have a different human value on a person from a different country, or with a different skin colour, that will affect the respect for the refugees human dignity and as a consequence his human rights. From studying the literature, I also came to the conclusion that I do not consider human value and human dignity to have equal meaning. Instead, I see them as strongly connected and that human dignity is preserved as a result of human value being respected. When human value is equal among humans, when every human being is looked upon with the principle of human value close at hand, then humans can have their human dignity intact. As a result of that their human rights will be respected.

In the next chapter I will present the background to political decisions and plans regarding disembarkation platforms.

For further information about each researchers view I refer to each specific chapter, and for further reading, the references to this study are to be found in the end of this study.

Chapter 3. Off shore placements of refugees

In this chapter I have discussed the background to the political decisions of off shore placement, disembarkation platforms in Europe and its connection with refugees and the various issues that arise in these combinations.

The large numbers of refugees that arrived to Europe around 2015-2016 affected the EU member states. They started to look upon refugees in a different way than before. Before human rights was held high, but in 2015 a shift was made into looking upon large numbers of refugees as a problem that needed to be solved. This made the background to political discussions to form a way to change the present migration laws, but also to try to make a new solution to the “Dublin-cases” was a person first left his fingerprints upon arrival to one country in the EU, and then moved on to apply for asylum in another EU country. The second EU country sent the refugee back to the first EU country where he had his fingerprints registered by the police. This follows from the Dublin Convention, hence “Dublin-cases.” As these cases grew in numbers the cost for this grew in size forming yet another economical problem. The political discussion continued with the topic to stop the death at the sea from refugees and at the same time preventing refugees to arrive to Europe in large numbers. This affected a variety of societies in Europe and made politicians in Europe to talk about changes in the asylum law, how to apply for asylum and from where and that the Dublin convention desperately needed a change. This resulted in decisions and suggestions about disembarkation platforms in third countries, safe or unsafe countries to disembark refugees and immigrants, but also in a new and old way of placing asylum practise offshore, outside Europe, like Australia. Australia forms the backdrop to ideas of placing refugees in distant islands while their asylum application is being assessed. Since that the asylum applications to Australia decrease. Consequences of disembarkation in third countries can be that the European member states loose control of the asylum process and cannot safeguard the refugee’s human rights in the camps. The question of non-refoulement is essential and it is contradictive to even suggest that Libya could be a country for placing disembarkation camps, since Libya is not considered to be a safe country.

3.1 Off shore placements of refugees and MS Tampa

Disembarkation of refugees has been a topic that especially came into light with the Norwegian flagged cargo ship MS Tampa picked up refugees that came from Indonesia in a boat outside Australia and the consequences of that. The refugees were mainly hazara people from Afghanistan and they threatened to kill themselves if returned to Indonesia.⁵⁷ The refugees wanted to be taken to an island belonging to Australia, but Australia's Department of Immigration informed the captain that he was refused to enter Australian waters and could be fined 110 000 Australian dollars if he did.⁵⁸ Australian Navy ship later took care of the refugees and put them on an island. This led to a new legislative framework in Australia called the Pacific Solution.

“This included the excision of many of Australia’s offshore islands, including Christmas Island, from Australia’s migration zone. This meant that asylum-seekers had no automatic right to apply for refugee status if they arrived on these islands. The Pacific Solution also meant that asylum-seekers could be processed offshore, in places like Nauru and Papua New Guinea’s Manus Island. (...) The Government stated that the implementation of its immigration policy was saving lives by discouraging people from setting sail for Australia in unseaworthy boats.”⁵⁹

Since then politics in Australia has gone back and forth regarding “turnbacks” on refugees arriving by boat.⁶⁰ This is the background to European member countries talk about disembarkation of refugees and asylum process in third land countries. In Australia the number of refugees by boat decreased in the aftermath of their new regulations. That is the effect the European member states are looking to

⁵⁷ National museum, Australia, *Defining moments “Tampa affair”*. 2001: Australian troops take control of Tampa carrying rescued asylum-seekers.

<https://www.nma.gov.au/defining-moments/resources/tampa-affair>
(2019-05-08).

⁵⁸ Rielly, Alex, *Australian politics explainer: the MV Tampa and the transformation of asylum-seekers policy*, The Conversation, 2017-04-27.

<https://theconversation.com/australian-politics-explainer-the-mv-tampa-and-the-transformation-of-asylum-seeker-policy-74078>
(2019-05-08).

⁵⁹ National museum, Australia, *Defining moments “Tampa affair”*. 2001: Australian troops take control of Tampa carrying rescued asylum-seekers.

<https://www.nma.gov.au/defining-moments/resources/tampa-affair> (2019-05-08).

⁶⁰ Further information about the “MS Tampa case” can be found in *Ruddock v. Vadarlis*, Federal Court of Australia (FCA), 1 (2001), nr 1329, Ruling on the 8 September 2001. Australia won the case, and “The power to determine who may come into Australia is so central to its sovereignty that it is not to be supposed that the Government of the nation would lack under the power conferred upon it directly by the Constitution, the ability to prevent people not part of the Australia community, from entering”, paragraph 193 in the Court sentence.

accomplish by disembarkation platforms in third world country including the asylum applications being processed there.

3.2 European countries views on migration and offshore solutions

Against the background of the death of many refugees in the Central Mediterranean Sea the European Council gathered the EUM's in June 2018.⁶¹ Their discussions about limiting the numbers of migrants to enter Europe resulted in two suggestions; disembarkation platforms and controlled centres. Disembarkation platforms were planned to be in North Africa while the controlled centres inside Europe.⁶² Three scenarios appear from EC documents;

- “1) A regional disembarkation mechanism (within the EU) for migrants rescued within EU or international waters by EU state's flag vessels;*
- 2) A regional disembarkation mechanism (in a third country) for migrants rescued within international or third country waters by EU State's flag vessels or third country vessels;*
- 3) External processing (outside of the EU) of all asylum applications regardless of place of rescue (even for migrants rescued in EU waters).”⁶³*

The third option was considered illegal by the EC if migrants were rescued within EU waters.⁶⁴ The possibilities for migrants to be saved by ships from EU with EU flag and returned to a third country still exist, but the EC further says that:

“Sending back an asylum seeker to a third country without processing their asylum claim constitutes refoulement and is not permitted under EU and international law.”⁶⁵

To make the offer more favourable for the third countries the EU suggested to make “tailor-made and targeted incentives packages” to make third world countries accept the request to house these types of camps.⁶⁶ European Council concluded in 28 June, 2018 that migration is to be combined with a more effective control of EU's borders. Intensified efforts to stop human smugglers will be made.

⁶¹ Caritas Europa, Position paper: *Analysis of EU proposals for disembarkation mechanism*, 17th of October 2018, p. 1, ff.

⁶² Ibid, p. 1-2 ff.

⁶³ Caritas Europa, Position paper: *Analysis of EU proposals for disembarkation mechanism*, 17th of October 2018, p 1-2 ff.

⁶⁴ Ibid, p. 2.

⁶⁵ Caritas Europa, Position paper: *Analysis of EU proposals for disembarkation mechanism*, 17th of October 2018, p. 2.

⁶⁶ Ibid, p. 3.

Vessels in the Mediterranean cannot hinder the work of the Libyan coastguard. They have to respect law. To ensure swift returns more efforts are needed and new land and sea routes must be prevented.⁶⁷ Regarding disembarkation the European Council says:

“The European Council calls on the Council and the Commission to swiftly explore the concept of regional disembarkation platforms, in close cooperation with relevant third countries as well as UNHCR and IOM. Such platforms should operate distinguishing individual situations, In full respect of international law and without creating a pull factor.” (...) “Tackling the migration problem at its core requires a partnership with Africa aiming at a substantial socio-economic transformation of the African continent building upon the principles and objectives as defined by the African countries.”⁶⁸

This clearly shows that EU is planning ahead for “solving the migration problem” by placing most of the applications for asylum in third country, if possible. The European Council continues with:

“In the context of the next Multiannual Financial Framework, the European Council underlines the need for flexible instruments, allowing for fast disbursement, to combat illegal migration. The internal security, integrated border management, asylum and migration fund should therefore include dedicated, significant component for external migration management.” (...) The supportive role of FRONTEX including, in the cooperation with third countries, should be further strengthened through increased resources and an enhanced mandate. It welcomes the intention of the Commission to make legislative proposals for a more effective and coherent European return policy.”⁶⁹

This has raised questions by among all, Caritas Europa, they are concerned that:

“MS are trying to entirely shift their asylum and international responsibilities to third countries by providing them with financial and operational support. All the more avoiding legal responsibilities in case things go wrong.” (...) A lack of legal protection pathways to Europe would mean more people with protection needs having to use “local solutions” in third countries that are not necessarily legally and operationally equipped to receive a big number of refugees.” (...) “We are also greatly concerned about the return of migrants who are not found to have protection needs.” (...) “This situation may keep unreturnable migrants living in limbo in sub-standard situations.”⁷⁰

The EU plan to support countries financially, by education and support in how to run camps and make decisions regarding asylum and returning illegal immigrants to their country of origin. There is a fear that people that has fled their own country for various reasons will be deported to the very same country they fled from.

⁶⁷ Council of the EU, Press Release, 2018-06-29, *European Council conclusions, 28 June 2018*, p. 1.

⁶⁸ Ibid, p.1.

⁶⁹ Council of the EU, Press Release, 2018-06-29, *European Council conclusions, 28 June 2018*, p.2.

⁷⁰ Caritas Europa, Position paper: *Analysis of EU Proposal for disembarkation mechanisms*, 17th of October, 2018, p. 5.

3.3 Disembarkation platforms outside EU

Vienna, Austria held an informal meeting of SCIFA⁷¹ regarding disembarkation arrangements and controlled centres. In this meeting the question was about setting up controlled centres within member states of the European Union on a voluntary basis, but here the member states agreed on

“Taking further steps towards a swift outreach to potential partner countries.”⁷²

Among other tasks SCIFA serve as a forum

”For a first exchange of views in case of politically important legislative proposals and initiatives and set the direction for work at expert level in the relevant working parties.”⁷³

The European Council adopted the following conclusions on the 28th of June, 2018 regarding regional disembarkation arrangements and disembarkation arrangements in order to be able to deal with future migration flows as those in 2015. First, they concluded to explore the possibility of disembarkation platform in close cooperation with relevant third countries, UNHCR (The United Nations High Commissioner for Refugees) and IOM (The International Organisation for Migration).⁷⁴ The Council argues that disembarkation in third countries could lead to possible resettlement to the EU or assisted return and reintegration to countries of origin. This could be combined with “Controlled Centres” in the EU. The Commission will explore regional disembarkation in close cooperation with IOM and UNHCR to seek partnership with third countries.⁷⁵ However, the plan to engage third countries in migration to EU was not appreciated. Morocco, Tunisia and Algeria rejected to participate in the plans for Regional disembarkation platforms.⁷⁶ EU had planned to cooperate with North Africa, UNHCR and IOM. In the

⁷¹ Strategic Committee on Immigration, Frontiers and asylum (SCIFA).

<https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/strategic-committee-immigration-frontiers-asylum/> (2019-03-29).

⁷² SCIFA, Informal meeting of SCIFA, Vienna, Austria, *Disembarkation Arrangements/ Controlled Centres*, 20-21 September, 2018, p. 3.

⁷³ Strategic Committee on Immigration, Frontiers and asylum (SCIFA).

<https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/strategic-committee-immigration-frontiers-asylum/> (2019-03-29).

⁷⁴ European Commission, Migration: *Regional Disembarkation Arrangements. Follow-up to the European Council conclusions of 28 June, 2018*.

⁷⁵ European Commission – Press release, *Managing migration: Commission expands on disembarkation and controlled Centre Concepts*, Brussels, 24 July, 2018.

⁷⁶ Abderrahim, Tasnim, *Pushing the boundaries: How to create more effective migration cooperation across the Mediterranean*, European Council on Foreign Relation, ecf.eu), 15 of January, 2019. (2019-04-23).

platforms migrants and asylum seekers that was intercepted at sea would be held. There have been questions about the legality in these actions, and EU responds that:

“Disembarkation in a third country is possible if the search and rescue is carried out in the territorial sea of that country, by its coast guard or by other third country vessels. If the search and rescue occur in International waters and involves an EU State’s flag vessel disembarkation can still take place in a third country, provided that the principle of non-refoulement is respected.”⁷⁷

UNHCR and IOM point out in step 6 that if they have no claim to International protection or have any specific need they will be returned to their country of origin, but they prefer voluntarily return and reintegration.⁷⁸ There has been discussed the legality of making “wholesale returns” of refugees that have come under a European member states jurisdiction.⁷⁹ The European Commission stated that:

“Only those who somehow are rescued in the territorial waters and by vessels of the host third country could be brought there without the EU or EUMS incurring prima facie responsibility. Those saved by EU vessels could only be brought to a non-EU State provided the principle of non-refoulement is respected.”⁸⁰

In the regional disembarkation platforms (RDP) after asylum application has been processed the refugee can be resettled to EU or integrated in the country their asylum case is being handled. Today EUM handle asylum cases locally at the national level. The refugee can make an appeal if he wants to change the decision. If applicably that can be taken to CJEU court after the case have been tried at all level in the EU member country. There is a question about how that might change if EUM start to run asylum assessments in third countries. Today CJEU is the only competent court to rule in EU acts, they would then function as appellate body. CJEU cases take years to get decision as it is now, how that would change

https://www.ecfr.eu/publications/summary/pushing_the_boundaries_effektive_migration_cooperation_across_Mediterranean

⁷⁷ Abderrahim, Tasnim, *Pushing the boundaries: How to create more effective migration cooperation across the Mediterranean*, European Council on Foreign Relation, ecfr.eu, 15 of January, 2019. (2019-04-23).

https://www.ecfr.eu/publications/summary/pushing_the_boundaries_effektive_migration_cooperation_across_Mediterranean.

⁷⁸ UNHCR, IOM, *Proposal for a regional cooperative arrangement ensuring predictable disembarkation and subsequent processing of persons rescued-at-sea*, 2018-06-27, p. 5.

⁷⁹ That can come to effect if a ship take on refugees from the sea and then take them to, for instance, Libya to have their application of asylum to Europe handled there.

⁸⁰ Maiani, Francesco, *Ref Law*, a project of the University of Michigan Law School, “*Regional Disembarkation Platforms*” and “*Controlled Centres*”, *Lifting The Drawbridge, Reaching out Across the Mediterranean, or Going Nowhere?* p. 2.

<http://www.reflaw.org/regional-disembarkation-platforms-and-controlled-centres-lifting-the-drawbridge-reaching-out-across-the-mediterranean-or-going-nowhere/#> (2019-04-23).

with thousands of cases is hard to predict.⁸¹ This could cause a situation where thousands of refugees will be held in these camps off shore for years to come in limbo. As ECRE's Secretary General Catherine Wollard commented on the AU's position:

*"More specifically they don't want to host these centres. They are concerned that those centres may become a magnet for trafficker smugglers, for problematic activity and that people can get stuck in those centre, detained for many years."*⁸²

The offer from the European member states to North Africa about hosting camps did not sit well, instead you could read in the Oman Observer in October 2018 that the North African neighbours and Libya are:

*"Opposed to the EU's plan for "regional disembarkation platforms" for migrants. "All north African counties reject this proposals Tunisia, Algeria, Morocco and Libya."*⁸³

One problem that rises with large numbers of refugees or immigrants placed in camps is how to return refugees that got a negative decision. Many refugees and immigrants lack proper identification, and that makes it hard return the refugees since their native country do not accept to receive persons without a clear identity. These refugees will find themselves in camps or detention camps for a very long time. This subject has not been lifted in this discussion of off shore disembarkation for refugees, but is one of many reasons for third countries refusal to accept to host camps. African Union (AU) wrote in its *"The Common African position paper"* that *"By the body of 55 Africans states holds that the regional disembarkation platforms would "breach international law" by establishing "de facto detention centres" on African soil"*. The ALS Summit says that:

*"African capitals worry that this plan will see the establishment of something like modern daily slave markets, with the 'best' Africans being allowed into Europe and the rest tossed back- and it is not far from the truth."*⁸⁴

⁸¹ Maiani, Francesco, Ref Law, a project of the University of Michigan Law School, *"Regional Disembarkation Platforms" and "Controlled Centres", Lifting The Drawbridge, Reaching out Across the Mediterranean, or Going Nowhere?* p. 2.

http://www.reflaw.org/regional-disembarkation-platforms-and-controlled-centres-lifting-the-drawbridge-reaching-out-across-the-mediterranean-or-going-nowhere/#_p.4, (2019-04-23).

⁸² Ecre, European Council on Refugees and Exiles, *EU-ALS Summit Overshadowed by AU Documents Thwarting EU Plans for 'Disembarkation Platforms'*, 2019-03-01.

<http://www.ecre.org/eu-las-summit-overshadowed-by-au-document-thwarting-eu-plans-for-disembarkation-platforms/> (2019-04-23).

⁸³ AFP, The Oman Daily Observer, *Libyan FM rejects EU 'disembarkation platforms'*, 2018-10-20. <http://www.omanobserver.om/libyan-fm-rejects-eus-disembarkation-platforms/> (2019-05-01).

⁸⁴ Ecre, European Council on Refugees and Exiles, *EU-ALS Summit Overshadowed by AU Document Thwarting EU Plans for 'Disembarkation Platforms'*, 2019-03-01, p. 2.

<https://www.ecre.org/eu-las-summit-overshadowed-by-document-thwarting-eu-plans-for-disembarkation-platforms/> (2019-04-23).

Having the CNN film from slave markets fresh in mind, these words from the ALS Summit make their objections understandable.

3.4 Situation in camps, UNCHR camps or other camps

Médecins Sans Frontières (MSF) has reported on dire conditions in Camps in Libya with arbitrary detentions where MSF don't have access to refugees being held in detention.⁸⁵ In January MSF reported that refugees that were rescued from the sea was brought back to Libya to be locked up in crowded detention centres, as MSF say, in violation of International Law.⁸⁶ This is a result of an increased number of people being disembarked to Libyan shores.⁸⁷ MSF further reports of malnourished, starving children in Libyan detention centres. Libya's Department for combatting illegal migration (CIM) run the centres and in Sabaa detention (in southeast Tripoli) MSF report of dire conditions.⁸⁸

*"670 000 refugees, migrants and asylum seekers are in Libya. This population is regularly exposed to human rights abuses including extortion, torture and other ill-treatment, sexual violence, exploitation and forced labour."*⁸⁹

The UN report states:

*"Libyan law criminalizes irregular entry into, stay in or exit from the country with a penalty of imprisonment pending deportation, without any consideration of individual circumstances or protection needs. Foreign nationals in vulnerable situations, including survivors of trafficking and refugees, are among those subjected to mandatory and indefinite arbitrary detention. Libya has no asylum system, has not ratified the 1951 Convention relating to the Status of Refugees and does not formally recognize the United Nations High Commissioner for Refugees (UNHCR), while de facto allowing the agency to register some asylum seekers and refugees from a limited number of countries."*⁹⁰

MSF's head of emergencies, Karline Kleijer says:

⁸⁵ Médecins Sans Frontières, *Medical Care for migrants along central Mediterranean route*, 2018-01-29, p. 1.
<https://www.msf.org/medical-care-refugees-and-migrants-along-central-mediterranean-route> 2019-03-19).

⁸⁶ Médecins Sans Frontières, *Refugees returned to overcrowded Libyan detention centres*, p. 1 ff, <https://www.msf.org> (2019-04-23). (2019-04-23).

⁸⁷ In the beginning of 2019 there were 650 people, on the 23rd of January 2019 it had increased to 930 persons. Ibid, p. 1 ff, 2019-01-23.

⁸⁸ Médecins Sans Frontières, *LIBYA: Report on nutrition screening findings in Sabaa detention centre*, Tripoli, Libya, March 2019, <https://www.msf.org/ alarming-rates-malnutrition-and-inhumane-conditions-tripoli-detention-centre-libya> (2019-05-03).

⁸⁹ Ibid, p. 1.

⁹⁰ United Nations Support mission in Libya, United Nations Human Rights, Office of the High Commissioner, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December, 2018, p. 5.

“The fact that Europe, too, is contributing to this suffering through policies that enable people rescued at sea to be forcibly returned to inhumane detention conditions in Libya is utterly unconscionable.”⁹¹

Other reports from camps tell the tale of bad conditions in camps for refugees. The latest one from 2nd of May 2019 about Yemen reported by IOM where approximately 5,000 migrants from the Horn of Africa stay in two sports stadiums and a camp by the military.⁹² Eight died of diarrhoea (AWD) in a camp where 1400 migrants stay, IOM offer support, but yet in April guns were fired at detained migrants by the guards and over 2 500 persons were held there on the 22nd of May 2019 in camp of the Stadium.⁹³ CNN reported 2017-11-14 that people were being sold at slave auctions in Libya for work. At the film you can see on the page the reporters interview some of the people being detained and they give a tale about being tortured, sold as slaves, sexually used and without proper food in Libya.⁹⁴ The UN summarize in their report that:

“Migrants and refugees suffer unimaginable horrors during their transit through and stay in Libya. From the moment they step onto Libyan soil, they became vulnerable to unlawful killings, torture and other ill-treatment, arbitrary detention and unlawful deprivation of liberty, rape and other forms of sexual and gender-based violence, Slavery and forced labour, extortion and exploitation by both state and non-State actors.”⁹⁵

When refugees and migrants in Bani Walid in Libya tried to escape being captivated in May 2018, they were shot and chased by human traffickers. 25 were injured and 15 died.⁹⁶ There is estimated that 6 800 refugees and migrants were held in detention in Libya.⁹⁷ UNHCR says that Libya grants them access to people from “*Eritrea, Ethiopia, Iraq, Palestine, Somalia, Syria and some from Sudan.*”⁹⁸

⁹¹ Hayden, Sally, *Médecins Sans Frontières says children are starving in Libyan detention centres*, 2019-03-21. <http://www.irishtimes.com> (2019-04-23).

⁹³ IOM, *Migrants Die While Detained in Inhumane Conditions in Yemen*, 2019-05-02. <https://www.iom.int/news/migrants-die-while-detained-inhumane-conditions-yemen>(2019-05-03).

⁹⁴ Elbagir, Nima. Razek, Raja. Platt, Alex. Jones, Bryony, CNN, Exclusive report, *People for sale. Where lives are auctioned for \$ 400*, Tripoli, Libya, 2017-11-14, (2019-05-03). <https://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html>

⁹⁵ United Nations Support mission in Libya, United Nations Human Rights, Office of the High Commissioner, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 20 December, 2018, p. 4.

⁹⁶ Ibid, p. 30.

⁹⁷ Among them around 3700 of them applied for asylum and were other types of refugees, 2018-09-18, Ibid, p. 39.

⁹⁸ Nielsen, Nikolaj, EU observer, *UN sets conditions for EU 'disembarkation platforms*, Brussels, 28 June, 2018, p. 3. <https://euobserver.com/migration/142223> (2019-04-23).

“Beyond those seven nationalities we have no access to refugees from other countries, that has been a growing concern for the UNHCR.”⁹⁹

This further increases the fear that European member states would have no control in these camps in third-world countries.

3.5 One possible solution or several

Solving migration issues is difficult since the reason for a person to leave his country is not just one, but also many. In EU the border police FRONTEX have been given a large mandate to guard the outer borders of the EU, but they can also act within the member countries.

“The EU has mandated the agency to negotiate working arrangements with several third countries, including Tunisia and Morocco. These working arrangements aim to secure the partner country’s participation in joint operations such as joint return flights, training programmes, and information exchange and risk analysis.”¹⁰⁰

That can be a way to prevent large numbers of refugees and immigrants to enter Europe. But it does not solve the problems that led them to leave their country *en masse*. Another solution could be to help improve the asylum process and migration issues in Tunisia, Algeria and Morocco. That could lead to the assumption that these countries would be looked upon as safe third-world country, an effect that could lead to a larger influx of refugees as EU member states could deport refugees to these countries without risk of non-refoulement. UNCHR wants states to stop sending people back to uncertain conditions. As they say:

“UNCHR is also calling on States to stop apprehending and returning thousands of people to neighbouring countries without allowing them to seek asylum or assessing individually whether they have international protection or other humanitarian needs – a practice known as “push-backs.””¹⁰¹

This raises the question of “safe countries,” a country that is safe enough to send a refugee that got no legal claim to stay to.

⁹⁹ Nielsen, Nikolaj, EU observer, *UN sets conditions for EU 'disembarkation platforms*, Brussels, 28 June, 2018, p. 3.

<https://euobserver.com/migration/142223> (2019-04-23).

¹⁰⁰ Abderrahim, Tasnim, *Pushing the boundaries: How to create more effective migration cooperation across the Mediterranean*, European Council on Foreign Relation, e CFR, 15 of January, 2019, p. 15.

https://www.ecfr.eu/publications/summary/pushing_the_boundaries_effektive_migration_cooperation_across_Mediterranean (2019-04-23).

¹⁰¹ FFM-Online, Forschungsgesellschaft Flucht & Migration e.V. UNHCR Report *Desperate Journeys. Refugees and migrants arriving in Europe and at Europe's borders, January-December, 2018*, (2019-04-23), p. 2 ff.

<https://ffm-online.org/unhcr-reportdesperate-journeys/>

3.6 Summary

I have showed here how the discussions in the member states of European union have been regarding the future solution for refugees. Plans have been made to approach third world countries to accept placing refugees in large disembarkation camps, and regional camps to avoid deaths at sea, reduce smugglers at the sea and place refugees in third-world countries while handling their asylum application. The effect the Australian way of handling refugees had on the number of asylum applications inspired Europe member countries.¹⁰² I have shown the attitude the European countries have on this matter, how they detach themselves from handling migration and refugees with the idea of placing refugees in third world countries assessment of asylum applications. In European Councils meeting in June 2018 disembarkation in a third-world country for migrants rescued international or third countries waters by EU States flag vessels was discussed. The decision was to investigate this matter further with external asylum processing, in third world countries, of all asylum applicants, regardless of place of rescue, even for migrants rescued in EU waters are also discussed and its legality. The meaning of non-refoulement was brought to daylight. It is not legal to send back asylum seekers to a third country without processing their asylum claim. Also non-refoulement must be evaluated. The discussion moved forward about camps preferable countries on the other side of the Central Mediterranean Sea, such as North Africa, Libya, Tunisia, Morocco, Algeria, and the latest country Egypt. These countries have been discussed as possible partners in this with a “*tailor-made and targeted incentives packages*” as Caritas Europe put it. The political discussion in Vienna 2019 continued with disembarkation arrangements and controlled centres in third world countries and Europe. The member states agreed to move further with this to potential partner countries. In 2018, Morocco, Tunisia and Algeria, as well as North Africa have turned these suggestions down. The plan was also to involve UNHCR and IOM to run the centres. Both UNHCR and IOM do point out in six steps that if the person has no claim to international protection of any specific need they will be returned to their country of origin. Discussions on whole-sale returns have been discussed and the meaning of non-refoulement and how

¹⁰² As when the cargo ship Tampa that was flagged by Norway that picked up hazari refugees from Afghanistan that travelled by boat from Indonesia on their way to Australia that arrive by boat have had on EU's way of planning for refugees.

that affects refugees rescued to a ship. Disembarkation brings forward the question not only of disembarkation refugees, but also about off shore handling asylum decisions in third world countries. The legality in how to make appeal and the legal consequences are a matter of interest now. The AU is concerned that these centres will attract human traffickers, problematic activity and that people will be forced to stay there for years to come. MSF have reported on very dire conditions in camps in Libya with arbitrary detentions and where MSF cannot contact all the refugees held there. MSF say this is a result of more and more people being disembarked to Libyan shores.¹⁰³IOM report about the situation in Yemen where refugees, approximately 5, 000 people, stay in sport stadiums and military camps. People have died of diarrhoea (AWD) and guns have been fired at detained migrants. MSF reported in March 2019 about Sabaa detention centre that lacked food. They estimate that 670 000 refugees, migrants and asylum seekers are in Libya now (2019). They are regularly exposed to human rights abuses, including extortion, torture and other ill treatment, sexual violence, exploitation and forced labour, says MSF. The UN reports in December 2018 that it is illegal to irregular entry, stay in, or exit from Libya. The penalty is imprisonment pending deportation, without any consideration about protection needs. The UN states that Libya has no asylum system and has not ratified the 1951 Convention relating to the Status of refugees and does not formally recognise the United Nations High Commissioner for Refugees. CNN reported of slave auctions being held in several places in Libya in 2017. The CNN interview showed that people are being detained, tortured, and sold as slaves, sexually used and without proper food in Libya. Further the UN report of migrants in Bani Walid in Libya was shot and chased by human traffickers. The question of non-refoulement brings forward the need for a list of safe countries to return the refugee to and Libya cannot as best be seen as a safe country.¹⁰⁴

In the next chapter I will present my interviews done in Italy with respondents that have spent time in camps outside Europe as refugees.

¹⁰³ MSF talk about the legal, official camps. There are also other camps in Libya.

¹⁰⁴ Work is under way to reform the VISA system. Before information was only held about short stay visas, now it will hold information about long stay visas, illegal entry and information about residence permit. This is a way for countries to identify nationality and help identifying a person.

Chapter 4. The voice of refugees

In this chapter I have presented the result from the interviews I conducted in Italy. I have chosen to listen to the voice of refugees that actually have first hand experience of being in camps in third-world countries (Libya and Jordan) and by their narrative bring life to the area of the problem, namely how placement of refugees in large camps outside Europe risk violating their human rights and neglect the ethics of life. Their own words can give voice to why human rights are needed, and what can happen when no one protects your rights. A refugee that has left his state is not protected by his country.

4.1 A journey of no return

The first interview I see as a narrative to how terrible the situation can be if you find yourself in a camp run by criminals or kidnappers in Libya. It can also be seen as an illustration on how some persons view on people from other countries affects their lack of respecting human rights and value human value and human dignity in another way as preferred in a camp run by the UNHCR. What happened to him in camp and what he had to endure can be seen as a risk refugees face if they end up in camp in Libya. I ask myself what happen to their human dignity when they face being in a situation almost like a vacuum, with no autonomy at all.

In early May 2019 I did an interview with a man, a refugee in Italy that originally comes from Nigeria. He is 41 years old. When I asked about his way to Europe he called it “*a journey of no return.*” He had no plans for the future, did not want to look back, just tried to survive in the daily life. He showed me photographs of his beautiful wife and sons, and an even more beautiful young daughter of his. When I asked him if he had plans to take them to Europe, he answered with a sad look in his face, that his oldest son was just starting University studies in Nigeria. Then he turned away to look at the palm trees by the station house. As he turned back, he started to tell me about the situation in different types of camps in Libya. Originally he thought he could have a good life in Libya and did not have plans to go to Europe. Now he knows the truth about Libya, “*don't thinks all of us are Africans in Libya,*” he said. The other looks down on people because of the colour or shade of the skin, he said.

He worked for around 6 months for a man that later would pay for his boat trip this time towards Europe. The boat was too full, with 120-150 persons and a weak and slow engine. Then came the kidnappers. They had speedboats. He was kidnapped three times and shot twice when he tried to escape. Once he was kidnapped from a car, he was in. The kidnappers stopped the car, pointed a gun at him and dragged him out. Later they wanted ransom money from his family. Another time he was in a boat on the way to Europe when “the Asman boys” kidnapped him. That is what they call the kidnappers that take strangers for ransom, he said. He said they took all of value from him, and then called his family from his phone while they tortured him, so that his family would hear him scream to get his family to pay the kidnapper ransom money for him. Money he’s family did not have. He spoke about being without food for 3 to 4 days. He talked about human trafficking, women and children held in one place, forced to prostitute themselves to give the owner of the camp money. Most of the girls were molested and raped to force them into prostitution. Men came and paid the owner of the camp money to take the girls away and “*have fun with them.*” Human trafficking was an ongoing business.” *No talk. If you talked – 24 lashes.*” His back bears witness of what happened. He is a Christian and when wanted to pray, he was taken by the camp guard too answer to the owner of the camp: “*What have I told you about praying?*” You learned to be quiet. To pray in silence. I asked him about how the guards treated them and he said “*they are the demons.*” They tortured him. He got burn marks on his legs and all over his back from them. When someone was killed, they had the refugees to call their family to as for money for getting the dead body back. If they did not pay, the body was thrown away. All around the camp there were gunfire’s. The guard could fire a gun over your head, close to your ear, everything to create fear.

“You learned to be quiet. Not to talk to anyone. You had no friends. You are alone in this journey.”

The men did different types of work, and the money got paid to the camp owner. When I asked about the situation in the camp, he said:

“One night you sleep next to someone. The next day they kill him, and you have to drag him out in his arms and legs to throw away in the desert.”

He was forced to stay in Libya for 1 year and 6 months, until he escaped with two men that were brothers. (One of the brothers got shot and killed when they es-

caped). He finally made the trip over the sea to reach the shores of Italy. Here he still waits for the decision if he can stay, or not. Every day he talks to his wife and children.

4.2 I only want to be human

This interview can mirror disembarkation or regional disembarkation camp, since those camps plans to be run by UNHCR and IOM. Respondent number two have been in a camp run by UNHCR in Jordan. His words illustrates how human dignity and human value is respected and disrespected, in correlation with human rights in camps run by the UNHCR in an upstart phase.

The second interview I did with a political refugee from Syria. He is 34 years old. He has got a five-year permit to stay in Italy as a political refugee. He is now working and studying Italian language in Italy. He escaped the war in Syria after he had come home one day and found that his house was destroyed in a bomb attack and after that he never saw his mother again, since she was home at the time for the attack. First he went for about a 10 km walk from Syria to Jordan (with among around 3 000 others). As he reached the border to Jordan, he was checked for weapon by men with machine guns and then thrown in camp Zaatari in Jordan. They refugees were all registered by name, but got no help, as he says. The refugees that came alone, without a family, had to sleep outside on the ground. The ones that came as a family got a plastic tent to sleep in. The camp is situated in the desert and while in the camp you were not allowed to enter the city close by. You had to stay in camp. At the time he was there, around 2012 to 2013, the conditions were really bad with no sanitary, and water was only delivered by sparse bottles. In one month he could not shower. The Jordanian people came to give water and cover for sleeping and later brought tea and sugar. In the camp people were fighting for food. *“There was a bad smell, not a healthy place.”* The first two weeks he had no blanket. He slept on the ground with rocks, *“under the sun and under the sky.”* He had one friend that died there. The friend was diabetic and had a high blood pressure, but there was no medicine in camp. No one helped him and he died there. The refugee said that almost all of the children there died. No food, no medicine, no vaccine. Guards were from military and the police. The

police tried to pick up girls and have sex with them, and they tried to change food for sex.

When I asked if he could leave camp at night he answered, “*No, you could hear how military was shooting at night.*” One month around ten people got shot. “*Every day trouble.*” About people that don’t believe they say, “*Kaffer – we must kill you.*” Even though the camp was run by the UNHCR, the conditions were so bad so he decided to leave. To escape from the camp, he paid a policeman \$ 1,000. The policemen told him to hide in his car. While there he saw that the policeman also had stolen food from camp – food that was meant for the refugees in camp. The policeman covered him and drove him to a bus station in the city and then released him for money. He never went back to camp. Instead, he fled to Europe. The situation in this camp has since then changed.¹⁰⁵ That was not the situation when respondent’s nr two was in that camp. Then it was a totally different, unsafe place.

4.3 Can shoot you at any time

This interview reflects both situations in UNHCR camp in Libya as well as private camps and in some camps in Italy. This reflects how human value; human dignity and human rights are respected and disrespected in Libyan camps.

The third interview I did was with a refugee from Ghana. He is 27 years old. He left Ghana after his two parents were killed in a car accident. He thought Libya would be a safe country. He ended up staying in two different camps for 3 years. He seems to be ambivalent about the time he spent in camp. He says that staying in camp made you safe, and you got time to think about what you would do in the future. At the same time he says that it was not easy in camp, and people were beaten, there was hardly any food and people got shot. One woman was shot in front of his face. He says, “*The Arab people can shoot you at any time.*” Later they carried her dead body and threw it in the desert without any burial.

¹⁰⁵ Since then the situation in camp of Zaatari has since changed. In July 2018 the camp held 78 552 refugees with nearly 20 % under five years old, approximately 80 new births every week, there are 31 schools and 58 community centres. 41,5 % is between 18-59 years old. From the beginning of 2012 it was just a collection of tents, now it is more like a small city with electricity, work etc. Deraa in Syria is the most common origin for 79 % of the refugees in the camp UNHCR, Factsheets, Jordan – Zaatari Camp, July 2018, p. 1 ff. <https://reliefweb.int/sites/reliefweb.int/files/resources/64690.pdf> (2019-05-09).

When I asked him how he got food and water he said that black people used to come sometimes to give them food and water. Later he had the opportunity to go outside the camp and work and then he could buy himself some food. He says he has been in one UN camp and one private camp. There were a lot of people in camp, “*a thousands of people, too much.*” They came from different countries; Gambia, Senegal, Nigeria, et cetera. There were no rooms or house in the camp. They stayed outside. In the camp there were women, children and men. The women and children were kept separate. He says, “*It is not easy in camp without a brother.*” Later he found himself a friend and says, “*Without a friend I would be lost.*” He says he “*prayed in camp without a problem.*” He finally escaped by himself; he says many were shot when they tried to escape. He left in the night and hid in one of the boats that were going to Italy. He did not pay anything to smugglers, since he had no money; instead, he hid from them in a boat. When I asked him what would happen if the smugglers would see him hide, he told me that he would be shot.

He made it to Italy and applied to stay and work in Italy, as he says, “*I planned to work hard to get a future.*” In Italy he stayed in a private camp, then a camp run by the Italian government, arranged by the church. He got the decision that he is not allowed to stay in Italy and then he could no longer stay in 2018. Then he was signed out to live in the street.¹⁰⁶ He says they take you to an interview with a lawyer, they say you are not allowed to stay here, you got no permit, and then directly you go out from the camp. “*This is how they do it.*”

His situation now is that he lives in the street, homeless, without a chance for work since he got no permit to stay in Italy. He works “black”¹⁰⁷ in the odd jobs from time to time. He is thinking about leaving Italy to go to another country in Europe to find a job and looking for someone to “*be his mother now.*” At the interview he keeps coming back to the fact that he got no family now. He is on his own. He worries about his future and says, “*Italy is not safe.*”

¹⁰⁶ I made the interviews in May, 2019.

¹⁰⁷ Without paying tax.

4.4 Summary

This chapter has given authenticity by the narrative of three refugees that I interviewed about their situation while being at camps outside Europe. One camp was an illegal camp run by human kidnappers and traffickers, the other camp was run by UNHCR and the third lived in different camps in Libya one run by the UNHCR and one private. In Italy he lived in camps run by NGO's and the government. Their narratives support what the NGO's write about in their reports, that Libya is not a safe country. Also, it gives an understanding on how the situation could be in a camp run by the UNHCR in an upstart phase where things are not in place, food is scarce and there is not enough water. The next day new refugees arrive in the camp and the situation turns worse. For example the refugees in camps had to little food and too little water and as every day brought more refugees food supplies was affected negatively. In the camps the respondents saw violence on a daily base and people were getting shot. The refugees did not get their human rights respected. Their dignity was suppressed and other did not value their human value, neither did they have any form of autonomy. Their lives were "*under someone else's hand*" as respondent number two said. They had all seen someone get killed. They were all abused and violated in some way and two were tortured and one was beaten on many occasions. They all told about women being raped used for sex and one of the respondents said that police traded food for sex from refugees. In the end they all choose to risk their lives to escape from the camps. The only respondent that planned for the future is respondent number two. He has a longer permit to stay in Europe. Respondent number one take every day as it comes and have no real hope for a better future, instead he avoids talking about it. Respondent number three worries about the future, since he got no permit to stay and lives as homeless in the streets of Salvini's¹⁰⁸ Italy without a work permit. He is 27 years and has no hope for a future. All respondents bear the mark of enduring hardship in the camps before. Respondents own word explains how the situation in camps was; "*don't think all of us are Africans in Libya,*" "*I only want to be human*" "*they can shoot you at any time,*" "*a journey of no return,*" "*One night you sleep next to someone. The next day they kill him, and you have to*

¹⁰⁸ Matteo Salvini, Italian politician, Minister of Interior and Deputy Prime Minister. Belongs to Northern League party.

drag him out in his arms and legs to throw away in the desert.” Needless to say the situation in camp was terrible, and the respondents all fled the camps.

In the next chapter I present my analyses and possible solutions and de lege ferenda.

Chapter 5. Analyse

In this chapter I have discussed and analysed how the planned disembarkation or regional disembarkation camps outside Europe can without European control affect human rights, human value and human dignity in various ways in combination with the results from the interviews.

The interpretation of Human value and Human dignity saturates this study. As I interpret human value with a deeper human value for all and human dignity as a higher value and not equal with human value I have chosen to name each part separate. For more in-depth information of my views, see explanation on how I see the differences in the beginning of chapter two. There I will explain my view of human value and human dignity and the interpretation I make of the concepts as I have held this view in mind while studying Fletcher, Bischofberger, Grenholm, Kant and others in this study.

From Kant I learned that importance of moral behind legislation and actions. A moral that should be generally accepted as part of legislation I now sense is slightly shifting, sliding into something else in Europe. The principle of human value slides into being human value only for some, to protect the countries in the European union, at the loss of others. Unfortunately not all seem to respect the principle of human value. An example of that can be seen in how refugees are treated in Libya. Even though *Margin of Appreciation* exists, that is not the case with the example Libya. There direct violations on human rights exist. In chapter two I have a discussion on the different interpretations on how human value affect human dignity and human rights. I see the interpretation of human value as an important factor on how human rights are respected. If human is valued differently, like Fletcher brings forward, in a society like for instance in Libya, that have a lesser respect for human rights, their rights risk not being respected. Wherever there is vulnerable persons, and in that I include all refugees, there is a risk that human rights cannot be properly protected.

As I made this study, I found that everyone I interviewed was hurt, both physical and mentally, and the hurt still lingers on and affect their daily life. They are damaged in a way that best can be described as posttraumatic stress, but it goes way further than that and they got physical and mental scars to prove that. They did not just outlive one trauma; they have had a constant trauma every day for

several years in whatever country they have been as refugee and it has not stopped. Their life did not start in Europe. Their life is actually waiting to start, since none of them have found a place to call home, get settled, go to school and start a future. They all suffer from what happened to them.

5.1 What effects can EU member states planning regarding disembarkation for refugees have on refugee's human rights?

If the EU member countries continue with the plans disembarkation platforms outside Europe there is a huge risk that refugees will end up in a camp where their human rights are not respected. The situation in UNHCR camp seems to be better, but if they are in a start up position, or with a large daily influx of new refugees, the situation will still leave much to wish for. Respondent's number two was in a start up camp run by the UNHCR where food was traded for sex, and he had to buy himself out of camp. That shows some of the risk refugees face if the EU member states do not have full control over the situation in outsourced camps, as even UNHCR falls short in their camps at a period of start up. In EU the migration law is somewhat similar, but in countries outside the European union laws are different and not all countries accept human rights for all people. Libya is one example of that. The refugee risk losing years of his life in limbo, like living in vacuum. To place refugees in any camp is not an ideal solution, but if refugees are placed in disembarkation camps in third-world countries the risk of violating human rights are higher.

5.2 Safety in different camps

The level of safety in camps also has an impact on their human rights. Two of the respondents in the interviews have been in camps run by the UN, respondent number two and three. The Syrian refugee came to a camp that was large and grew every day. It was run by the UNHCR, but there was not enough food and water and supplies as this was in the early days of the Syrian war. Every day thousands of new refugees came that made planning difficult and some of the guards in camp took advantage of the situation and the girls were being used. Even though the safety for respondent number two was higher in camp run by the UN-

HCR, he still spent time in two camps and the camp run by others had no safety at all, as he says one woman was shot in front of him. Respondent number one was in a camp run by kidnapers and his words gives information on what can happen if you end up in a camp outside the European unions control. He described the risks to end up in these types of camps as very large as he was kidnapped three times on his trip to Europe. He was held for ransom and tortured in camps Death was something he had to see very often and he did not want to make friends, since they got killed. Safety is very important for the three respondents.

5.3 Risks at camps outside Europe

If a camp has been run by the UNHCR for a long time and have equal incoming refugees as outgoing the safety seems to be better in these camps, better than the private camps or camps run by kidnapers for money. But even in the camp run by the UNHCR interview showed how police traded food for sex, or to go out from the camp. Respondent's number three escaped a UNHCR camp by bribing a policeman to smuggle him out of the camp. All three respondents fled from the camps to have a better life or as one respondent said – “*a future,*” hence no future if you stay in camp. There is no plan for how to send refugees to Europe with a granted permit to stay if they are not accepted as quota refugee.¹⁰⁹ If accepted to be quota refugee then only from a camp run by the UNHCR. There is no guarantee for the refugee's safety in camps and no guarantee for their human value, human dignity and human rights to be respected, especially if there is a large daily influx of new refugees in camp. Two of the respondents could practise their religion in camp without problem; only respondent number 1 could not. He was in a camp run by kidnapers, and they taught him to be quiet instead. Or as he said “*I learned to pray quietly.*” “The risk refugees face in camps outside Europe is a long wait for any type of decision and also that non-refoulement is not respected and if granted permission to stay it would be in Libya and integration falls short there. There is a risk that the hosting country will send refugees back to the country they risked their life to flee from.

¹⁰⁹ Quota refugees have their asylum assessment made by UNHCR in their camps. As an example Sweden accepted only 5 000 quota refugees in 2018. www.migrationsverket.se (2018-04-19).

5.4 Intentions behind political decisions

The effect Australia's outsourcing had for Australia was that the numbers of refugees decreased. If the reason for Europe was to lower the numbers of refugees that would come to Europe it could probably be reached by sending them to disembarkation camp. If the decision is to only accept quota refugees chosen by the UNHCR that could probably be reached if Europe would get accept from one of the chosen third-world countries to be used as disembarkation countries for Europe. But the numbers of refugees would not be less, only the ones arriving to Europe. So far the third world countries that came up as suggestions have declined. Turkey have already received money to take care of thousands of refugees from Syria, and that seems to work, but very few leave Turkey with asylum granted to live in an EU country.

As EU also plans for control centres on the edges of Europe it can be questioned if death at sea for refugees will stop. The pull factor for Europe is still at hand. Especially since it is illegal to escape from a camp in Libya. If you flee you either risk being shot or put to prison. But for the people living in these types of camps, they have a situation that is worse than prison.

Jürgen Habermas reminds us that every human should be embraced by dignity, and it is not acceptable to sacrifice some human to save others, as in the example with the Aviation Security Act.

5.5 Human Rights, Human value and Human dignity

It was important for this study to make the literature study before conducting interviews to reach a fuller understanding of the various interpretations of human value and how that affected human dignity and human rights. It was essential to have that understanding before conduction interviews as to fully understand the respondents narrative and how different interpretations of human value affect the refugees that spent time in camps outside Europe, hence the space I have given chapter two in this study.

Safety was a large issue for the refugees in camp and none of the respondents felt totally safe there. Respondent number three felt safe in some camps, but that was mostly in Italy. There he could try to plan for his future, but he had no permit

to stay, with an uncertain future. All respondents in my interview reported on violence, unlawful killings, sexual trading and abuse in various degrees in all camps or around camps. There was no torture or killings in camp run by the UNHCR, but sex was traded for food and children died without enough to eat and medicine. In camps run by kidnappers and others torture was frequently used and refugees were shot. Human trafficking was active and people were sexually used.

In the kidnappers camp praying was not allowed, only silently, but in the other camps you were not hindered to pray. In one camp it was worse to be without a religious belief and you risked violence.

Contact with family and friends in camp were hard. In the kidnappers camp for respondent number one the refugees only contact with family was when the kidnappers wanted them to suffer loudly by torture for their family to pay ransom.

In some camp you were allowed to go outside camp to work. Then the refugees could buy food and save some money for travelling further. In other camps you were not allowed to leave the camp to work and in the desert there was no work. In the kidnappers camp you could work, but the money you earned you could not keep.

Refugees could not study in any of the camps. The camp in Jordan that respondent number two were in before is now working better and has grown in size. It is like a smaller city with school, shops and work. How the laws are being made and if there is any or who decide there is no report of, but most likely the Jordanian law rule. They also have sharia law, as it applies to all Muslims in the area (there are also civil courts).¹¹⁰

During the interviews one thing came forward as important, they all wanted a place to call home, a decision that said they could stay and then really start their lives. Because for them life in camp was not a life for a human being. They had no human value there. The refugee's human dignity was not acknowledged, and their human rights were not respected. The sense of not even being a human was vivid. Their words tell it all "*I want to plan for my future,*" "*I want to build a life,*" "*I only want to be human,*" "*This is a journey of no return.*"

¹¹⁰ U.S. Embassy in Jordan, Jordanian Legal System. <https://jo.usembassy.gov/u-s-citizen-services/local-resources-of-u-s-citizens/attorneys/jordanian-legal-system/> (2019-05-20).

The human rights that are at risk in these disembarkations and regional camps can be found in this study, appendix 4 (Article 1, 2, 3, 5, 6, 7, 9, 12, 13, 14, 15, 22, 26 of the UN declaration of Human rights). The human rights were violated for all the respondents. Camp was something they had to flee from, even though it could give some security, but not in a normal way and what is considered secure housing. All of them had seen people getting killed up close. All of them have been used in some way. But when I ask if it was worth it – they all say that they would have been dead if they had stayed at home.

5.6 Future solutions

After making this study it is my opinion that a right to apply for asylum in one state never should be outsourced to others, not companies and not other states, especially not states that does not have a functioning migration and asylum system, like Libya. Several NGO's have reported on the horrors of camps in Libya and the risk refugees face if they are to be taken from refugee boats and handed to Libya's government for some type of camp or detention. Getting asylum in a certain country is not the same as receiving it in just any country. As a refugee you should have the opportunity to plan and prepare for your future. Some of the largest problems for refugees that arise in my interviews are their inability to plan for the future, for education and work, since they don't rule their own life. The autonomy is not there for them. Where they live and can go to school or work is ruled by the state responsible for handling their migration case. The longer the wait, the longer it will take for refugees to start a life, or like one of the respondents in my interviews said – "*I just want to be human.*" Not to be in a limbo, like for the first respondents, he does not know what could happen to him the next day or where he would be. Like the third respondents, that was not sure how he would survive without a family, without a permit to stay and never being able to make plans. Every day was just a struggle to survive as a homeless person at 27 years of age. Imagine how that would be.

In Sweden during 2015-2016 much were ad hoc decisions on where to place new refugees, a number that increased ever day for a period. No one really sat down and made a realistic plan, everyone was taken by surprise and acted that way. In a way The Swedish Migration Agency (SMA) have raised the challenge

and now has the influx of information, especially regarding numbers of refugees from different routes as well as security issues from the borders within and around Europe. That should be a better base for planning for future changes. Now they receive information even before refugees reach the European and Swedish borders, if only they care to act upon it.

As I see it, the plan for migration should not be based on a fixed number of refugees. The plan needs to be flexible and have the ability to adjust rapidly to be able to work in the future. If European law would be applicable for all disembarkation centres or regional disembarkation centres with its camp outsourced it could work. If that also included that human rights for all immigrants and refugees staying in the camp would be secured and guaranteed it could be a better solution. But no guarantees can be made today about for instance camps in Libya. Libya in itself is not a stable and “safe” country. The foreign ministry in Britain “*advises against all or all but essential travel*”¹¹¹ (to Libya). Even in the case *Hirsi and others v. Italy*, number 27765/09 in Grand Chamber from 2012 Libya was not considered a safe country and Italy lost the case. Non-refoulement should have been assessed before transportation of refugees to Libya. The other suggested countries in North Africa, Tunisia and others have refused to solve Europe’s problems with migration. Other plans have been to only accept a quota of refugees, but those numbers (for Sweden 5,000) cannot solve the problem if a flood of migrants comes in numbers as large as it was in 2015-2016. Even if quota refugees arrive safely to Europe, in a chartered plane, instead of drowning at sea, it does not solve the question on where the asylum handling for Europe should be handled, and it does not solve the situation at hand for other refugees.

This study does not see any types of guarantees. Instead, the person in these camps risks losing their lives. It can be argued that this does not happen in camps run by the UNHCR, but if there isn’t enough shelter, food and water supply and their safety at night cannot be guaranteed, there is no safety. The camps tend to develop to be small cities, but without a democratic right to vote in decisions, no chance get extra care or help, and without the right to have a proper work, and with sexual exploitation it does not function like an ordinary city. Instead, the

¹¹¹ Gov. UK. *Foreign Travel Advice Libya*.
<https://www.gov.uk/foreign-travel-advice/libya/travel-advice-help-and-support> (2019-05-22).

street law is at hand. If the refugee is kidnapped (respondent number one was kidnapped three times, one of the times he was dragged out of a car and taken, another time from a smugglers boat at sea) he risks ending up in a camp run by kidnapers where the only law is the law of the kidnapers, as they rule your life and take your life if they so choose.

The different systems of migration in Europe work more or less equal, but the political winds are changing, and more efforts are being put to secure Europe and make “*Fort Europe*” safe. I do not see that the solution to large number of refugees is to make a huge divide between them and us. That will only feed the fire of resistance.

5.7 De lege ferenda

A possible de lege ferenda would be to develop a migration system that is flexible in the way large or small numbers of asylum applications is being processed. If everything is planned and developed more or less like an analogue life or ad hoc it will never work properly. The migration system has to be able to respond to the numbers of applicants more or less like a rubber band. Expand, and then move back again. There need to be a joint system for migration and asylum that is computerized in the same way throughout the whole European Union and in multiple languages. That would make staff flexible to move and work throughout Europe with an increasing expertise available that would benefit the system and shorten the waiting time for refugees to receive decision. Fast decisions make it easier for migrants to reconsider their options and move on.

The refugee’s human rights need to be guaranteed, secured and not neglected. Instead, they should be elevated and respected to ensure that every right is fulfilled. Human rights have to be respected. Human value needs to be secured as equal among people. Human dignity should always be held high for all. A long wait for a decision is not legally secure since it brings with it a number of complications and does not respect the refugee’s human right since they cannot exercise their human rights to a full.

The security and screening of the workers among police, military and help organisations that work with refugees and immigrants ought to be better to ensure that vulnerable people, both men, women and children, never should risk having

to trade sex for food or water, to have to buy yourself out of camp or to flee camp at the risk of being shot. The security does have to rise to a higher level not only for the European member states, to be protected, but also for the persons living and working inside or around camp, to protect the refugees.

Refugees out of war will not stop. Refugees out of economical reasons will not stop either. The next “wave” of refugees can come out of climate change and be larger than we saw in 2015 from war. The point is that there is a constant flow of people moving, more or less vulnerable that should never have to fear losing their human rights, human value or human dignity. As the political refugee said – *“I only want to be human.”*

5.8 Summary

In this chapter I have put forward the analysis of the idea to use off shore platforms, disembarkation och regional platforms to harbour large number of refugees in comparison with human rights and the absence of ethics and how that affects refugees and immigrants. I have lifted the importance of respecting not only human rights, but also human value and to secure refugees and keep their human dignity. I have discussed the plans the member states in Europe are discussing and trying to set forth as well as the risk refugees face if being placed in disembarkation or regional camps in third-world countries outside of European Union control. Even in camps run by the UNHCR in an upstart period affect refugees human rights. Situations in private or other camps in third-world countries are much worse. In this study I have chosen to use Libya as an example of this. I have given a possible *de lege ferenda*, since “Tampa” (the Australian way to place refugees in distant, harsh islands as camp while waiting decision for their asylum application) can never be the solution for refugees set to travel to Europe. I have also ventilated how my interpretation of human value and human dignity is used in my thesis, as to explain how I see their inner meaning as being deeply connected, but different. One of the problems as I see it is that when politicians in Europe plan and make decisions for disembarkation platforms they let moral principles slide into being applicable for protecting Europe instead of protecting all.

In the next chapter I will discuss the result in combination with theories and present my conclusions of this study.

6. Discussion and conclusion

I will discuss future solutions in combination with theory in this chapter and present my conclusions. In the beginning of my study, I studied research made concerning the interpretation of the principle of human value and human dignity as to reach a fuller understanding before doing interview with refugees. The literature studies gave important insights that I used when I conducted interviews. The experiences the refugees had in camps show how different interpretations of human dignity affect the refugees. The different interpretations on human dignity also affect how human rights for refugees are respected, since only human have human rights.

In some of the camps, the refugees did not experience that they were treated as human beings, instead they were categorised by nationality, sex or ability to bring money to others. While conducting the interviews, I found that refugees set human dignity even higher than they did with their human rights, even though it is connected. When they felt that their rights as a human was being neglected and as a result of their human rights were ignored they felt hurt at their inner core as a human. One respondent articulates this in the words *“I only want to be human.”* They also expressed that one of the reasons for that was because their human value differs depending on the country they are in and that how that country respects human rights and their view on people from other countries. That can also be seen in the reports from Libya from NGO's that can only have contact with some nationalities in camps, not all, some nationalities are excluded from contacts with NGO's.

In my study I find that planning for handling asylum applications, especially if the number of refugees are high, put a strain on the European member nations and discussions about placing asylum handling out of Europe. In connection to that a suggestion to place large disembarkation camps in third-world countries would affect refugees human rights and dignity. The problem member countries have in regards to refugees and their asylum process is multi-layered. Economical, logistical and security reasons are the main issues. What I have found missing is the voice of the refugees. The planning for *“handling them”* is done without input from refugees, without acknowledging of their large need to have their dignity intact. There is no guarantee that their human rights will be respected in disem-

barkation camps in third-world country. That is one of the reasons why I chose to interview refugees. In the interview they do not mention directly that their human rights have been violated, but from their narrative that is distinctly. What the respondents do mention is that they are treated without respect for their value as a human being. It becomes clear that they are humiliated, used and their dignity, their pride as being a human being, is violated. The interviewed refugees express that they were treated like they have a lesser value than for instance citizens have, and therefore their dignity is not respected, as not considered to have a value as a human. As a side effect their human rights get violated. One of the respondents escaped from a UNHCR camp where food was traded against sex. Another respondent felt safe in a UNHCR camp, but have also been in a private camp where people got shot. One respondent was in camps run by kidnappers and the reason why I have chosen to hear their narrative is to give an example of the risk refugees face if they end up in camps like that in third-world countries. Since two of the respondents spent time in camps in Libya, I used Libya as an example on how it can be in a third world country, also Libya has an understanding with Italy regarding refugees, that makes this example close at hand.

Jämterud discuss the principle of dignity in the field of medicine. There the consent from participation is more evident since they have to sign before participating in for example in medical trials or advanced surgery. There is no consent form for refugees put in disembarkation camps, they got no choice, nor are they asked about their free will. The respondents in my interview express that they are not treated like humans. They are not valued like “*any other human*” and their dignity is neglected, like was it not important to respect. I see that EU member states plan for asylum organisation, but without any guarantees for the refugee’s human rights, since the European member states lack control of camps in third-world countries. I can see that Ecks project touch part of my study and will be interesting to read once her project is finished. I can see that she has noticed the divergence between a right holder and people of power to violate rights. This I see as a problem in asylum planning, since the gap between refugees and politicians that plan is too wide and will cause further problems in the future, not just logistic and economical. The moral principles seem to slide for European politicians in this matter as the will to protect people in need, like refugees, have given way to a focus on protecting Europe from refugees. Griffin among other theories raises the

narrative as a plight to the refugees, something I find important for a functional asylum organisation where all aspects of a decision must be considered before putting a decision into action. I hope this study will serve as a first stone to bridge that gap. Different NGOs have reported on severe situations in camps, especially in Libya, but I cannot find any reaction, or even a response, to that in the plans for disembarkation platforms. It is like the refugees in these camps do not even exist, since their human values and dignity is not respected or taken in considerations when politicians plan for the future. Instead, the safety of Europe is in politicians focus.

6.1 Conclusions

I wanted to explore how human rights are affected when large numbers of refugees are placed off shore at disembarkation platform instead of letting them apply for asylum in each country in Europe, free of choice, or in first European land to leave their fingerprints and have their picture taken by authorities. I have studied literature, political decisions, conventions and case law and finally heard the refugee's voices of their own to paint the full picture. What happens with human value for refugees that have left their home country when no country is responsible for protecting their human rights? When they have fled their home country and no country has given them permit to stay and they are in a camp where the principle of human value is not respected. Their human value is not given the same respect and the human value for others. The moral European politicians show is not the moral of all people, instead it is sliding into being only for the protection of European member states, not to protect refugees in need. I have shown in my interviews that the refugee's human rights are violated and their human value is not respected. Afterwards, I have come to realize that the connection between human rights and ethics implies that one cannot exist without the other, and when human rights are at risk we need to stop and listen to the sound of ethics, and not choose to ignore it. It seems to me that human rights are held higher in Europe than in for instance Libya, where black people are being sold as slaves. Placing refugees in camps there is by all means not considered safe. If a country does not respect the principle of human value their handling of refugees will not correlate with refugees human rights either. The importance of human dignity and the principle of

human value seems to be lost in the European member states that plan to more or less outsource its migration decisions to countries outside Europe. I see it as important for refugees voices to be heard in this matter, hence my interviews in Italy. “*I only want to be human*” are very telling words that clearly shows that human dignity and human value is very important for a refugee when all is lost. As a consequence of neglecting human value and therefore human dignity, refugee’s human rights are not respected. I see it as problem that European member states do not lift this question in their planning with disembarkation and regional disembarkation platforms. Instead the planning is characterized by economic, logistic questions of security for the member states of EU. Human value and human dignity and its connection with human rights are not mentioned in the political planning for refugees. It is like it never existed. It only comes to life in the reports from various NGO’s. If you have the stronger hand you need to take better care of others in need. Outsourcing migration procedure and asylum handling to camps outside of Europe risk affecting the persons in the camps in a way that put them at risk for having their human rights disrespected and they risk being used in different ways. To me it seems like human value for some just comes with a certain shade of the skin, or with a certain type of religion. When humans are valued unequally by people of power it enables people from certain countries to be sold at slave actions and that all can be exploited sexually. As I see it, politics in Europe have gone a long way from respecting human rights. Outsourcing asylum handling and migration cases to a third nation does not solve any types of economical or logistic problems for the member states of the EU – instead, it put vulnerable people at risk of loosing their life in more ways than one, and having their human rights disrespected. It is especially important to hold human rights, human value and human dignity as equal for all when if you are in a position to rule over others, as politicians in the European Union do.

It is my opinion that when it comes to decisions that affect refugees you should choose to preserve their dignity intact as every human being has an inner value that should not be violated, as they only want to be treated as human beings with human value and dignity. With that being said it is impossible to decide that refugees should not be allowed to seek asylum in a specific country or region, and further by sending refugees in need of protection to areas that are not considered safe. That would be to not respect, or totally neglect their human rights, that they

have an inner value and violate their human dignity. Non-refoulement must be assessed, but I question how that can be respected if refugees are sent to disembarkation where their human rights are not respected. Then the principle of non-refoulement is already broken, from the very start. From the interviews with refugees I learned of the very difficult situations in camps outside Europe, but also what affected them the most – how their human dignity was not respected, since in some places, they were not even considered as human beings.

My conclusion is that politicians, person that have power to rule the life of others need to pay respect to refugees situation no matter how many refugees that want to enter Europe. No matter how economical a decision is. No matter how easy logistic of refugees would be. No matter how large their fear of the unknown is. Every person has a value as a human and that value demand that their dignity is intact and respected, and that is what respecting human rights really is all about.

6.2 Summary

In my discussion I have placed this qualitative study in perspective. I have found literature study regarding different interpretations of human value and dignity to be of importance and it has worked as a tool for me in my study to reach the answers to my questions. NGO's have reported on severe conditions in camps outside Europe, but the politician in Europe seems to neglect that. When I studied the different interpretations of the principle of human value, human dignity and how it affects human rights I came to see the importance of human value and human dignity. Especially since I also found in my interviews how human dignity and the respect or disrespect of it affects refugees that had spent time in camps outside Europe. To them respect of their human dignity, as in valuing them as humans and as a consequence of that also respect their human rights was essential. What is missing in planning for asylum system and processing in the future, to make it complete is that persons of power bring the narrative of refugees into decisions. Since that has not been made, I feel that my study can bridge the gap and increase knowledge of how important the narrative of refugees is to acknowledge their human value and by that respecting their human dignity and human rights.

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Appendices.

Appendix 1. Information given to respondents before interview.

Appendix 2. Consent form for respondents.

Appendix 3. Interview questions.

Appendix 4. The specific articles of UN Human Rights discussed in this study.

Appendix 1. Information given to respondents before the interview

Information given to respondents about interviews being made for my master thesis in Human Rights at Uppsala University.

I would like to ask you if you would like to participate in a research project. This document will give you information about the project and what it means to participate.

Background

I am a student at Uppsala University, where I'm currently is writing my exam paper in my master in Human Rights with the title "I only want to be human. "I would like to ask you some question in regards to that, if you don't mind? I am writing about the situation in camps outside Europe. I do this interview to gain some understanding of how the refugee's human rights are affected in these camps. Since you have previously been in a camp outside Europe I want to ask you some questions about how the situation in the camp was to gain more understanding. In order to gain information about who have this experience I have asked different help organisations in Italy and also different projects.

How the study is being made

To gain information about how the situation in camps outside Europe affects the refugee's human rights I will do some interviews with refugees that have spent time in these camps. You participate by accepting that I make approximately one-hour interview with you. I have a set of questions to ask you. I will use a qualitative method, in other words, the essence of the information you give is essential. I will only do a few interviews, so it is not a statistic interview.

Previously I have studied literature in regards to this matter and the interview is to show your own experience of these camps.

I am making this study to begin with to use in my master thesis study about how refugee's human rights are affected in large camps outside Europe. However, I am also planning to extend my studies at a later time, no later than by the end of 2020. Your information will be saved until the end of 2020 and after that the digital recording will be destroyed. If my studies finish earlier the information will also be destroyed earlier. This corresponds with the General Data Protection Regulation, also named GDPR, (EU) 2016/679, (this supersedes the [Data Protection Directive 95/46/EC](#)). This regulation has direct effect on Sweden and any person, organisation or company within Sweden have to respect the regulation. In short that regulation cover how information is being received, for what purpose, how it is stored, who have access to the information, when it will be deleted and the use of consent forms. In case something in your life makes you want this information deleted sooner you are free to contact me about this and I will grant your wish. I will not refer your information to any organisation or other country.

How to receive information about the result of the study

In case you want a copy of your given information, you can contact me. If you want a copy of my master thesis, I can send it to you if you give me an, preferable, e-mail address. You do not have to receive a copy of the master thesis or the information you give that is of your own choice.

In case something in your information would give rise to anything unpredictable we can talk about that after the interview is formally finished, and that conversation will be off the record and not recorded.

Voluntarily participation

Your participation is of your own choice and voluntarily and you can at any time chose to stop the interview.

Possible effects of participating in the interview

If there is any question, you do not feel comfortable in answering you can just say that. I understand that it can be difficult to think about the stay in the camp, but it would help me in my study to gain a deeper understanding about that situation.

After participating in this interview you might experience so called flash backs, that is old memory from this time in camp come back to you. That is normal and will later pass over time. You are in Italy now, and your situation is very different.

If you feel that there is something you want to talk to me about or add to the interview I will give you my contact information. My master thesis will be finished at the 20th of May. But if there is something you like to add or ask you can contact me after that.

What will happen with the information you give me?

The procedure that will take place is that I will record and also take notes during the interview. This is to clearly remember the correct information that you gave me. This is important since I plan to make more than one interview.

I will not reveal your name in my master thesis or notes. You will be absolutely anonymous. When I write about your information, I will anonymize you as a person and for instance use “man, 40 years old, from Syria” or if you rather prefer this “man, 40 years old, from the Middle East.” If you give specific information that can be used to identify you as a person, I will not use that information, since I do not wish to name any specific person. Instead, I want to achieve information about how your stay in the camp affected your human rights. Since how the situation was for you can also be a situation for others.

After the interview I will transcribe, that is I will write your information from the interview to work material for me. After doing all interviews and transcribed them I will compare different experiences to then take some information and write about it in my master thesis. I will not use whole interviews in words, but some quotes may be used.

The interviews are being recorded digitally (unless you prefer that I only take notes). I am responsible for keeping this information safe and to do that I will keep the digital form in my personal safe at home. After the master thesis is written, I will keep the information saved for approximately one year and after that they will be destroyed. In case I continue with my study, I might want to reuse the information, that is why I will keep the digital files for one year after the master thesis.

No one besides me will hear your voice, nor can anyone else listen to the interviews. They will be safe with me.

Responsible for the study

I am the person that is responsible for this study. My name is Berit Edvinsson and you can reach me at +46702011033 (a Swedish telephone number), I have the same number at whatsapp. You can also e-mail me at: berit.edvinsson.9762@uu.se

Appendix 2. Consent form for respondents

Informed consent

My name is Berit Edvinsson. I am a master student at Uppsala University in Uppsala, Sweden. I am currently writing my master thesis called “I only want to be human.” I am interested in how the situation for refugees in camps outside Europe correlates with human rights. Therefore, I will be conducting interviews with refugees that previously have spent time in refugee camps outside Europe. The information I will get by the interviews will be used to express the narrative about spending time in these camps and how it correlates with human rights. I will tape the interview so that I can type the answers and choose some to quote from the interview to use in my master thesis. I will not use your name. I will not use any specific information about you that may come up during the interview that in some way could identify you. If you are sensitive about what country you are from I will only use the continent as to give some background information.

Your name will stay with me and will not be used in my master thesis. And an example on how I will present your information is; “man number 1, 33 years old, from Africa,” or similar.

The respondent

I have received written and oral information about the study “I only want to be human” and have had opportunity to ask questions. I can keep the written information.

By signing this document, you give consent for me to use the information in the interview with the above given terms in my master thesis and in any way later in writing about human rights until the end of the year 2020.)

Place: _____

Date: _____

Signature

Name in clear writing.

Appendix 3. Interview questions

Questions

1. What is your name?
2. How old are you?
3. What country are you from?
4. How long has it been since you left your country?
5. How long had you lived in Italy?
6. Have you been to more than one camp before?
7. What camp have you been in before you came to Europe?
8. How long did you stay in the camp?
9. Did you come there alone or with others?
10. Did you make any friends in camp?
11. Did you have any opportunity to study in camp?
12. Could you work in the camp?
13. Did you get regular food in camp?
14. Can you tell me about everyday life in camp?
15. How was the life for children in the camp?
16. Could the children go to school?
17. Did you have a wife/husband when you came to camp?
18. (If single, did you meet your wife/husband in the camp?)
19. (If married) Was it possible for you to have close contact with your wife while you were in camp?
20. How did you experience the guards in the camp?
21. How did the guards treat you?
22. Did you live together men/women in the camp, or were there different areas?
23. Could you freely practice your religion in camp?
24. Was there any special place that you can be undisturbed to practice your religion?
25. How did you live in camp?
26. Were other people living close to you?
27. Where did they come from?
28. Did you experience any trouble while being in camp?
29. How many people lived in the camp?
30. What nationalities did they have?
31. Was the camp divided or separated in different parts?
32. (If so, what were the criteria for the divide?)
33. Can you tell me anything about the children's situation in camp?

34. How was the situation for women?
35. How was your situation in camp?
36. Were you treated well?
37. Can you tell me about your stay in camp?
38. Did you have Internet access to keep in contact with your family outside camp?
39. Did you have any contact with NGO's while being in camp?
40. What could they do, and did, for you?
41. Did you have any contact with your home country while being in camp?
42. Do you today have any contact with friends you made in the camp?
43. What was your plan when you left your home country?
44. Did you want to go to any special country?
45. What happened when you left the camp?
46. Where did you go?
47. How would you summarize your stay in the camp?
48. Has the stay in camp affected you in some way?
49. (If so) Can you tell me about that?
50. Is there something about you stay in camp that I haven't asked about that you want to tell me?

Appendix 4. The specific articles of UN Human Rights discussed in this study.

The human rights that are under pressure at the disembarkation platforms outside of Europe are;

Article 1 ” *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another spirit of brotherhood.*”

Article 2, ”*Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any limitation or sovereignty.*”

Article 3, ”*Everyone has the right to life, liberty and security of person.*”

Article 5, ”*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*”

Article 6, ”*Everyone has the right to recognition everywhere as a person before the law.*”

Article 7, ”*All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any discrimination in violation of this Declaration and against any incitement to such discrimination.*”

Article 9, ”*No one shall be subjected to arbitrary arrest, detention or exile.*”

Article 12, ”*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*”

Article 13, ”1. Everyone has the right to freedom of movement and residence within borders of each State. ”. Everyone has the right to leave any country, including his own, and to return to his country.”

Article 14, ”1. *Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts, contrary to the purposes and the principles of the United Nations.*”

Article 15, "1. *Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.*"

Article 22, "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

Article 26, "Everyone has the right to education)"