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1. Introduction

In today's world, refugees face a harsh reality as they try to find opportunity in host countries that accommodate them under the banner of human rights. Within the framework of International Law and various Human Rights Conventions, Europe has tried to manage the crisis of refugees flocking onto its borders. According to the 1951 Refugee Convention, a Refugee is someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."¹ The right to ask for asylum is granted to those fleeing serious harm or persecution, and it is enshrined as a fundamental right granted by the 1951 Convention Relating to the Status of Refugees,² the principles of 'non-refoulement' and the right to seek asylum are thus paramount to a Refugee's Human Rights.³ After the Lisbon Treaty on 1 December 2009, all EU member states affirmed their commitment to upholding the EU Charter of Fundamental Rights (EUCFR), committing to accede to the European Court of Human Rights (ECHR), and establishing that fundamental rights were general principles of EU law.⁴ As a member of the EU, Austria is obliged to adhere to these principles of Human Rights, providing protection and integrating refugees into its country. While EU policy is clear in its pursuit of Human Rights standards, the

1 UN General Assembly, 1951, Convention Relating to the Status of Refugees

2 EU, 2014, A Common European Asylum System

3 Bacain, L. E, 2011, p.6

4 Costello, C, 2016, p.7

implementation can be subject to various interpretations, where EU states remain divided on their reception of refugees, testing the limits of Human Rights practice within the EU.

Since the start of the Syrian Civil War in 2011, more than 4 million people have fled Syria,⁵ with the Syrian Refugee Crisis bringing in around 429,000 Syrians who have applied for asylum in Europe in 2015,⁶ of which Austria has approved around 40,000 Asylum applications⁷ out of 90,000 applications in total⁸ with the 3rd highest number of applications per capita.⁹ As a response to the influx of refugees, the government of Austria has established many organizations, as well as NGOs, and international organizations that take care of the new arrivals applying for asylum. Now, more than ever, it is crucial for European countries to adapt to the changing situation and find solidarity in order to further Human Rights. Consequently, the purpose of this paper is to understand the practical applications of Human Rights and to what end they might be applied more effectively within the context of the Syrian Refugee crisis. By analyzing the views of Syrian refugees in Vienna through a Questionnaire on their conditions and situations after fleeing Syria and upon reaching Vienna, this paper seeks to analyze to what extent European policy has been effective in maintaining and furthering Syrian Refugee's Human Rights in their attempt to reach the center of Europe, and whether the capacity building of Human Rights can be effectively developed in Vienna and Europe against the backdrop of the Syrian Refugee crisis. While European States face many challenges with the Syrian Refugee crisis, Human Rights remain of vital importance in Vienna; yet the limits to which the city might integrate and accommodate rising numbers of Syrian Refugees according to Human Rights principles will be the focus of this paper. Thus by analyzing the application methods of Europe's handling of International Refugee Law (IRL), European policy, and

5 BBC, 2016, March 4, Migrant crisis: Migration to Europe explained in seven charts

6 Holmes, S.M & CASTAÑEDA, H., 2016

7 UNHCR, 2016, EUROPE: Syrian Asylum Applications

8 Österreich: 90.000 Asylanträge im Jahr 2015., 2016

9 Oltermann, P, 2016

understanding relevant Human Rights conventions, the links between laws protecting Refugees and their actual applications in policy practice can be better determined. By scrutinizing and measuring policy implementation of these Human Rights in providing for refugees in Europe, Syrian Refugees reflection on their condition will provide a basis through which Human Rights is managed in reality and implemented. This will shed light on Syrian Refugees conditions and opportunities that can be improved by Human Rights.

2. Overview of Syrian Refugee Crisis

2.1 Legal Framework for the Rights of Refugees

Providing human rights to refugees is enshrined in International Refugee Law (IRL). In this regard the 1951 Convention Relating to the Status of Refugees (CSR51) and the 1967 Protocol Relating to the Status of Refugees (PSR67) form the foundation for IRL,¹⁰ while the 1948 Universal Declaration of Human Rights (UDHR),¹¹ the 1966 International Covenant on Economic, Social, and Cultural Rights (CESCR),¹² and the 1966 Covenant on Civil and Political Rights (CCPR)¹³ create a framework for upholding the human rights of refugees. The policy of ‘non-refoulement’ consisting of not returning refugees to their country of origin is the main policy governing EU law, while international

10 Jastram, K., & Achiron, M., 2001

11 UN General Assembly, 10 December 1948 Universal Declaration of Human Rights

12 UN General Assembly, 16 December 1966 International Convention on Economic, Social, and Cultural Rights

13 UN General Assembly, 16 December 1966 International Convention on Civil and Political Rights

protection is overseen by the Council of Europe (CoE) and the EU legal system.¹⁴ As outlined in international standards and European law the provisions for Refugees are of central importance to the initiative of the EU as a unified supranational body. On the 1st of December 2009 the Lisbon Treaty came into force, where the EU's constitutional commitment to fundamental rights was made more important, the EU Charter of Fundamental Rights became binding, and the EU became obliged to accede to the European Convention for Human Rights, reaffirming that fundamental rights are the foundations and building blocks of EU law.¹⁵ As a result, countries being in the EU have an international obligation towards granting refugees asylum, and the EU's ability to accept and fulfill the human rights of these migrants within their countries will be an ultimate test to prove the EU's capabilities as an international upholder of Human Rights. In order to come up with a unified policy on asylum seekers, since 1999 the EU have expanded on the creation and application of a Common European Asylum System (CEAS) based on a Human rights approach to managing the influx of Refugees within the European system.¹⁶ The CEAS is composed of various legal instruments that the EU created in order to find a common policy: Asylum Procedures Directive, Reception Conditions Directive, Qualifications Directive, and the Dublin Regulation.¹⁷ However there remains a large rift in EU states' approach to managing and handling the inflow of refugees to their countries, which has caused further problems as each EU country has implemented their own Qualifications Directive, and Reception Conditions Directive in implementing their asylum policy.¹⁸ For the refugees, the EU historically has been seen as a beacon of economic development, democracy, and human rights, while most EU countries see refugees as a cultural and economic burden.¹⁹ Thus the current refugee crisis has many implications on the capacity for political leadership from EU member states in renewing solidarity and developing a

14 Orchard, C., & Miller, A., 2014,

15 Costello, C., 2016, p.7

16 EU, 2014, A Common European Asylum System

17 EU, 2014, A Common European Asylum System

18 Matera, C., & Taylor, A. (Eds.), 2014, p.13

19 Bacain, L. E, 2011, p.

comprehensive approach to migration and asylum policy within a Human Rights framework.²⁰ With the massive inflow of refugees to Europe's borders shaking the European identity, the refugee crisis has put strains on the European political and domestic landscape; it has forced Europe to ask itself what it means to be European, and what each state's obligations are to foreigners with the aims of advancing Human Rights which lie at the core of the European worldview.²¹

2.2 Syrian Refugee Crisis in Europe

The Refugee Crisis has resulted in widespread humanitarian issues. While in 2014 there were only 280,000 arrivals, the International Organization for Migration (IOM) estimates more than a million migrants arrived by sea in 2015, whereas Frontex (EU's external border force) has recorded more than 1.8 million people who have crossed the Mediterranean Sea attempting to reach and cross through to Europe. Due to failures in EU external border policy, migrants rely on smugglers to get them to the shores of Europe, which has resulted in many tragedies where people choose dangerous methods of transportation. More than 3,770 people have died in attempts to reach the shores of Europe in order to claim asylum only in 2015.²² Since the start of the Syrian Refugee Crisis in 2011 more than 4.5 million people have been registered as refugees by the UNHCR and there are 6.5million internally displaced people, with around 13.5million people in Syria getting direct humanitarian assistance.²³ The EU has provided 5 Billion Euros in relief and humanitarian assistance to the Syrian people, with an additional 3 Billion Euro promised in the next few years at the 'Syria Conference' in London in the beginning of 2016.²⁴ Despite the large amount of humanitarian protection to Syrians', there are still many problems

20 Crépeau, F., & Purkey, A., 2016

21 Crépeau, F., & Purkey, A., 2016

22 BBC., 2016, March 16, What's happening in Syria?

23 European Commission, 2016, Syria Crisis

24 European Commission, 2016, Syria Crisis

escalating as the situation in Syria gets worse, where humanitarian assistance is directed towards treating the wounded and providing basic necessities of drinking water and food to Syrians affected by the war.²⁵ In 2015, at the height of the refugee crisis, Germany offered to take in 800,000 Syrians later increasing to a million, which ended up being a major pull factor,²⁶ in which Austria followed suit with a ‘Wilkommens Kultur’ (Welcome Culture).²⁷ As shown by appendix 1, Austria is the 3rd country with the most Syrian Refugees per 100,000 population showing that cultural clash and tensions might arise, which will be explained in later sections. In order to uphold human rights for refugees, Austria is a party to various legal instruments such as: European Law, the 1951 Refugee Convention and its 1967 Protocol, and various International Instruments.²⁸ Syrian asylum seekers in Austria receive basic human rights as provided by the convention and general EU policy; however, with the influx of the refugee crisis, the EU leaders and nations have mismanaged their decisions in creating a unified legal refugee regime,²⁹ which has tested the limits of the EU. Europe’s efforts to provide relief have been costly, and to a large extent the EU’s capabilities in upholding Human Rights in their migration and refugee policy is now at the top of the EU’s policy agenda, as the aging populations of Europe need immigrants to fuel their economy, and refugees, if integrated and mobilized correctly, might be able to satisfy the European need for a continuous prosperous working economy.³⁰ Furthermore the pursuit of providing a Human Rights approach is not only tied to the European managing of the refugee crisis, but is also crucial in establishing fundamental rights for a well-integrated multicultural society with European standards set by Human Rights norms.

25 European Commission, 2016, Syria Crisis

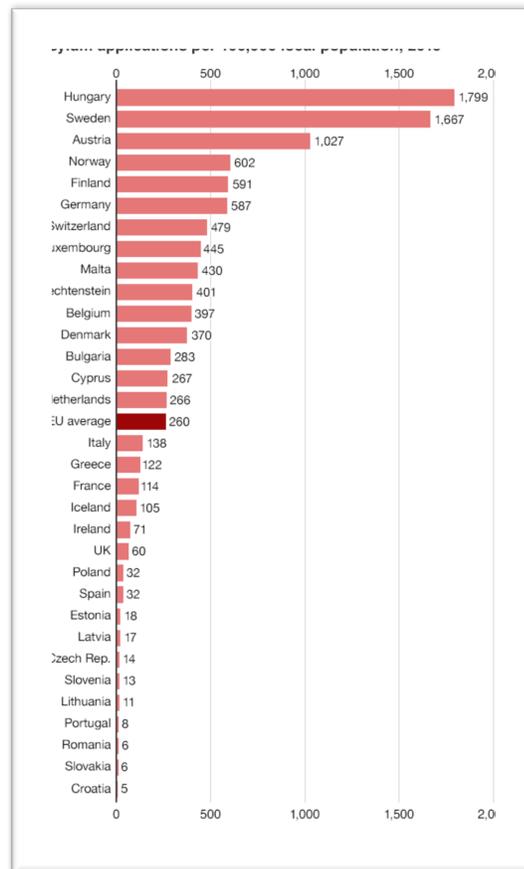
26 Holmes, S.M & CASTAÑEDA, H., 2016

27 Mudde, C., 2016

28 OHCHR, 2016, Fact Sheet No.20, Human Rights and Refugees

29 Escape from Syria: a Dialogue with Experts, 2016

30 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p.1



3. Methodology

This paper focuses on Austria's Human Rights obligations, in the context of Europe, to provide for Syrian Refugees as outlined by IRL, in an attempt to further understand the application of Human Rights principles, and to what extent real improvements might be

achieved. The research done by distributing a questionnaire to Syrian refugees was done between May 19th to June 21st 2016.

To what extent does the Syrian refugee crisis in Vienna stand the test of upholding human rights in the European context?

This paper seeks to contextualize the case of the Syrian refugees in Europe and understand the European and Human Rights framework that provides rights for Refugees, and creates the process of assimilation for Syrian Refugees integrating into Austrian society. By analyzing the views of Syrian Refugees through a questionnaire, I was able to determine the motivations of Syrian Refugees in Vienna, as well as their needs, and understand their condition, so as to outline the necessity of applying certain European standards.

Furthermore, by expanding on Human Rights principles and IRL in keeping to International obligations, the problems faced by Syrian Refugees integrating into European culture can be better understood so as to provide better applications of Human Rights throughout the EU's countries. Through analyzing the matter of Syrian refugees' reality and human rights needs in Vienna, the capital of the wealthy center of Europe, this paper seeks to highlight the potential for adapting and greater enforcing the Common European Asylum System by showing the Austrian initiative in accepting and providing for Refugees. Taking into account the current legal instruments, this paper will demonstrate the needs of the Syrians, while clarifying how policies might be adapted to improve the European Asylum system in general and within Austria. By analyzing specific aspects and articles of European Law and the 1951 Convention interpretations, this paper will contextualize how laws and policies should be and are implemented to create a better CEAS and application possibilities that would be mutually beneficial for Europe's domestic sector by taking in Refugees. With a focus on European Law and their initiative in upholding Human Rights, this paper compares the current European States' policies, in managing the inflow of refugees and to what extent they stay true to the interpretations of IRL. Furthermore, by expanding on possible policy recommendations for Europe to better manage the Syrians trying to

integrate into a new culture, the view of the Syrians in Vienna will give me a reference through which priorities for provisions of certain Human Rights can be highlighted and shown to be of fundamental importance to improving general EU policy as well as Austria's integration efforts. The Human Rights of Refugees will be outlined so as to prove the need for Human Rights application in specific sectors in order to create a better integration and migration process, so that Europe can create a smoother transition and build a basis in its initiative to solving Human Rights issues within a global framework. By making a political, social, and human rights analysis on IRL application in Europe and specifically Vienna, this paper will explore the different layers that govern EU policy and developments in providing for Syrian Refugees and how the political, social, cultural and economic improvements can be made so as to better Human Rights standards. Through the Questionnaire its questions have allowed to establish each person in identity groups, and understand their journey to Austria as well as their motivations upon reaching Vienna. Furthermore the questionnaire allows me to draw links between the needs of Syrian Refugees and the need to establish certain Human Rights for them in Vienna, in order to provide them with a proper Humanistic approach which would give them a foothold of safety and protection, where they can find opportunity to live on their lives in their host countries in Europe. Adapting the Syrian Refugee to a Human Security approach, within the realistic framework developed by European policy, Human Rights issues will be politically analyzed within the wider scope of European policy so as to show the discrepancies between European policy and achieving applications that reinforce Human Rights. Thus the extent to which Human Rights have been applied to Syrian Refugees in Vienna will allow for the analysis of possible patterns and developments in taking the Syrian Refugees as a social group within Austrian society, so as to present them as humans' with potential to contribute to and receive from the new society they live in as refugees.

3.1 Research Design and Conceptualization Framework for the Pilot Questionnaire

The Research design of my questionnaire was made through a pilot questionnaire in which I followed a systematic methodology in which each question's answers would go from negative to positive so as to properly code the statistics afterwards. Each answer to every question was carefully chosen by taking the perspective of the Syrian Refugees and the possible conditions that could have influenced their understanding of their situation. Each question is built up as first placing Syrian Refugees in categories and understanding their identity in order to analyze the needs of different bodies within the Syrian Refugee social group in Austria. The questionnaire then develops to keep the Syrian Refugee involved by giving them the choice to express their opinion, they are asked to rate their happiness, and then choose the reason(s) why they made the journey. The questionnaire goes on to make the Syrian Refugees aware of their individual opinion as well as enable them to perceive and rate their understanding of their condition accordingly.

The reasons for choosing a questionnaire rather than an interview was in order to collect more information from more sources so that statistics could be drawn to make conclusions about the common views of Syrian Refugees. Furthermore, an interview would have only provided an experience, whereas statistics provide facts from which conclusions can be drawn. Multiple choice answers were generated based on how European policy functions for them and in order to empower them with the choice to establish themselves in European society. Furthermore, during my research, I approached different organizations and communities of Syrian Refugees in different ways, in which human connection and respectfully acknowledging them as a Human with an opinion and choice was crucial before collecting the data, so as to be ethical in the field work's approach. Furthermore, as I spoke Arabic and was a student of Human Rights, this allowed me unique access to garner Syrians' trust, allowing them to express their opinion more honestly. Making the

questionnaire in Arabic was crucial in absorbing the cultural perspective of Syrian Refugees, so as to build on how they might be aware of their Human Rights, and how Human Rights could apply to them. For most questionnaires during field work, the approach was rather neutral, except for times when Syrians wanted the questionnaire read to them, thereby prompting them to elaborate on their experiences and feel a connection to the interviewer possibly changing their level of compassion. Furthermore, as this study was done under the supervision of an observer, my approach was to foster a sense that I belong to their community, rather than being merely an observer, so that they feel more open to give their honest opinion. Another important quality to note is that Syrians are not used to questionnaires and asked for their opinion since Syria had always been under strict military control in which the police State prompted an acceptance of only certain views to be expressed. Thus a questionnaire is also new to Syrians, so being as neutral and connected to the group as possible was crucial in making them comfortable to express their full opinion.

Each question is designed along either **nominal, ordinal, or interval** scales depending on the question. For the category questions, nominal answers were given, whereas some questions were interval so that a percentage could be drawn of the extent to which a certain notion or opinion was felt. And lastly ordinal questions were also used so as to identify from 1 which is least important to 5 which is most important the importance of certain ideas to Syrian Refugees. Each question is structured in relation to measure the opinions of Syrian Refugees so as to calculate a percentage within the social group, of views, and perceptions about their conditions.

For the data results, in order to properly categorize and draw specific conclusions, the analysis will be done through descriptive statistics in which the average opinion of Syrian Refugees as a social group and also within category groups might be analyzed. Thus by using SPSS, all variables and questions have been entered as coded data, through which graphs might be made to draw conclusions from the varying opinions within the Syrian Refugee social group. The formula for most of these calculations will be the Sum of all

participants who answered each question divided by the number of participants in order to find a mean of the opinion of Syrian Refugees. Through these results, conclusions will be drawn on the plight of Syrian Refugees in the context of the legal system that provides for them within Vienna, Austria.

3.2 Conceptualization/Reasons for Questions

The research question was constructed to be able to analyze the Human Rights and Legal Instruments that protect Syrian Refugees and how far Europe has managed to adapt its' policies to fit the criteria of Human Rights and provide for a smooth transition of integration that allows Syrian asylum seekers to adapt to a new culture. Using the terminology of 'to what extent' and to 'stand the test of upholding Human Rights' allows me to measure the efficiency of policies that are directed to Refugees and how they can be expanded to include a true Human Rights framework, not only in soft law but also in application. By understanding how Vienna, Austria, a fairly rich country of the EU upholds their position, this paper seeks to better understand how Syrians in turn, adapt to a European order in a country that provides them with fair enough opportunity, so as to identify ways of further developing the policy standards of all European nations. As the Syrian Refugee Crisis is a controversial issue now as it defines and tests Europe's capabilities of being a banner for Human Rights, this question remains relevant in the Human Rights framework as it shows how Human Rights can deal with one of the harshest conditions for human beings to go through and whether this issue can be resolved in a humane way, in which the theory, and soft law can be shown to need development so as to revitalize the understanding of what Human Rights application means in this context. Thus by analyzing European policy and the Human Rights framework, the questionnaire that has been constructed hopes to specify the needs of Syrian Refugees so as to adapt policy to

improve their possibilities and opportunities and truly realize the fundamental principles of Human Rights in dealing with a crisis in which the world is obligated to assist.

Each question within the questionnaire that was intended for this paper was constructed in order to place refugees in certain categories of age, gender, educational level, region of Syria, languages spoken, date of arrival to Vienna, so that the identity of Syrian Refugees could be known and to understand their needs and conditions, consequently to analyze what areas of Human Rights must be further enforced and what problems might arise if these problems are not taken care of. The questions of age and gender are in order to get a well-structured sample that properly represents the current Syrian Refugee population in Vienna, while educational level, region of Syria and Languages Spoken allow for a clear-cut understanding of what opportunity or abilities they can provide in assimilating to Viennese culture. The questions continue with tracing the methods and difficulties of their journey to better analyze the areas of European external border policy which prevent Syrians from reaching Vienna, and to critique which area of Human Rights and EU policy could be changed to improve Syrians' chances of crossing safely through to Vienna. In the push and pull factor questions the questionnaire is set as ordinal answers, where Syrian Refugees rated 1 least important reason to 5 most important. Asking for the rate of happiness allows to understand the level of satisfaction of Syrian Refugees before they start answering the more relevant questions. To gauge an understanding of the trends of how content they are with their conditions in Vienna, this question is interval. The questionnaire also examines the Push and Pull factors for Syrians' migration and why and when they chose to leave, to understand whether their condition is getting worse and for what reasons Syrians are mainly coming to Vienna. To better illustrate the intentions and motivations of Syrian Refugees coming to Europe, these questions are made either nominal, or ordinal. Questions that ask the Syrians to rate their satisfaction level and to what extent their satisfaction has been met in Vienna so as to see socially and psychologically whether Syrians are prepared to assimilate to the new European culture and whether they are ready to accept a new lifestyle, are interval questions. The next question pertains to Syrians'

identity markers (ordinal), in which the questionnaire asks them to rank from less to most important aspects of their identity, as well as what emotions they felt most throughout their journey (nominal), in order to fully understand where the Syrians are coming from, and what commonalities can be found in order to better integrate them. Therefore the first part of the Questionnaire is to establish whether Syrians are adaptable to the new environment in Vienna. The next part of the questionnaire then asks Syrians to rate European social workers (interval, where 1 is least 10 is most efficient) and the Asylum process in Vienna (interval), so that better analysis of European internal efforts can demonstrate, whether they were effective, and how Human Rights can be further applied to improve the efficiency of their asylum application processes. Afterwards the questionnaire asks if Refugees consider their host country as a permanent place or temporary place (nominal) and asks them to rate their sense of duty to their host country of Austria (interval) so as to see whether as prescribed by the CSR51, Syrians are ready to adhere to its principles in staying to benefit Europe or whether they are only seeking Europe as a Refuge from the war. Finally the last questions ask which rights are most important (ordinal), to demonstrate which aspects of Human Rights should be vigorously applied in order to provide opportunity for Syrian Refugees; whether they consider their country of origin's future important and whether they think Syrians and Europeans can learn from one another's cultures, basically to find out whether Syrians are truly willing to understand European culture and become true European citizens, so that it is possible to outline the importance of applying methods of integration and Human Rights policy to provide for smooth transitions into the European sphere.

3.3 Sampling

In order to get a correct sampling for the research, I went to various different sources to collect a proper sample with a percentage that represents an amount close to the

statistical variation of the Asylum population in Vienna, which is shown by Appendix 2. First I went to Interface Wien which is an organization that helps asylum seekers with their application process as well as provides German language courses and legal advice. Under my supervision before a German lesson, questionnaires were handed out in which individual people would take between 5-10 minutes to answer their opinions; around 25 papers were collected. The second NGO that was sourced was Johanniter, an NGO organization that provides housing for refugees, in which access was given by the Camp manager to knock on the doors of Syrian Refugees' rooms and ask if they would answer the questionnaire. At this NGO most people asked for researchers to read out the questionnaire and more human connection was made while answering and collecting about 10 questionnaires. Third was ASBO which is an organization that has refugee camps in housing units for unaccompanied minors and asylum seekers of different backgrounds, where the camp manager organized 5 unaccompanied youth to sit in a room while observing that questionnaires were filled correctly with Arabic translators providing assistance. Fourth was Caritas, which is an international organization that provides funds and assistance and is closely connected to Governments, where due to the pressure on their working force, only 3 or 4 questionnaires were collected. Fifth 10 questionnaires were collected at an Arabic Christian Church group, where after mass at a church gathering, I was introduced by family to a group of Syrian Christians in order to get a varying research sample. And finally the rest of the questionnaires were filled out by a close contact of mine who has a network of many Syrian Refugees in which around 15 questionnaires were collected. To get a larger sample was difficult as many organizations were unresponsive or not willing to be of assistance, and thus only 67 questionnaires were able to be filled out. To get a good sample it was important to get the opinions of people aged 18-30 years old as they are the main ones who will need direct opportunity, while those who are older will most likely be seeking prosperous living and a secure zone. Those who are under 18 were only important to collect a few questionnaires because their opinion would be the same as their older family members, and there are not that many under 18 Refugees in Austria. Furthermore, it was also more difficult to get access to unaccompanied minors as

organizations often were hesitant on allowing access to give the questionnaire to minors. Thus by collecting questionnaires from different organizations across Vienna, a proper sample was collected with proper proportions of each group that represent the majority of the Syrian population. This allowed me to analyze the effect that Austrian and European policy had on Syrian Refugees who would be influenced by those policies the most.

	Number	Percentage
Total number of applicants	68,589	100%
Men	51,121	74.5%
Women	17,468	25.5%
Children	Not available	Not available
Unaccompanied children	7,155	10.4%

Source: Ministry of Interior, Asylum Statistics October 2015, available at: <http://bit.ly/1OhJlCf>

3.4 Challenges Faced during the Research

During the field work there were several evaluations that had to be made about the way research was conducted and its possible outcomes, in addition to evaluating the strength of the Questionnaire. As the questionnaire consisted of generated answers and pilot made questions, it is possible that certain grievances of the Syrian Refugees might not have been addressed such as housing conditions as well as understandings of further notions in their opinion of Human Rights. Nonetheless the questionnaire was made to be kept relevant to Syrian Refugees opinion. It empowered them by showing them that they have a voice. Delicate questions, such as rating the services given were avoided as, many Refugees might have replied poorly in an attempt to complain about their condition. Thus the questionnaire followed a pattern of not asking too sensitive questions while allowing Syrians to harness an opinion and become aware of their motivations. Furthermore, as the questionnaire was done with me being an observer, taking a different position in each situation was possible. While neutrality was key, it was also hard not to connect with these people and their experiences as they were happy to have someone interested in their views. This could have

contributed to making them more respectful and humble, generating more positive answers to the questions as they felt obligated to show their respect and pride for the opportunity Europe had provided them. Yet at the same time this questionnaire was also made to position the Syrian Refugees in a certain place, through which they would be able to answer the highest limits of their hopes and motivations so that their best intentions would be well understood. During the field work Human connection provided for this form of response as many Syrians were eager to present themselves in a positive light due to the negative propaganda that battles their assimilation into European society. Consequently, the questionnaire was structured to capture a certain view of Syrian refugees in the hopes that the best outcome of the Syrian Refugee crisis might be managed and highlighted by addressing the opinions of Syrians.

4. Contextualizing the Syrian Refugee Crises

4.1 Background of Syrian Human Rights

With many violations of Human Rights, it is crucial to expand on Syria's understanding of Human Rights in order to understand the way in which Syrians would perceive their rights and needs and also to show that most Syrian Refugees had come from a far from perfect system, yet also had a good understanding of a system that works to develop their domestic sector. Human Rights in Syria followed predominantly a system of free Education and healthcare, with good access to social services, adhering through its

political system to these aspects of Economic, Social, and Cultural Rights.³¹ While Syria's Human Rights condition before the war had positive rights towards its citizens, civil and political rights were completely ignored, as Bashar al-Assad and his father before him oppressed his people through secret police and had the longest running state of emergency to be held in any country, from 1963 to 2012 when President Assad canceled it due to protest.³² Furthermore the Ba'ath Party was the only political party that was allowed in Syria before the Civil War, in which different groups within the Ba'ath Party would fight for power and control while most power was held by the President who was in complete control of the military.³³ While Syria might seem backwards in Human Rights violations of its' citizens, as the government had committed atrocious acts against many groups defiant to government, since 2006 it was the Syrian government's security forces (secret police) who had a common practice of many Human Rights violations such as: arbitrary or unlawful arrests, torture, detainment and trial without just causes, violating privacy rights, and putting heavy restrictions on freedom of speech, press, and any Human Rights conference or activist would be forcefully clamped down on.³⁴ Furthermore many minority groups such as the Kurds or Muslim Brotherhood were also forcefully imprisoned and detained, while it was also made difficult for Syrians to leave the country and obtain visas to anywhere else, effectively making Syria a police state.³⁵ However this should all be taken in the context of 200 terrorist incidents from 1974-2011 in which the Syrian government was fighting its own 'War on Terror.'³⁶ Thus despite the many Human Rights violations, Syrians still came from a country that had adopted basic social services to provide for their needs. However, upon coming to Europe, many Syrian Refugees were still fearful of government. Nonetheless, Syrians' notion of Human Rights can be expanded where they can eventually understand the importance of individual freedom and rights

31 Galdo, A, 2004, p.3

32 Odeh, M. 2013

33 Azarvan, A, 2013

34 Odeh, M, 2014

35 Odeh, M, 2014

36 Azarvan, A, 2013

linked to becoming an individual with duties to their new host country. Indeed, when arriving in Vienna, most Syrians experience a culture shock, as they must assimilate in a country with freedom of expression and mobility whereas they were used to a police state that was very oppressive, fully ignoring their civil and political Human Rights. But as Syrian Refugees enjoy more rights in Vienna, they are able to contribute to their new culture as they are now free to do so.

Syrian culture comes from a rich history and high context culture that carries with it a lot of principles of solidarity and community, whereas European society is more individualistic.³⁷ There are several differences between Austrian and Syrian culture: Syrian culture is a high-context culture that carries a lot of unspoken information which is transferred during communication, while Austrian is a low-context culture that is more direct and explicit.³⁸ Furthermore Syrian culture relies more on intuition and feelings to make decisions, whereas Austrian culture relies on facts and evidence to make decisions.³⁹ Syria was further organized in main cities where commercial trade was an essential part of life. In large Syrian cities, society formed the basis of interaction with each other.⁴⁰ In addition Syrian people were mainly employed in industrial or agricultural centers, where Syria would mostly produce its own food resources, and many goods of trade ranging from textiles, metals, to petroleum. Agriculture and cash crops were the main source of production for most Syrians, whereas city life was ruled by industry, and private business groups.⁴¹ In each of these professions Syrians were massively employed with a serious work ethic to expand the socialist State of Syria. The family was the center unit of society, in which community principles were common values and relations were reinforced through daily traditions of having meals together in a deep appreciation for food culture as a way of

37 Maclachlan, M., 2010

38 Maclachlan, M., 2010

39 Maclachlan, M., 2010

40 Syria, 2016, In *Encyclopædia Britannica*.

41 Syria, 2016, In *Encyclopædia Britannica*.

life building the individual within his family position. Another strong aspect to Syrians' identity was their religious affiliation, as cities were built by religious communities that cooperated and lived together in a village mentality of solidarity.⁴² As a Muslim society, the status quo was kept patriarchal, women were given the same opportunities as men, yet were not as encouraged to expand, as men were seen as the main caretakers to the family unit.⁴³ As all societies with a hierarchy Syrians are cultured and artistic people coming from a long history of oppression. Although their State has fallen in the grips of a civil war, this war is only recent and Syrian culture and perception still controls and guides the views of Syrian Refugees wherever they go.

4.2 Situation of Syrian War

The situation in Syria is becoming worse and worse with humanitarian efforts becoming tougher to accomplish as the violence continues to be widespread, with intensified fighting and a general disregard for international law, in which civilians become the main victims.⁴⁴ With over 11 million people being displaced within the country or becoming Refugees, humanitarian assistance is barely able to provide the basic necessities, and housing or finding shelter has become increasingly difficult.⁴⁵ Women, children and the elderly have become extensively vulnerable as humanitarian efforts have declined making many Human Rights issues arise.⁴⁶ The causes for the Syrian civil war are not only the Arab Spring in different countries that sparked the conscious was for uprising, but also, a drought from 2006 to 2011 which led to 800,000 farmers losing their livelihoods and moving to the urban areas, combined with sectarian issues in which a Sunni majority

42 Syria, 2016, In *Encyclopædia Britannica*.

43 Syria, 2016, In *Encyclopædia Britannica*.

44 European Commission, Syria Crisis 2014

45 European Commission, Syria Crisis, 2014

46 Polk, W. R, 2013

population was governed by an ‘Alawite’ government that continued to oppress in order to quell the sectarian tensions that naturally arose in the country.⁴⁷ In general, about 85% of livestock died of thirst and hunger and 75% of crops had failed, causing a general decrease in GDP as well as a heavy strain on the agricultural sector of the economy, leaving 2 to 3 millions of Syria’s 10 million rural population below the poverty line living in an urban setting now.⁴⁸ With all these tensions and a high Refugee population of Palestinians and Iraqis, the Civil War eventually took shape in what is described as a ‘perfect storm’ in which agricultural and water and energy issues turned into a political and religious one.⁴⁹ Gradually protestors flocked to the streets as they fought against government oppression within the context of regional revolutions of the Arab Spring, turning into an all-out Civil war by Spring 2011,⁵⁰ in which now a whole generation of Syrians will now face psychological trauma as well as a loss of their homes and diminished trust in their fellow human beings.⁵¹ Furthermore, with a stalemate in Syria between government forces and various other forces including: al-Nusra, ISIS, and the Free Syrian Rebel Army, the Civil War will seem to continue for quite a while, thus forsaking many Syrians to the life of a Refugee.⁵² In addition, many countries have joined the fight in Syria against ISIS as well as trying to contain Bashar al-Assad’s forces from committing further Human Rights violations, with Russia, China, the US, as well as the surrounding countries, especially the axis of Iran, and Hezbollah in Lebanon who also have high stakes in the outcome of the Syrian civil war, leaving civilians defenseless between so many high political players.⁵³ Furthermore the US has been secretly arming insurgents in Syria who come from various different nations with very few actually from Syria, showing the international parameters of the continuation of this war for a long time to come, pressuring the need to provide for

47 Polk, W. R, 2013

48 Polk, W. R, 2013

49 Polk, W. R, 2013

50 Silander, D., & Wallace, D. (Eds.), 2015, p.37

51 Polk, W. R, 2013

52 Polk, W. R, 2013

53 Silander, D., & Wallace, D. (Eds.), 2015, p. 38

Syrian Refugees early before they fall through the cracks of the world system.⁵⁴ As Syrians try to salvage what is left of their lives, it is a global responsibility in which only international cooperation can address the migration, and refugee crisis to assure that these people who have suffered extensively will be able to have a livelihood of opportunity or at the very least survival.⁵⁵ Coming from such a background, many Syrians fleeing to Europe come with a different vision of reality than their European counterparts, making the available remedies more difficult to implement as Refugees are fundamentally in dire need of support, with a different understanding of basic necessities and Human Rights than what is offered to them, in order to stop them from falling through the cracks of their harsh reality. This is very crucial in understanding the psychological background of the common Syrian Refugee, which this paper will further explore in later sections.

4.3 Third countries' situations

Syria geographically borders Lebanon, Jordan, Turkey and Iraq, of which the first three countries host the most Syrian Refugees of all countries in the world, with a very high population of Syrians in comparison to persons per capita.⁵⁶ While having closer cultural connections to Syrians than Europeans, these countries still have difficulties in integrating them and providing Human Rights to every refugee in need, as domestically and politically these countries are very corrupt or not fully functional within government. Furthermore Syrian Refugees' basic Human Rights are ignored in these areas where many of them are struggling to survive.⁵⁷ While the CEAS has the Qualifications Directive (QD) which entails that Europe is supposed to support a mass influx of Syrian Refugees, most of EU policy has been centered around keeping Syrian Refugees contained in the Middle

54 Polk, W. R, 2013

55 Human Rights Watch, 2015, Europe's Refugee Crisis

56 European Commission, 2016

57 Boston University Law Students, & Akram, S. M, 2015, p.4

East.⁵⁸ In Lebanon, Jordan and Turkey most Syrians decided to make the move through to Europe because these 3 countries barely provide basic rights, leaving it up to humanitarian organizations, and their domestic sectors are too weak and fragmented to provide Syrian Refugees with income-generating jobs.⁵⁹ In Jordan, a country that has historically been open to refugees, be they Palestinian or Iraqi, many Refugee camps have been set up for Syrian Refugees, with 93% of Syrians entering Jordan in families and half of the refugee population being children.⁶⁰ Furthermore about 80% of Syrian Refugees are living in an urban setting rather than refugee camps putting a lot of pressure on the water resources, and diminishing economy of the Jordanian domestic sector.⁶¹ In Lebanon Syrian Refugees face almost worse conditions where ¼ of the Lebanese population are now Syrian Refugees, Lebanon's Refugee Law has been extended based on a Memorandum of Understanding with the UNHCR, but Lebanon also faces a weak domestic sector whose growth is being ruined by an overburdened population in such a small country.⁶² In these countries, children's rights are of great importance as over half of the population are children under 18 who require education and stability, otherwise, a whole generation of Syrians will be lost. Human Rights and IRL are very weak in Lebanon and Jordan and thus most Refugees slip through the cracks of a corrupt system in which they struggle to survive within these corrupt domestic sectors. Turkey currently hosts over 3 million Syrian Refugees⁶³ and is forcing Europe to grant many concessions, using the inflow of Refugees to Europe as a bargaining chip against the EU. Since the end of 2015 two meetings with Turkey have been called where 3 billion Euros have been pledged to Turkey in supporting Syrians, as well as a liberalization of the visa process for Turkish citizens, and an initiative to re-invigorate Turkey's accession to the EU process.⁶⁴ Turkey's Human Rights record and government

58 Boston University Law Students, & Akram, S. M, 2015, p.7-8

59 Escape from Syria: A Dialogue with Experts, 2016, p. 38

60 Boston University Law Students, & Akram, S. M, 2015, p.55

61 Boston University Law Students, & Akram, S. M, 2015, p.55

62 Boston University Law Students, & Akram, S. M, 2015, p.28-29

63 European Commission, Syria Crisis, 2016

64 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p.8-9

are known as an illiberal democracy as Kurds from the Kurdistan Worker's Party (PKK) are battling with security forces causing civilian deaths, as well as Human Rights violations of 'non-refoulement' are committed as Refugees are deported from the country, thus making it difficult for Syrians to get past border control.⁶⁵ Furthermore Turkey now requires a visa for Syrians entering from third countries, but no visa if they are entering directly from Syria showing how Turkey is moving to ensure to curb the inflow of refugees to Europe. Lebanon and Jordan's domestic sectors have also been so strained that now they also require visas for Syrians entering the country.⁶⁶ This exacerbates Syrians' freedom of mobility, causes more difficulty in reaching the 'given' of their rights as asylum seekers fleeing war and puts them in danger of 'refoulement' to Syria. In addition the economic and social impacts of having refugees in these struggling and less democratic countries have created an environment for much poverty and survivalist values that could cause many refugees to turn towards an illegal market.⁶⁷ Only about 30% of the working-age population of Syrians in Lebanon, Jordan and Iraq are employed in different jobs, though due to the weak domestic sectors of this country this situation has caused high competition and declining wage levels.⁶⁸ Registering as a refugee with the UN provides for humanitarian assistance and few public services, which causes many refugees to seek illegal work, further putting a strain on these countries' domestic sector. Furthermore, with a high number of Syrian Refugees who arrived to these surrounding countries with nothing, the housing market, depressed wage rates, and limited employment are widespread leading to further tensions between the Syrian and local communities.⁶⁹ Macro-economically tax rates are going up, and general economic performance and growth is going down the drain as large percentages of local populations are now strained by the helpless groups of Syrian

65 Kirisci, K, 2016

66 Spijkerboer, T, 2016

67 Zetter, R., and Ruaudel, H, 2014

68 Zetter, R., and Ruaudel, H, 2014

69 Zetter, R., and Ruaudel, H, 2014

refugees flooding their countries.⁷⁰ Europe needs to approach this situation as a united front in order to provide further humanitarian assistance to these suffering States, in order to further stabilize the region and stabilize economic growth for Syrian refugees to have a better foothold within the region they are more accustomed to. Thus if the EU tries to tackle the refugee inflow as individual states, they will probably fail, however joint cooperation and the regaining in confidence of Europe's collective capacity is vital to providing the countries bordering Syria with assistance. Through reinforcing the systems of support around the countries bordering Syria, it would be possible to decrease the in-flow of migrants to Europe, ease the pressure, and create a smoother transition of action in providing for the Syrian Refugees Human Rights wherever they are.⁷¹ Only 1 in 10 Syrian Refugees have made the trip to Europe⁷² while most are still around the region, thus reinforcing the rights of Syrian Refugees in the countries around Syria is crucial for the EU to lessen the burden of Refugees coming to Europe. Furthermore, keeping Syrians around their region will allow them to integrate easier as their cultures are closer to their Arab neighbors', allowing them to assimilate more easily within the host country.

4.4 Journey to Europe: Human Rights Issues

Syrians' journey to Europe follows 2 main routes to Vienna, mostly Syrians traveling to Europe from the Turkey-Greece or the Bulgarian-Turkish land/sea border.⁷³ Many Syrians then move towards Hungary through the Western-Balkan route, in an attempt to reach Europe, which has resulted in many fallen at sea, as Refugees take the risk of makeshift vessels⁷⁴ in order to move towards Hungary. As illustrated by appendix 3, a Syrian Refugee

70 Zetter, R., and Ruaudel, H, 2014

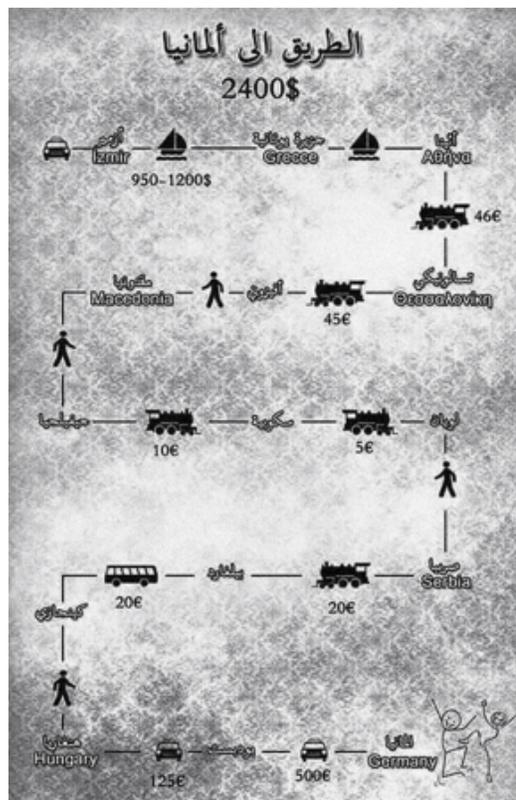
71 Kirisci, K, 2016

72 Escape from Syria: A Dialogue with Experts, 2016, p. 38

73 Cogolati, S., Verlinden, N., & Schmitt, P, 2015

74 BBC, 2016, March 4, Migrant crisis: Migration to Europe explained in seven charts

drew a map of the cost of each transportation method along the trip towards Europe within each country. For most Syrians this represents a further obstacle as they are fleeing from a war-torn area with almost nothing, forcing them to collect the money to travel to Europe within Syria's bordering countries that provide little opportunity for any economic input for refugees hoping to make their way to the safety of Europe. With hopes of freedom, security and prosperity as pull factors, while on the other side there is the need to escape war, persecution and Human Rights abuses, Syrians take the dangerous and risky journey of crossing through Europe in order to gain a better foothold where their Human Rights are respected.



Thus it is vital that Europe is able to provide them with Human Rights instead of a continuous adoption of border patrol policies (which will be further discussed later) that

make it more difficult for refugees to reach Europe safely.⁷⁵ Another challenge facing refugees is dealing with smugglers who often abuse their Human Rights through forced labor and other forms of blackmailing and enlist refugees to be under the whim of illegal criminals. However, if Europe does not form a better external border management policy and only arrests smugglers, then it will only cause the supply to decrease making the price go up for Syrians trying to cross into Europe and causing further Human Rights violations and more deaths.⁷⁶ Thus Europe launched Operation Sophia in 2015 in an attempt to curb asylum seekers movement to Europe, first collecting intelligence, and then in the second phase carrying out military operations to divert boats in international waters. This has led to further Human Rights violations as boats turning back away from Europe face further threats of drowning in the sea, as well as the possibility that asylum seekers will have to return home, violating the foundational policy of ‘non-refoulement.’⁷⁷ Instead the EU should help bring in migrant ships to the EU in order to give them a proper processing, lest their external border policy would create an environment for severe Human Rights issues. Whereas the EU Schengen open borders policy had once been made to make it easier to cross Europe, now each country has begun installing their own border policies, rendering the Schengen useless in aiding refugees to reach safety and their right to a fair asylum process. Furthermore the EU’s Dublin Regulation which had agreed that the first EU country asylum seekers reach would begin the asylum process is completely overwhelming for the external European countries such as Greece and Italy, causing most EU countries to ignore the regulation allowing for Refugees to move across into the better conditions and prosperities of Northern Europe.⁷⁸ As illustrated by appendix 4 most people entering illegally in 2015 went through the Eastern Mediterranean route, with the majority of them moving through the Western Balkan route to reach the richer and more developed countries

75 Human Rights Watch, 2015, Europe's Refugee Crisis

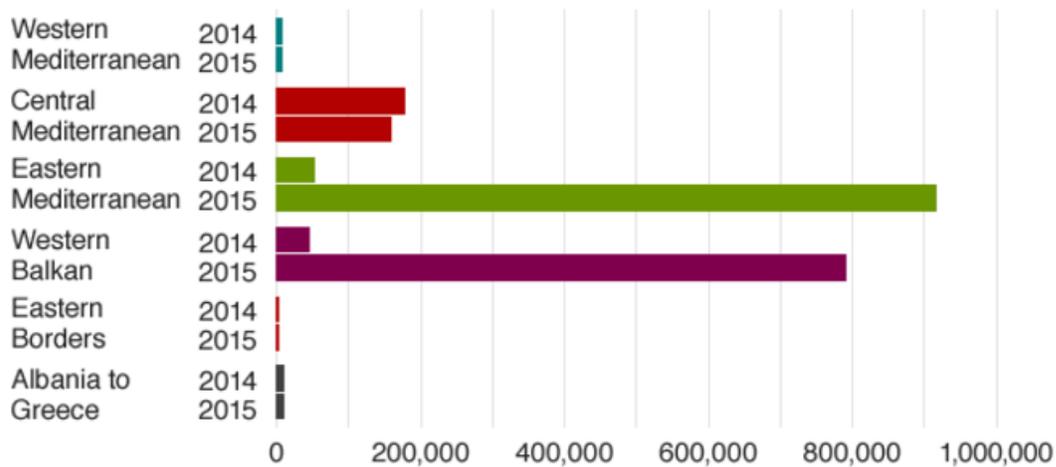
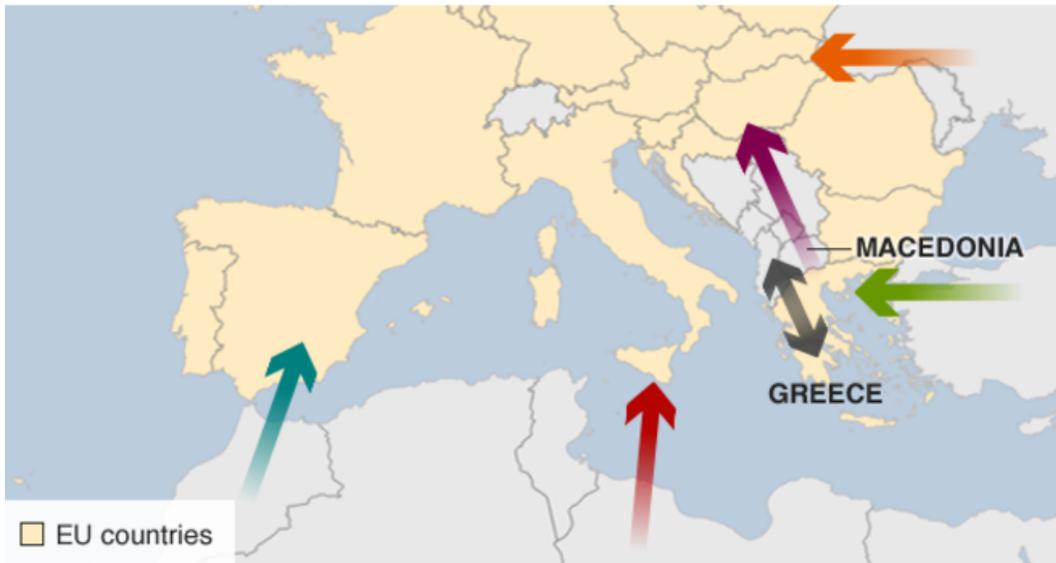
76 Human Rights Watch, 2015, Europe's Refugee Crisis

77 Human Rights Watch, 2015, Europe's Refugee Crisis

78 Lehne, S, 2016

of Europe, as most prefer to leave Greece whose services are not as well-structured as, for example, Sweden or Germany. Thus providing Syrians with a clear route to Europe is of fundamental importance and if their movement to Europe is not helped, Europe might fall further into disunited or detrimental policies that serve only European self-interest, at the cost of causing further Human Rights grievances for Syrian refugees.

Migrants detected entering the EU illegally, 2014-2015



Source: Frontex



4.5 Journey Across Different European States and their Policies

Taking off from Greece, many Syrians make the arduous journey to higher regions of Europe; this is because they are trying to reach a better livelihood with a country that is actually able to provide for them sufficiently. As shown by appendix 5, Syrians have to mostly cross through from Greece to Macedonia, into Serbia, then from Hungary into Austria or from Turkey to Bulgaria, through Romania then into Hungary, afterwards reaching Austria. While there is a Common European Asylum System (CEAS), European countries each apply their own policies of border control and provisions for Syrians moving through their regions.⁷⁹ Germany's opening of its plan to accept 800,000 Syrian asylum seekers, and 500,000 every year thereafter became a huge pull factor for Syrians making the journey. After an open door policy of 3 weeks, Germany announced it could not handle the influx of refugees, thus causing a whole shattering of the system. With Europe's main actor backing down, the CEAS experienced further fragmentation, prompting each country to adopt harsher policies against Syrians.⁸⁰ In Bulgaria and Greece, rates of asylum application are poor. Bulgarian officials detain illegal migrants and sometimes commit violent acts against them, forcing them to pay fines, which constitutes a huge violation of their rights. Furthermore reception centers are mainly underfunded and inadequate with bad shelter conditions in overcrowded areas, no education for children and inadequate food. Thus, instead of dealing with the Refugees through humane ways, the fragmented EU asylum system has allowed countries to be more brutal in their policies. For example, Bulgaria has installed fences and 'push-back' tactics against asylum seekers trying to cross through, while Greek officials have been reported to have damaged asylum seekers' boats,

⁷⁹Spijkerboer, T, 2016

⁸⁰ Spijkerboer, T, 2016

leaving them floating in Turkish waters.⁸¹ With a restricted access to the Asylum system, Syrians reaching the first EU country are met with Human Rights violations and hostility, already giving them a bad image of Europeans. Similar violations are happening in Macedonia, Serbia, and Hungary whose borders have been closed in order to block Refugees from going through their region, thereby forcing them to take illegal routes and making the journey even more perilous.⁸² Austria's Chancellor Werner Faymann compared Hungary's policies to Nazi Germany, but if Germany closes its borders then it will put even more strain on Austria and the Czech Republic who is in charge of closing the route to Germany from Prague. The freedom of mobility of Syrians is severely violated, and if this continues, Syrians' journey through Europe to their respective country will be even more damaging and detrimental to their welfare.⁸³ The Schengen principle of free movement is now being further limited as Austria, Denmark and Germany have implemented partial border suspensions. In a move to curb the in-flow of refugees, Europe is disintegrating its policies that protect Human Rights.⁸⁴ Europe's options are clear: either open borders within or open borders without, in order to achieve a better Human Rights approach which would make the dangerous journey of Syrians safer. With Germany's offer to take 800,000 Syrians and then closing it off, it has caused chaos in poorer European states, disrupted the continent's rail network, sparked a resurgence of right-wing nationalist views among European citizens, and further fragmented the EU borders' policy. Protected-entry procedures (PEPs) are vital in aiding Syrians to reach Europe. While many countries such as Austria, Denmark, The Netherlands, or Spain have adopted some at different times, when refugee flow was too high they eliminated these regulations.⁸⁵ If Germany had continued to support its plan of air-lifting refugees from Jordan and Lebanon, many issues would have been prevented. But instead the EU's policies remain disunited; the Dublin

81 Orchard, C., & Miller, A., 2014, p. 48-51

82 Babones, S, 2015

83 Babones, S, 2015

84 Babones, S, 2015

85 Matera, C., & Taylor, A. (Eds.), 2014, p.55-56

Regulation has no longer been enforced and serves only to make external border European nations face the brunt of the crisis.⁸⁶ With so many Human Rights issues piling up the future of European border policy control seems bleak; further problems will occur for Syrians, as they will bear a stigma of being unwanted by European countries upon arrival, thus deepening the problem of integration upon their arrival to European host countries.



⁸⁶ Crépeau, F., & Purkey, A, 2016, p.14

5. Analysis of International Refugee Law and of relevant Human Rights Conventions pertaining to the Rights of Refugees

5.1 Human Rights Framework and important articles relating to Syrian Refugees

Syrian Refugees are protected by an international Human Rights framework that is upheld by International Law and standards providing a soft law form where host countries such as Austria are accountable towards the Refugees survival and protection. There are many Human Rights concerns in a Refugee's livelihood that are important to fulfill in order to create strong parameters and boundaries within which a Refugee might be able to find opportunity and livelihood in host countries. The Rights of Refugees are enshrined first in the 1948 Universal Declaration of Human Rights whose context encompasses the importance of the 'human family.' It clearly stipulates that 'equal dignity and recognition of the inherent dignity and of the equal and inalienable rights of all members... is the foundation of freedom, justice and peace in the world.'⁸⁷ Article 14 envisions the right for everyone to be free from persecution or 'free from fear,'⁸⁸ while article 13 speaks of the freedom of mobility, whereby everyone should be allowed to leave his-her country and return to it, and refugees are given protection and free roaming capability. Further Articles relevant to Syrian Refugees are: Articles 2 and 7 about non-discrimination in which people seeking asylum should not be discriminated based on their background and should be

87 Harvey, C, 2014

88 Bacain, L. E, 2011, p.22

accepted based on their status as a Refugee or asylum seeker; Articles 3 and 9 on detention which relates to the conditions in refugee camps and the illegal routes taken by Asylum seekers journeying through Europe. They state that their ‘detention’ centers should be humane; Article 5 on torture, inhuman or degrading treatment or punishment relating to the danger of Refugees being tortured in their country or as illegal detained migrants within countries they are moving through. Article 6 gives refugees, as belonging to the Human race, the right to recognition before the law, meaning they should be allowed processing in the asylum system and have the right to take their grievances to court regardless. Articles 12 and 16 speaks about the protection of privacy and family, meaning Refugees should be allowed to be reunited with their families, and as the family is the basic unit of society, it is vigorously protected under Human Rights fundamentals. Article 15, on the right to nationality also applies since refugees should be recognized as belonging to a certain country, and their countries’ condition should be taken into high consideration when they are in the asylum process. Articles 18 and 19 on freedom of thought, conscience, religion, opinion and expression entail the ability for Refugees to fully express themselves and label their grievances as well as have their views respected under the law. Article 20 centers on social security, which means providing refugees with basic welfare to provide for them within a world system; Article 21 illustrates the right to an adequate living in all its domestic and civil and political forms. Article 22 mention the right of education whereby child Refugees should have the opportunity to thrive in this world despite their difficulties, in order to support future generations.⁸⁹ Thus the UDHR of 1948 provides the specific articles in which refugee rights should be upheld; the basis being the foundation of Human Rights, it constitutes the basis for refugees’ survival and protection. The CESCR and CCPR both extend the principles of the UDHR within specific articles, providing Refugees with the necessary economic, social, cultural, civil, and political rights that protect them as human beings and give them enough security to find a foothold in their new host

89 Harvey, C, 2014

countries.⁹⁰ Most important are the two conventions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), crucial because it applies the principle of non-refoulement exceptionally to all Refugees. In addition the CSR51 prohibits the return of refugees to their country regardless of whether they are persecuted against, while the Convention for the Rights of Children (CRC) is important because it provides a social security net to children and gives them a right to protection and humanitarian assistance.⁹¹ Enshrined as the most fundamental law to respect is the principle of non-refoulement, which is rooted in international customary law and is explained specifically in Article 33 of the CSR51.⁹² As the article states ‘no contracting state shall expel or return a refugee’; and the refugee is defined as someone who might be unable to return to their homeland, therefore explicitly underlining the principle that upon reaching a country, that country is not allowed to dismiss an asylum seeker’s claim until they are given a full processing and they are not condemned to return to their country, except if they are a threat to national security or the community.⁹³ Therefore this basic Human Rights framework creates the scope of protection afforded to Syrian Refugees in Vienna and Europe where their livelihood should be developed; they should be given opportunity to survive as their Rights are clearly outlined by the fundamental principles of Human Rights development.

5.2 Analysis of 1951 convention and Relevant points in 1967 Protocol

A Human Rights global framework is meant to move the foundation of protection of individuals from national obligations to a common principle of humanity, in which Human

90 Orchard, C., & Miller, A., 2014, p. 18

91 UNHCR, 2001, Refugee Protection: A Guide to International Refugee Law, p.18-19

92 Bacain, L. E, 2011, p.35-36

93 Bacain, L. E, 2011, p.37

Rights for Refugees are of fundamental priority in order to further extend and realise this basis for Human Rights. Within the Human Rights framework, the main convention incorporating the rights and status of Refugees is the 1951 Convention Relating to the Status of Refugees (CSR51), while the 1967 Protocol Relating to the Status of Refugees (PSR67) extends the geographical and temporal limitations of the definition of a Refugee⁹⁴ Indeed while the CSR51 is limited to the World War 2 circumstances of refugees, the 1967 Protocol broadens its scope definition of refugees so as to extend the application of Refugee Human Rights to more situations where people might be considered refugees.⁹⁵ With the drafting of the CSR51 came the United Nations High Commissioner for Refugees (UNHCR) that operates as a supervisory mechanism that oversees and reports on the progression of rights for Refugees.⁹⁶ Austria being one of the parties to the CSR51, is obliged to work with the UNHCR in their progression and adaptation of the CSR51 and its 67' Protocol in order to fulfill its mandate of protecting Refugees.⁹⁷ While the CSR51 and Human Rights convention are mainly soft law, they must be considered crucial in the development, promotion and reconstruction of Human Rights so as to assimilate these Human Rights into the international legal order. They are also vital in developing a culture of human understanding and acceptance of each other under an international responsibility, to guarantee that refugees fleeing zones dangerous to their lives enjoy international support to survive in this world system. In addition, Human Rights and Refugee law are limited as they only provide for the parameters of what and who is a Refugee, with minimal relevance to their actual treatment and principles of application of their rights. Furthermore the CSR51 and its PSR67 are very general documents that leave the application of Rights for refugees very open to interpretation, giving countries enough luxury to neglect their obligations because they are able to find 'sufficient' methods in applying the articles

94Simeon, J. (Ed.). (2010), p. 64

95 Boston University Law Students, & Akram, S. M, 2015, p.26-27

96 Harvey, C, 2014

97 Orchard, C., & Miller, A., 2014, p. 19

prescribed.⁹⁸ Plans of resettlement are also not really listed in the CSR51 or the PSR67, thus only making countries who signed these conventions accountable for not turning away recognized refugees. Countries who have not signed the conventions, are only supposed to work closely with the UNHCR who is the guardian of the CSR51 and PSR67 and encourages resettlement programs and the right to asylum as ‘a mechanism for refugee protection, a durable solution and an element of responsibility sharing with refugee-hosting countries.’⁹⁹ While the CSR51 establishes the definition and conditions in which a refugee finds themselves, it is still limited to a World War 2 interpretation of refugees, whereas the PSR67 expands the limitations of that definition and broadens its scope of application.

The CSR51 has been interpreted and elaborated on for its possible meanings by various authorities. Yet most important is to understand the rights set out by the Convention that give Refugees their freedom of movement (Article 26), their right to non-refoulement (Article 33), Right to Liberty and Security, rights to family life, as well as the right to education (Article 22), access to justice (article 16) and employment (17), etc. Nonetheless each article that sets the basis for these rights is also enshrined in other international and Human Rights legal instruments which provide a stronger framework and legal paradigm than the CSR51 for providing refugees with Human Rights.¹⁰⁰ The problem with the CSR51 is that it was not designed to be a burden-sharing convention in which international actors cooperates; rather it has created an environment in which asylum seekers are drawn to specific countries due to: family and ethnic community networks, employment opportunities and wage levels, generosity of welfare systems, levels of tolerance within existing societies, and the accessibility of determination systems.¹⁰¹ An Austrian EU Presidency report in 1998 expanded on how the CSR51 was an old convention and the need

98 Harvey, C, 2014

99 Orchard, C., & Miller, A., 2014, p. 19

100 International Justice Resource Center, 2016, ASYLUM & THE RIGHTS OF REFUGEES

101 Millbank, A, 2000

to devise a new one, because the CSR51 needs much revision as it gives too much room for interpretation.¹⁰² The CSR51 main terms are: Refugee, Asylum Seeker, Well-founded fear and Persecution, all of which different countries interpret differently unless bound by case law in their respective jurisdiction. Thus the Rights for Refugees exist within a global Human Rights collection of soft laws which the international community is obliged to uphold in the pursuit of reaching a common understanding and protection, in order to truly envision the guiding principles of Human Rights. The CSR51 only allows countries to adopt their own policies within a broad framework of classifications and qualifications.

6. European Legal Framework

6.1 Area of Freedom, Security, and Justice and Understanding: European Policies regarding Refugees

With the entry into force of the Lisbon Treaty on 1st December in 2009, the EU reaffirmed its constitutional commitment to fundamental rights which was made more important; the EU Charter of Fundamental Rights became binding, and the EU became obliged to accede to the European Convention for Human Rights, which reaffirms that fundamental rights are the foundations and building blocks of EU law.¹⁰³ At the European level, the right to asylum was granted by article 78 of the ‘Consolidated Treaty on the Functioning of the European Union,’ which created a foundation for the protection of asylum seekers and non-refoulement, while also the ‘Charter of fundamental Rights of the

102 Millbank, A, 2000

103 Costello, C., 2016, p.7

European Union' in article 18 established the right to asylum as a Human Right.¹⁰⁴ However the open area envisioned through the Schengen Agreement by European policy makers had been built gradually starting from the 1957 Treaty of Rome which aimed to create an advanced form of economic integration, a common European market, where products (goods and services) as well as factors of production would be liberalized (labor and capital).¹⁰⁵ Dealing with immigration and asylum became part of the Schengen process in which an open border policy was perceived to later make allowances, for an EU migration policy.¹⁰⁶ Furthermore the Treaty of Amsterdam which entered into force the 1st of May 1999 came with the aim of creating an Area of Freedom, Security and Justice (AFSJ).¹⁰⁷ However this general objective was set on the understanding that it would help internal citizens by striking a balance between freedom, security and justice instead of battling a perceived threat from the external borders. Understanding these 3 principles enlisted in the AFSJ is fundamental in tracing the way the EU policy developed to include the 'fair' treatment of Refugees, as these 3 principles founded in Europe's internal and external border policies can be better examined through the context and interpretation of these principles. Freedom within context is the freedom of mobility that is given to citizens of the EU as well as migrants moving through the EU; however it might also be interpreted as freedom from the dangers that Third Country Nationals (TCN) might bring to the EU. Security is interpreted to mean the high-level of security envisioned by the Treaty on the European Union (TEU) which is meant to protect the citizens of the EU as well as provide security for everyone within its borders including refugees, while Justice can be widely interpreted, yet is mostly associated with judicial proceedings and cases in which decisions are legally based.¹⁰⁸

104 Bacain, L. E, 2011, p.22

105 Costello, C., 2016, p.13

106 Costello, C., 2016, p.15

107 Costello, C., 2016, p.17

108 Costello, C., 2016, p.19-21

EU policy is mainly governed by two legal systems: the EU legal framework, and the Council of Europe (CoE), the CoE legal system follows the European Convention of Human Rights (ECHR) as well as the European Court of Human Rights (ECtHR) case law that has progressed and created a strong policy of non-refoulement and has produced a large body of Refugee law and asylum and complementary protection issues.¹⁰⁹ The EU legal system is based mainly on relevant provisions of the Charter of Fundamental Rights of the European Union and EU asylum directives and initiatives, and the CSR51 and PSR67 are incorporated into the Treaty on the Functioning of the European Union (TFEU) . Since the 2009 Lisbon Treaty, these EU laws and regimes became incorporated in general EU policy. Accordingly Article 18 of the Charter of Fundamental Rights of the European Union provides for the Right to Asylum, and Article 19 provides explicitly for the prohibition of refoulement, with the Court of Justice of the European Union (CJEU) acting as the authoritative figure that interprets the laws.¹¹⁰ Nonetheless European States' approach has varied, especially due to the Asylum Procedures Directive which allows states to process asylum applications but at the same time send back TCN's if they are being sent back to a third safe country thus burdening third safe countries, as well as making the journey more costly and dangerous for Syrian Refugees crossing into Europe from Turkey or Bulgaria.¹¹¹

European policy has been largely divided due to the problem of political leadership in the face of migratory and refugee reflexes which have sown tensions and deep divisions among States.¹¹² Instead of sharing responsibility, EU states are shifting responsibility, and instead of collaboration there is recrimination and division, and while Sweden's acceptance in 2012 of all Syrian refugees and Germany's open door policy with the elimination of the Dublin system - which was created to make whichever EU country refugees first step into take care of their asylum process - has reflected the few concessions made, faced with

109 Orchard, C., & Miller, A, 2014, p. 20

110 Orchard, C., & Miller, A, 2014, p. 19-20

111 Orchard, C., & Miller, A, 2014, p. 21

112 Crépeau, F., & Purkey, A, 2016, p.1

growing numbers of Syrian refugees, Europe's goodwill might instead be replaced by security fears, racism, and xenophobia, which have so far led to a tightening of EU asylum policy across the European continent.¹¹³ The principles of AFSJ should be considered when analyzing the aspects of cultural clash that occur as a result of migration and refugees coming into Europe, as political will is crucial in mobilizing European States and peoples' opinions on their duties towards Human Rights of Refugees. In contrast, European policy is fragmenting under the pressure of the Syrian Refugee Crisis a love-hate relationship has ensued, and European nations mismanagement has created further problems through their policies which could endanger Human Rights. On May 2015, the EU adopted a new European Agenda on Migration that set out specific goals and targets to achieve better management of the Refugee Crisis within various sectors of European policy on Refugees.¹¹⁴ However these policies have at times been leveled to disastrous effect such as Operation Sophia, ironically named after a dead child washed up on the shores of Europe, essentially authorizing states and organizations to intercept, inspect, seize, and dispose of vessels under 'reasonable grounds to believe.' An operation of this kind materialized off the coast of Libya under mandate by the UN Security Council Resolution 2240, adopted an October 9th 2015 (where few Syrians yet mainly Africans often make the trip since most take the Turkey-Greece route).¹¹⁵ Apart from these potential risks and critical turning points in European policy, soft law has been the main influence in correcting these issues under the 4 short and long term pillars of: 1) Prevention in reducing the pull factors and push factors that occur in third countries, with irregular migrants returning to their homes, 2) the external border management concern of allowing people safe travel into Europe, 3) the adoption of a Common European Asylum System designed to create a shared responsibility and a change from the Dublin Regulation, so member states can all prosper thanks to the economic and social inputs from well-integrated Refugees; and 4) the development of a new policy on legal migration, that involves activities outlined by the 'Labour Mobility

113 Crépeau, F., & Purkey, A, 2016, p.1

114 Crépeau, F., & Purkey, A, 2016, p.1

115 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015,

Package’ and the ‘Initiative on Skills,’ as well as revising the ‘Blue Card Directive’ for highly qualified Asylum seekers.¹¹⁶ Thus Europe began in response to April 2015 when a ship of 850 refugees sank, an initiative of tripling the budget on external border management, of the Frontex joint Operations Triton and Poseidon. Thus this initiative has acted as a ‘pull factor’ showing that European states are willing to invest in reasonable solutions.¹¹⁷ Furthermore EU states have set up various relocation schemes which aims to relocate 120,000 Refugees from Italy, Greece, and Hungary though only 4522 people were relocated by 4th February 2016. The second aspect of implementation of the EU action plan aims to prevent smuggling networks from operating around the Mediterranean as well as pushing irregular migrants to return in a safe and humane way.¹¹⁸ ‘Hotspots’ in places such as Greece and Italy have also been identified by EU policy and required to provide better access to asylum procedures as well as faster processing. Although the European Asylum Support Office, Frontex, the EU Police Cooperation Agency (Europol) and the EU Judicial Cooperation Agency have also been adapted to make fingerprinting and processing asylum applications faster, these new procedures might also be used to block smugglers, which would make it harder for Refugees and create a more treacherous journey into Europe.¹¹⁹ Furthermore the EU’s final implementation of its Action Plan includes reinforcing its external borders by creating a European coast guard that would help Frontex in implementing its mandate across the Mediterranean. Most crucial is the fact that the EU takes decisive action and pressures member States so as to actually implement these policies.¹²⁰

116 Crépeau, F., & Purkey, A, 2016, p.18

117 Crépeau, F., & Purkey, A, 2016, p.18

118 Crépeau, F., & Purkey, A, 2016, p.18

119 Crépeau, F., & Purkey, A, 2016, p.19

120 Crépeau, F., & Purkey, A, 2016, p.19-20

6.2 Court Cases

As prescribed by the CJEU and European Courts, Refugee law is usually defined and formulated based on court cases that apply IRL within the limits of Europe. Thus in order to better understand the limits of the non-refoulement policy and application for asylum, it is crucial to examine several past European court cases to build a framework for IRL as applied in Europe. The cases that will be looked into are *Ahmed v. Austria*, and *Saadi v. Italy*, for the principles of non-refoulement, while *Amuur v. France*, and *S.D. v. Greece* will analyze the aspects of asylum law related to the conditions of detention of asylum seekers. All these cases were decided by the European Court on Human Rights.¹²¹ Furthermore the CJEU had several cases related to Refugee law, one being on the procedural aspects of asylum law with a view to identifying the responsibility of member states under the Dublin Regulation. This case was the *Migrationsverket v. Petrosian and Others* case. The other ones deal with - *Salahadin Abdulla and Others v. Bundesrepublik Deutschland* and *Bundesrepublik Deutschland v. B and D* – on the granting and removal of refugee and subsidiary protection status. All these cases define the limits of EU law.¹²² In the case of *Migrationsverket v. Petrosian and Others*, the applicants were of Armenian and Ukrainian origin; they were denied access to France and therefore applied to Sweden. This became a battle between the possibility of giving asylum and adhering to the Dublin 2 Convention. The issue turned into an argument over the administrative time limit for the transfer of applicants to the Member state where they first applied. In the *Elgafaji v. Staatssecretaris van Justitie* case, two Iraqi nationals went to court based on article 15 of the Council Directive 2004/83/EC under which they claimed that they could not be returned to their country for fear of ‘serious harm;’ this is a loosely defined term within the CAT and CSR51 meaning freedom from suffering ‘serious harm’ in their country of origin. The court eventually decided that the applicants had the right to ask for subsidiary protection as

121 Bacain, L. E, 2011, p.49

122 Bacain, L. E, 2011, p.49

Article 15(c) should be read along with article 2(e) defining such status, in order to understand the right to subsidiary protection.¹²³ Thus in this case, it shows how conflict and indiscriminate violence in a 3rd country allows refugees to seek subsidiary protection at the very least, without having to provide proof that they might be inflicted ‘serious harm,’ and it should just be a given if the origin country is known to be in the middle of conflict.¹²⁴ Similarly therefore, Syrian Refugees should be granted at least subsidiary protection as they are not forced to prove that their country, which is currently at war, is a conflict zone; as this right has been established on a European level, Syrian Refugees should be eligible for at least subsidiary protection status, and Austria should not be entitled to reject applications on the basis that their home country is not dangerous enough for them to apply for asylum. In the case of *Salahadin Abdulla and Others v. Bundesrepublik Deutschland* the court found that the Qualifications Directive should perpetuate the fundamental principles of the EU charter that the guidelines of international refugee law must be interpreted in the light of general schemes and purposes, observing the CSR51 in terms of the first paragraph of Article 63 from the Council Directive of 2004/83/EC.¹²⁵ Thus European nations should, in recognizing asylum seekers be bound by certain interpretations of the Qualification Directive which follows a systematic view on Human Rights and Fundamental principles as outlined by the ECHR regarding asylum. In another case brought before the court two Turkish nationals of Kurdish origin who had applied for asylum were refused by Germany to return to their country despite the possible danger they would incur, because they had gone against the principles outlined by the UN and Human Rights. Nonetheless the court decided against the expulsion due to the danger of returning them to their host country under Article 12 of Council Directive of 2004/83/EC. In the court’s view, just being a member of an organization that committed terrorist acts does not constitute an allowance to return them home. This shows that the Qualifications Directive does not exclude other

123 Bacain, L. E, 2011, p.50

124 Bacain, L. E, 2011, p.50

125 Bacain, L. E, 2011, p.51

forms of protection in the absence of a refugee status.¹²⁶ These cases therefore show that under even very tight circumstances, most Syrian refugees coming to Austria should be given at least subsidiary protection and their asylum process should be handled if requested, once they reach Austria, as asylum seekers have the right to fair access to a procedural system of asylum based solely on their country of origin.

The next cases will discuss the strong principle of non-refoulement and the extent to which European policy must be adapted to not allow refoulement. In the case of *Ahmed v. Austria*, a Somali national invoked his right under Article 3 of the ECHR against Austrian authorities, claiming that returning to his country would cause him serious harm despite his criminal offenses. European courts therefore decided it would be unjust to send Ahmed back as he already reached refugee status and would thus have to be allowed to stay under the domestic provisions and judicial system of national Austrian courts.¹²⁷ This shows the extent to which asylum seekers' actions might cause them to be viewed as a danger to the community, yet they are still given asylum as Human Rights policy of non-refoulement by all means prohibits non-refoulement under the CAT, CSR51, PSR67, and many relevant international instruments. Furthermore, in the case of *Saadi v. Italy*, Saadi a Tunisian national in Italy with a family and refugee status, was suspected of terrorist acts in Italy and Tunisia and again invoked Article 3 of the ECHR before the court. The court allowed him to remain as the non-refoulement is an absolute right under CAT.¹²⁸ These cases explicitly highlight the importance of the right of non-refoulement in European policy. Consequently, under no circumstances can Syrian Refugees be returned to an area in which they might face Human Rights violations or possible danger.

A typical case dealing with asylum living conditions is that of *Amuur v. France*, in 1996, in which Somali nationals who had fled Somalia to Syria were told by France that

126 Bacain, L. E, 2011, p.53

127 Bacain, L. E, 2011, p.54

128 Bacain, L. E, 2011, p.59

they should return to Syria, which eventually was found by courts to be a violation of Article 5 (1) of the ECHR, as the French government did not guarantee the applicants' right to liberty and failed to realize that by sending them back to Syria, they might risk being also sent back to Somalia. France sent them back to Syria, which at that time was not in crisis, assuming that they would get refugee status in Syria, and were not in danger of returning to their own country.¹²⁹ Thus even after being denied asylum by authorities, asylum seekers may not be deported to a third-country if it cannot be ensured that they will receive proper benefits in that third country. In the case of *S.D. v. Greece*, asylum seekers were held in centers of 'inhuman and degrading treatment,' and the poor conditions of asylum seeker camps in Greece were found to be violations of Article 3. Asylum seekers were kept in conditions where they did not have access to physical activity, contact with the outside world and medical attention. Article 5 (1) and (4) were also violated as asylum seekers were found to be in unlawful detention. Thus due to inhuman and degrading torture Greece was found in violation, therefore showing that there has to be a certain criteria of living standards that are provided also to Syrian Refugees all over Europe. Furthermore if interpreted more broadly, degrading and inhuman conditions could also mean violations of other Human Rights, establishing a framework for better standards for Refugees.¹³⁰ Within these court decisions, interpretations of the CSR51 and PSR67 and all relating international frameworks protecting refugees establish clear cut rules for European states. Mostly the principle of non-refoulement is only allowed if the Refugee can be assured to be given refugee status and cared for. Yet even under criminal circumstances, asylum seekers also have a very strong right to remain and get access to the application process. As for Asylum seekers conditions, European states have a responsibility to maintain minimum standards so that refugees may enter a secure environment of Freedom, Justice, and Security that provide them with the same opportunities as defined by their rights in Article 2,¹³¹ while refugees have a general obligation towards host countries to maintain public order. But in

129 Bacain, L. E, 2011, p.50

130 Bacain, L. E, 2011, p.55

131 UN General Assembly, 28 July 1951, Convention Relating to the Status of Refugees

the final analysis their right to asylum mostly takes precedence. Syrian Refugees in Austria therefore must be given minimum standards which are inferred from the interpretations of different court cases from EU law. At present Europe has taken many initiatives to improve, with a more unified policy called the Common European Asylum System (CEAS). Austria has often battled with the system but also brought developments to it. Nevertheless political leadership is fundamental.

6.3 CEAS: Directives and importance

Relevant to the discussion is the CEAS which Europe has tried to manage since 1999, with various degrees of success it has built a unified policy towards asylum seekers, with a strong emphasis on Human Rights within a secure European zone.¹³² The main points of the CEAS consist of: the revised Qualifications Directive - which provides the criteria for asylum processes' qualifying factors and improves on the access to rights and integration measures of international security - the revised Dublin Regulation - which seeks to allow more shared responsibility between states as well as create an early detection system for problems with EU nations asylum or reception systems to solve problems at the root before they occur - the revised Asylum Procedures Directive - which aims for fairer and more efficient access to the asylum procedure, taking into account vulnerable groups within asylum seekers as a priority - and finally the revised Receptions Conditions Directive that essentially provides minimum standards for camping conditions and ensures that asylum seekers' fundamental Human Rights are respected, with detention occurring only as a last resort. Each Regulation and Directive represents a policy established for a common purpose to manage the Syrian Refugee Crisis.¹³³ As of 2015 only 56% of the required UN funding has been received to help Syrian Refugees, the EU must therefore rely

132 EU, 2014, A Common European Asylum System

133 EU, 2014, A Common European Asylum System

heavily on common policies to protect its area of AFSJ.¹³⁴ The CEAS initiative is reaffirmed by the Lisbon Treaty principles of policy development. Yet in 2013, the EU Council and EU parliament had a meeting on migration and implementing the CEAS to some extent; and decided to interpret the scope of the high standards set out by these unified policies in a restrictive manner, while nations sought it as an opportunity to expand on Human Rights, through a Human Security approach.¹³⁵

On the other hand, the CEAS has been mismanaged to the point that EU states are divided on their policies in many regards. Currently the integrated border management has been formulated to impede Refugees from moving around on EU soil, with each EU nation adopting different policies to reinforce its borders, claiming to fight illegal migrants and human trafficking when truly it is detrimental to Refugees access to asylum.¹³⁶ Furthermore the Dublin Regulation has created an unnecessary burden for first arrival EU states instead of sharing responsibility. Asylum seekers' Human Rights and standards of protection have decreased, with European states shifting the responsibility for taking Refugees onto other states, and causing tension between the European union's policies and standards of Human Rights.¹³⁷ Lastly the Qualifications Directive and Receptive Conditions Directive is implemented differently in each EU State, causing a rift between Human Rights and efficient standards of handling the Asylum seekers within the framework of AFSJ.¹³⁸

Within the CEAS, another problem in implementation is the failure to achieve the principle of solidarity among EU states as prescribed by Article 80 of the Treaty on the Functioning of the EU (TFEU). In states that, during a mass influx of asylum seekers, the

134 Spijkerboer, T, 2016

135 Garlick, M, 2014, p.4

136 Matera, C., & Taylor, A. (Eds.), 2014, p.13

137 Matera, C., & Taylor, A. (Eds.), 2014, p.13

138 Matera, C., & Taylor, A. (Eds.), 2014, p.13

principle of solidarity among EU nations should be developed and maintained.¹³⁹ Thus instead of reinforcing asylum seekers' Human Rights the EU is turning towards a notion of securitization on many levels, politically, socially, and psychologically. Documents drafted by the EU, such as the European Security Strategy and in Larger Freedom, have, instead of providing an approach of human security in which the individual is the unit that is supposed to have their policies reinforced around, the EU has taken a security approach in order to maintain its sense of AFSJ, ironically.¹⁴⁰ In maintaining the 'Integrated Border Management' and the 'Global Approach to Migration' where migration at external and internal borders crossed by refugees is monitored at every step of the way, there has been an increased policy of blocking Refugees and refusing applications to send them to 'Third Safe Countries,' such as Turkey or less developed European nations.¹⁴¹ These malpractices risk the danger of being incorporated into and influencing EU law, and turning the international responsibility into a burden-pushing tool, in order to pressure countries to reform politically and domestically, instead pressuring countries to focus and allocate their funds to areas that are less important to creating better standards and security for their individual country's context.¹⁴² Between 2004-2009 the Hague Program was set up to implement more harmonized standards of protection among EU states, and entrust the EU Commission with reviewing the first phase of laws regarding the building of IRL.¹⁴³ Furthermore between 2010-2014 the Stockholm program was implemented focusing on consolidation and 'practical cooperation' in the field of applying Refugee law to protect the interests of asylum seekers, reiterating the interests of Article 80 in the TFEU. The European Asylum Support Office, Frontex (EU Border Agency) and FRA (Fundamental Rights Agency) provide the backbone of EU solidarity and responsibility sharing, mainly

139 Matera, C., & Taylor, A. (Eds.), 2014, p.13

140 Matera, C., & Taylor, A. (Eds.), 2014, p.16

141 European Parliament, 2013, CURRENT CHALLENGES FOR INTERNATIONAL REFUGEE LAW, WITH A FOCUS ON EU POLICIES AND EU CO-OPERATION WITH THE UNHCR, p.6

142 Matera, C., & Taylor, A. (Eds.), 2014, p.43

143 Matera, C., & Taylor, A. (Eds.), 2014, p.44

focusing on building an early warning system, yet with the constant influx of Refugees, the EU must unite its policies more efficiently if it is to manage the Crisis.¹⁴⁴ Main problems exist within many of the CEAS Directives, for example the Dublin Regulation which instead of sharing the responsibility for taking care of Refugees, has forced frontline states to take most of the burden, leaving the richer northern European countries without responsibility.¹⁴⁵ Instead States should adopt a relocation scheme within the Dublin framework where the factors of population size, total GDP, average number of asylum applications per 1 million inhabitants and unemployment rate should be considered in sharing the Refugees influx across the European continent. Furthermore in order to advance Human Rights, the EU relocation scheme would seek to take into account private, family, and personal circumstances in effecting the asylum decision of where Refugees should be placed in Europe.¹⁴⁶ Thus through a model of relocation and improvements to each Directive, it is essential that Europe creates a model of mutual recognition, increased free movement rights, and transfer of protection available from date of grant of status, in a cooperative maneuver in order to manage the Refugee Crisis efficiently. Yet for Europe to efficiently manage the Syrian Refugee Crisis, it will have to address the various aspects of the CEAS that provide minimum standards and apply it more vigorously through renewed solidarity, and increased awareness of mutual recognition for policies.

6.4 Challenges and Improvements to European Policies

In handling the various challenges that the EU faces with the Syrian Refugee Crisis, various issues present themselves in which Human Rights must be established as a basis for adopting and developing policy and action. These problems include: reforming the

144 Matera, C., & Taylor, A. (Eds.), 2014, p.47-48

145 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p.13

146 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p. 13-14

CEAS and applying it with more solidarity among EU states, dealing with the disparities between EU states and better enforcing EU standards, and creating a multi-policy angle in order to adapt to the Refugee Crisis.¹⁴⁷ By adopting a more consistent Human Rights Framework, the EU should be able to manage the crisis. Yet there are four rationales that govern each State's domestic national policies within the EU: security imperatives, economic benefits, humanitarianism, and human rights.¹⁴⁸ While each member state is meant to gravitate towards common EU standards this has not been the case: Different countries have applied the Directives, and the Dublin Regulation differently with some implementing a securitization approach, rather than a unified policy with basic Human Rights standards as called for by European initiatives and court decisions. Addressing this challenge begins with reinforcing the already present EU legal framework provided by the CEAS in which the minimum standards of the Receptions Conditions Directive, Qualifications Directive, and Asylum Procedure Directive are harmonized to allow easier access to asylum seekers, and creating a more efficient processing.¹⁴⁹ This would require the EU: to strengthen already existing EU legal frameworks, with a better enforcement of monitoring systems that mutually reinforce cooperation among EU states, a higher commitment to principles under the AFSJ and solidarity and responsibility-sharing among EU states, strengthened cooperation and coordination so that the EU commission and several EU bodies work more closely with member states, Resettlement of asylum seekers providing for better means of living standards, Integration of asylum seekers into the social and political realm of the EU, and finally further collaboration and joint action within building the EU policy and CEAS framework.¹⁵⁰ Thus the EU has 4 priorities to manage the Refugee Crisis: first EU policy must shift from security concerns to a multi-sector policy, or human security approach which is based on developing cooperation, foreign

147 Crépeau, F., & Purkey, A, 2016, p.12-19

148 Crépeau, F., & Purkey, A, 2016, p.23

149 European Parliament, 2013, CURRENT CHALLENGES FOR INTERNATIONAL REFUGEE LAW, WITH A FOCUS ON EU POLICIES AND EU CO-OPERATION WITH THE UNHCR, p.5

150 Garlick 2014, p. 8-9

affairs, trade, economic, social, and employments conditions in order to maintain and improve the EU's image; the second priority is to reform the CEAS and mainly the Dublin system so as to create an environment of responsibility-sharing among EU states with improved criteria, taking a humanistic approach in order to decide how to distribute asylum seekers; third the EU Commission should work more closely with the European Parliament in adopting policies and enforce existing EU standards to prevent EU states from decreasing the standards of EU policy; and finally the EU should form an external border guard to provide better rights and easier access to the EU for those who have the right to an asylum process, so as not to dismantle the Schengen agreement, and create tensions on border policies between poorer and richer EU states.¹⁵¹ Apart from these challenges and possible solutions to correct the looming Refugee crisis, and the various policy failures that have led to the EU fragmenting on their policy, it is important to consider the Human Rights violations that many EU countries have committed, by shrinking their responsibilities under EU legislation and putting pressure on their EU colleagues rather than following a Humanistic approach.

European member states have already begun adopting a policy of securitization which has led to various Human Rights violations and a fragmented policy on Asylum seekers. For many EU nations within the Western Balkans, they are against Refugees' integration because they are feeling the strain of creating a multi-cultural society.¹⁵² Furthermore Slovakia and Hungary both brought lawsuits to the European Court of Justice due to the quota system of relocation that has been pushed by Germany and richer European states.¹⁵³ While these EU members have an obligation to uphold Human Rights, especially those set forth in the EU legal framework, they are instead adopting strict domestic policies in efforts to keep Refugees out and challenging the European legal framework and system of asylum

151 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p. 20-21

152 Oreskes, B., & Schatz, J, 2015

153 Oreskes, B., & Schatz, J, 2015

policy.¹⁵⁴ The fear of immigrants has been a perpetuating fear driven onto the European public as shown for certain reasons for ‘Brexit’,¹⁵⁵ where European nations and leaders are divided on many aspects such as: the fear of Islam penetrating European culture and values, where to relocate their funds, and how to properly integrate Refugees into the European system of values and livelihood.¹⁵⁶ Most European countries in the West Balkans which are Syrian Refugees main transit routes are adopting stricter policies; for example Hungary, bordering Austria, has been known to adopt brutal anti-refugee policies under Prime Minister Victor Orban, while FPÖ (Austrian Right-wing party) leader Heinz-Christian Strache praised his anti-Muslim rhetoric against Refugees.¹⁵⁷ Within Austria there have been 25 attacks on Refugee centers in 2015 as a result of FPÖ rallies and protests,¹⁵⁸ and Human Rights violations and abuses have been directed at Refugees, as a result of their perceived ‘Muslim’ identity. These issues might generate a wave of further social problems that might lead to harsher policies on Refugees, with EU nations challenging the EU legal framework in favor of a sway to the right-wing side of politics, helped by xenophobia towards Refugees, which reinforces the climb of the right-wing in many EU nations. Thus an axis has been formed within the EU led by Austria, with other EU nations such as Croatia, Slovenia, Poland, Czech Republic, Slovakia, Hungary, Serbia, Macedonia and Montenegro adopting securitization policies. In Macedonia there has been usage of tear gas, and water cannons to prevent women and children from crossing into Europe. This policy has been echoed and allowed by other EU nations, where more severe policies are being adopted in order to repel many Refugees.¹⁵⁹ Austria, together with Eastern European states, faces severe violations of Human Rights as refugees are attacked within a security oriented policy. Therefore it is crucial for European leaders to push for a European solution to the Refugee Crisis instead of fragmenting their policies, burdening the legal system with

154 Oreskes, B., & Schatz, J, 2015

155 Tharoor, I, 2016

156 Gabrizova, Z, 2016

157 Salzmann, M, 2016

158 Salzmann, M, 2016

159 Salzmann, M, 2016

lawsuits and instills fears over their ability to manage as divided nations, rather than adopt the CEAS more vigorously. Furthermore as Germany and Austria (where societies became more multi-cultural as a result of the Yugoslav wars) have had more of a history of multiculturalism,¹⁶⁰ the initiative of relocation to different EU states should be more carefully planned, so that countries like Germany and Sweden lessen the burden on poorer EU nations with better integration schemes, so as not to turn the Refugee crisis into an issue of further xenophobia, and right-wing tendencies. Therefore, it is essential to enforce EU member states' actions in implementing a common policy of Human Rights standards to reinforce the notion of AFSJ. Otherwise, Europe will continue to be guilty of Human Rights violations in its attempts to manage the influx of Refugees coming through its borders.

7. Austrian Initiative Applying Rights for Refugees in Vienna, Austria

7.1 Background of Austrian Asylum Process Initiative

Austria, located at the center of Europe, has created a well-functioning Asylum system in which Syrian Refugees might have free legal access to the Austrian asylum system. For Syrian Refugees entering Vienna, mostly from 'Traiskirchen' or 'Thalham,' their application must be submitted to a police station. Upon entering Vienna, there are several dispersion centers that allow transfers to various reception centers located around

¹⁶⁰ Oreskes, B., & Schatz, J, 2015

Vienna. There is free legal advice and translators for this process that are provided by the Austrian government in a regular procedure which takes a maximum of 6 months, at the end of which the applicant is granted Refugee Status, Subsidiary Protection, or humanitarian protection.¹⁶¹ Asylum and alien laws are subject to domestic courts. Many administrative procedures exist whereby asylum seekers are given access to courts by the General Administrative Procedures Act, the Asylum Act, and the Aliens Police Act, all of which contain sets of rules for asylum proceedings. The Federal Agency for Immigration and Asylum is responsible for deciding initial procedures, and decisions are made based on whether the applicant can be sent back to a third-safe country, or on the grounds that it is the responsibility of another state.¹⁶² Nonetheless courts must decide whether the applicant is in danger of violating the principle of non-refoulement if going to a ‘safe third country,’ or at risk of Human Rights violations if sent outside of Austria.¹⁶³ Syrian Refugees receive a protection status and a right to employment as soon as their subsidiary protection is recognized, and also given an extension of 1-5 years based on their application reasons for Asylum.¹⁶⁴ According to the 2004 Basic Care Agreement, between the State and the federal provinces, the fundamental rights and basic necessities of Refugees such as: accommodation, food, health care, pocket money, clothes, school material, legal advice, social advice, and leisure activity are entitled to asylum seekers as soon as their application process is underway.¹⁶⁵ Therefore Syrian Refugees entering Vienna must have applied to be able to receive the benefits included in the Basic Care Agreement. The 3 kinds of provisions for initial applicants are: accommodation, food and a payment of 40 euro per month where institutions or ‘care providers’ for the asylum seeker receive 19 euro per day. Asylum seekers also might have accommodation where they cook for themselves in which they receive 150-180 euro per month, or live in private accommodations where they receive

161 European council on Refugees and Exiles (Ed.), 2015, p.13

162 European council on Refugees and Exiles (Ed.), 2015, p.16

163 European council on Refugees and Exiles (Ed.), 2015, p.17

164 European council on Refugees and Exiles (Ed.), 2015, p.56

165 European council on Refugees and Exiles (Ed.), 2015, p.57

320 Euro a month.¹⁶⁶ All of Austria's 9 provinces pay 40% towards the Basic Care package while the Ministry of Interior oversees the provision of 60% in order to accommodate Refugees.¹⁶⁷ So far provinces have not been able to meet the Refugee quota with full accommodation, with services often becoming overworked, and overcrowded.¹⁶⁸ Conditions in reception centers are varied. In some, refugees are allowed to cook for themselves, so as not to create tensions around cultural 'food traditions.' Such Centers receive 14-19 euro a day depending on the reception standards.¹⁶⁹ In some centers there has been overcrowding, or asylum seekers complained about unhealthy and poor meals. Thus in September 2014 the federal states of Austria agreed on minimum standards of reception.¹⁷⁰ While living standards consequently improved access to freedom of mobility, and access to language courses, services were still strained in certain reception centers. Efforts by NGOs and governmental organizations would try to better the conditions.¹⁷¹ Nonetheless when asylum seekers enter Austria they are given a 'green card' and transferred to a refugee camp. They can be fined if they try to move out of the district, and are then denied family reunification and access to legal consultations.¹⁷² As for employment the 'Foreigner

166 European council on Refugees and Exiles (Ed.), 2015, p.59

167 European council on Refugees and Exiles (Ed.), 2015, p.60

168 European council on Refugees and Exiles (Ed.), 2015,, p.60

169 European council on Refugees and Exiles (Ed.), 2015,, p.62

170 European council on Refugees and Exiles (Ed.), 2015,, p.62

171 European council on Refugees and Exiles (Ed.), 2015, p.63

172 European council on Refugees and Exiles (Ed.), 2015, p.69

Employment Law⁷ allows asylum seekers to gain a work permit within a minimum of 3 months after their asylum process has been drafted, whereas Education is compulsory up to the age of 15 after completing 9 classes. However, after completing this educational level, minors find it difficult to learn in German schools, and language courses are only free for unaccompanied minors.¹⁷³ Health Care Insurance is provided by the Basic Care system, yet is limited if the Refugee is absent from their district or has committed violent behavior, leading to no medical treatment to asylum seekers as they are assumed to go to medical centers in case they need it, and leaving some Asylum seekers trying to leave their centers without basic health insurance.¹⁷⁴ Although many EU Directives have been transposed to Austria's national legislation, there still needs to be clearly defined terms and further implementation of these directives within Austrian provinces if they are to abide by the EU framework.¹⁷⁵

7.2 Problems of Austria's Policy Implementation for Refugees

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	1 January 2014	Federal Act concerning the Granting of Asylum
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	20 July 2015	Aliens Law Amendment BGBl 70/2015 from 18 June 2015
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	20 July 2015	Aliens Law Amendment BGBl 70/2015 from 18 June 2015
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	20 July 2015	Aliens Law Amendment BGBl 70/2015 from 18 June 2015

173 European council on Refugees and Exiles (Ed.), 2015, p.72

174 European council on Refugees and Exiles (Ed.), 2015, p.73

175 European council on Refugees and Exiles (Ed.), 2015, p.84

Facing the Syrian Refugee Crisis has been no easy task for Austria, which has at times followed suit with Germany's Angela Merkel's 'Willkommenskultur' policy of open-doors to Syrian Refugees in 2015,¹⁷⁶ until the right-wing sentiments increased, creating an anti-refugee movement that was spread across the Austrian public and media, leading to a suspension of the Schengen, closing Austria's borders, and introducing a daily quota of refugees.¹⁷⁷ As shown by appendix 6 above, many directives were transposed to Austrian law, committing Austria to upholding Human Rights. In 2015 Austria received about 90,000 applications from asylum seekers, having the 3rd highest number of applicants per capita in Europe.¹⁷⁸ Germany's failures to integrate and find proper housing for Refugees led to Austria being stated by then Prime Minister Werner Faymann as having become Germany's 'Waiting Room.'¹⁷⁹ In this context Austria has risen as the leader of central European and Western Balkan states that stand against Germany's idealistic proposals of uniting European policy and showing solidarity in the face of the Refugee Crisis.¹⁸⁰ Austria has had a previous history of being very open to Refugees, such as to Yugoslavian Refugees during the Balkan war of 1995, and Muslim communities were well-integrated and accepted by their Austrian hosts.¹⁸¹ In the beginning Austrians were quick to provide help, flocking to train stations to welcome Refugees, but as it became known that most Refugees coming in were not women and children and that most were men between the age of 20-35 years, strains were put on the Austrian public opinion and integration system, and xenophobia started to rise, along with a rising right-wing influence within the political sphere.¹⁸² Presently Austria has begun erecting border fences, as well as imposing an upper limit of 37,500 asylum applications that would be processed per year. It decided that, beginning in mid-May, all asylum applications will be decided at the border within an hour

176 Mudde, C., 2016

177Mudde, C., 2016

178 Oltermann, 2016

179 Mudde, C., 2016

180 Oltermann, 2016

181 Pongratz-Lippit, C, 2016

182 Pongratz-Lippit, C, 2016

with appeal possibility, so as to curtail the amount of Refugees entering the country. 183 Various defense ministers led by Austria called a meeting in which Croatia, Slovenia, Poland, Czech Republic, Slovakia, Hungary, Serbia, Macedonia and Montenegro were in attendance in order to discuss a cooperative military policy as the supreme goal in dealing with the current Refugee Crisis. Austria for its part has already begun deploying armed forces along its borders to implement its policy of asylum seeker processing.¹⁸⁴ Furthermore the Defense Minister echoed plans of also militarizing Europe's external borders of Bulgaria and Greece, in actuality reinforcing the Human Rights violations that have occurred in outskirt European countries such as Macedonia's brutal treatment of Refugees.¹⁸⁵ Thus far all previous legislation and EU legal framework is shown to be weakened. Austria has taken the more sovereign state securitization approach, and the domestic policies and internal pressures of Austria are creating a hard stance against allowing asylum seekers their rightful process to Asylum. By rejecting Refugees, with the emergency law at the border, Austria is implementing the policy of pushing Refugees onto poorer EU nations instead of improving their integrational policies. Thus it is possible that Austria's political maneuvers and weakening commitment to the Refugee Crisis will cause a further securitization of its borders, creating a stigmatization against Refugees trying to integrate into Austria's system.

Austria's capabilities of integration are born out of its wealthy economic sector, its upholding of Human Rights standards that are incorporated in its legal framework, and its multi-cultural background. However Austria is still facing certain challenges in its internal maneuvers in handling the Refugee crisis. Throughout Austria the Asylum system has been overloaded with asylum applications as Austria has established a quota system for accepted asylum requests of 37,500 applications. Furthermore, there is a lack of housing opportunities, and asylum seekers are forced to stay in temporary relocation camps. The

183 Salzmann, M, 2016

184 Salzmann, M, 2016

185 Salzmann, M, 2016

asylum process itself is complex for Refugees to go through, and the prescribed amount of time in order to be accepted into the asylum seeker process has begun to take more than the prescribed 6 months.¹⁸⁶ Currently the Vienna Social Fund (FSW) provides for social assistance to Austrian citizens and asylum seekers alike. There are 3400 residential places located around Vienna that fulfill quality standards for asylum seekers with also 6000 emergency accommodation areas.¹⁸⁷ Despite the ‘Vienna Refugee Aid’ card that provides asylum seekers with a receipt of basic services, free health care, free transport and a valid registration of residence, the challenges of securing sufficient funds directed to asylum seekers' well-being, making room in care facilities, and providing housing for families of eligible asylum seekers still persist.¹⁸⁸ The Austrian Economic Chamber and the Austrian Trade Union Federation also provide economic apprenticeships for young asylum seekers to enter the job market, however this has met with limited success, where the main problems are giving asylum seekers their qualification so that the integration policy might progress. Various NGOs such as: Caritas, Austrian Red Cross, The Diakonie Refugee Service, the Integration House Vienna, and Helping Hands serve to protect the interests of asylum seekers by providing legal assistance and advice through the asylum process, relocation programs and refugee camps, providing basic necessities, and providing language courses for better integration. All these are issues dealt with by Austria's civil society.¹⁸⁹ Thus the issues of integration remain as fundamental problems to society, and Civil Society has been strained by the influx of Refugees leading to possible shortcomings and gaps within the system of the asylum process which is sometimes very lengthy and does not provide direct assistance in integrating Syrian Refugees into the Austrian society.¹⁹⁰

186 European Economic and Social Committee, 2015, p.1

187 European Economic and Social Committee, 2015, p.2

188 European Economic and Social Committee, 2015, p.2-3

189 European Economic and Social Committee, 2015, p.4-6

190 European Economic and Social Committee, 2015, p.6

The Syrian Refugee Crisis in Austria can be compared to the German Refugee crisis very closely. Both are neighboring countries with the same language, thus the possibilities of integration for both nations can be interlinked and understood in order to better outline the integration challenges and issues in Austria. Domestic policy towards Refugees can be said to be structured around a ‘war of maneuver’ and ‘symbols’ in which media, political, and economic outcomes further or weaken the agenda of providing for Refugees by EU policy. The Refugee Crisis also reinforces already existing political-economic structures such as the xenophobia and ‘Wilkommenskultur’ that is represented in both Germany and Austria.¹⁹¹ The current events in the news portraying violence and terror are often linked to Syrian Refugees causing new asylum seekers to enter a battle of symbolic news events, that sway public opinion more towards xenophobia, effectively endangering Syrian Refugees integrating into larger society within Vienna.¹⁹² With growing numbers of Refugees, even the most liberal Europeans will start fluctuating towards a sense of invasion to their country, further creating disparities between Refugees and locals.¹⁹³ Thus a sense of compassionate pragmatism against fear of cultural, ethnic, and religious difference has arisen in Vienna where society has become massively divided on their opinion of allowing Refugees into Austria, shifting the political opinion towards right-wing groups that will create even further securitization approaches instead of adopting a human security approach.¹⁹⁴ The challenges against Human Rights are vast as the asylum process in Austria has many complexities preventing Syrian Refugees from getting clear access to the asylum process, as well as an overburdened civil society and social services that might lead to a sway in public opinion which has been shown to lean towards the right-wing xenophobic tendencies. That possibly would cause further Human Rights issues, as Austria takes the political lead in making it more difficult for Syrians to reach Austria so as to ‘balance’ society’s sentiments.

191 Holmes, S.M & CASTAÑEDA, H., 2016

192 Holmes, S.M & CASTAÑEDA, H., 2016

193 Sullivan, P. W, 2015

194 Holmes, S.M & CASTAÑEDA, H., 2016

8. Data Results

In order to further analyze the policies in effect in Vienna, collecting 67 questionnaires by Syrian Refugees has provided results to understand to what extent their Human Rights are being enforced, so that Human Rights violations and issues can be foreseen before they occur and further Human Rights implementation can be applied to Syrian Refugees so as to create a better Human Security approach. For the categorical questions that place Syrian Refugees in categories, these are the data frequency tables to show their identities.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Under 18	9	13.4	13.4	13.4
18-30 years	36	53.7	53.7	67.2
31-49	20	29.9	29.9	97.0
Over 50	2	3.0	3.0	100.0
Total	67	100.0	100.0	

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Damascus	19	28.4	28.4	28.4
Rif Damascus	9	13.4	13.4	41.8
Homs	4	6.0	6.0	47.8
Aleppo	9	13.4	13.4	61.2
Latakia	1	1.5	1.5	62.7
Idlib	4	6.0	6.0	68.7
Raqqa	8	11.9	11.9	80.6
Hasakeh	6	9.0	9.0	89.6
Daraa	4	6.0	6.0	95.5
Der Ezzor	3	4.5	4.5	100.0
Total	67	100.0	100.0	

Arabic

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	67	100.0	100.0	100.0

English

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	29	43.3	43.3	43.3
no	38	56.7	56.7	100.0
Total	67	100.0	100.0	

German

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	32	47.8	47.8	47.8
no	35	52.2	52.2	100.0
Total	67	100.0	100.0	

French

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	3	4.5	4.5	4.5
no	64	95.5	95.5	100.0
Total	67	100.0	100.0	

Other

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	14	20.9	20.9	20.9
No	53	79.1	79.1	100.0
Total	67	100.0	100.0	

Type of Residency

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Asylum Seeker	13	19.4	19.7	19.7
	Convention Refugee	51	76.1	77.3	97.0
	Subsidiary Protection	1	1.5	1.5	98.5
	Other	1	1.5	1.5	100.0
	Total	66	98.5	100.0	
Missing	-1.00	1	1.5		
Total		67	100.0		

As illustrated by the frequency tables, out of the 67 Syrian Refugees who answered, they mainly come from Damascus, Rif Damascus, Aleppo, and Raqqa where P = 19, P = 9, P = 9, and P = 8 respectively. Furthermore, Syrians are generally very well educated, where no-education is P = 2, 9th Grade education is P = 18, Baccalaureate level is P = 21, technical training is P = 6, University level is P = 17, and Higher education is P = 3. The results also show that Syrians in Austria, have been here 1 - 3 months is P = 1, 3 - 9 months is P = 25, 9 months – 2 years is P = 23, and those who have been here 2+ years is P = 18. As for languages, Syrians who have said that they can speak Arabic is P = 67, English is P = 43.3, those who speak German are P = 32, those who speak French is P = 3, and those who speak other languages which has always been listed as Kurdish is P = 14. The Type of Residency was missing an answer from 1 person, where asylum seekers is P = 13, Convention Refugee is P = 51, Subsidiary Protection is P = 1, and Other is P = 1. These findings show the identity of the Syrian Refugees, and now results for elaborating on Syrian Refugees responses to the various questions.

A large proportion of Syrian Refugees, 37%, came between 3-9 months ago, 34% came between 9 months – 2 years ago, and only 27% came more than 2 years ago. When asked about rate of happiness in Vienna, respondents were between okay and happy, with a mean of 3.36 out of 5. The respondents viewed War as the main reason for seeking asylum and leaving Syria, having a mean of 4.7 out of 5, the second most important reason was the destruction of their house with a mean of 3 out of 5, better life in Europe was third with a

mean of 2.8, fourth was family reasons with 2.6, whereas the fifth was looking for a job with a mean of 2.4. These were the main push factors that caused Syrian Refugees to leave Syria. Respondents had to select one from four expectations that they had before coming to Europe and leaving Syria, the majority with 49% viewed coming to Europe as a temporary plan until going back to Syria, this was followed by 40% who came to Europe with the intention of permanently staying, and 6% came due to the freedom of mobility, and only 4.5% came to seek social welfare. Immediately after this question, respondents were asked whether their pre-expectations were met once arriving in Vienna, in which 41.9% were neutral, 27% believed their expectations were met, and 31% believed that their expectations were not met. The majority of respondents with 53% viewed going to Europe as Syria was too dangerous to return to as their only option 2-3 years ago. When asked to rank features of their identities according to importance where 1 is least important and 6 is most important, Syrian refugees answered Religion as the most important feature with 4.4 out of 6 as a mean, Education as second with 4.2, Syrian culture with a mean of 3.8, Arab culture with a mean of 3.1, Experiences occurring in their lifetime with a mean of 3.0, and social class with a mean of 2.7. Respondents were then asked to rank their difficulties in coming to Austria where 1 is least difficult and 5 was most difficult, where transportation was ranked most difficult with a mean of 3.9, money with a mean of 3.0, laws with a mean of 2.9, European Social workers with 2.7, and personal issues with 2.7. The driving emotion on Syrians' journey was Hope with 56%, and desperation as the second most occurring emotion during the journey with 27%. Respondents were positive about the assistance they received during their asylum application with 82% saying that European social workers were helpful in filling their application during the asylum process. After arriving to Vienna, 77% of Syrian Refugees viewed Vienna as their permanent new home, while 23% viewed it as a temporary safe place. In the next question, Syrians rated the speed and efficiency of Austrian Asylum workers with a mean of 5 out of 10. Almost all Syrians believed that they have the same duties as Austrian citizens, rating their duties towards their host country as very close to same as citizens' with a 9.2 out of 10. Furthermore almost all Syrians care deeply about the future of Syria, having a mean of 9.6 out of 10. Syrians were asked to rate

from 1 to 5 certain values or laws where 5 is most important for their condition, and 1 is least important. Education was the most important with 3.8, followed by jobs with 3.4, while independence and freedom of opinion were 2.8, Social interaction 2.7, and the least important was social welfare with 2.5. Lastly Syrians were asked about whether they thought Austrian and Syrian culture could learn from each other; 88% of respondents believed that they could, and only 12% believed that both cultures cannot learn from each other.

8.1 Indicators and Categories of Syrian Refugees' identity and how it influences their assimilation into Vienna

Syrian Refugees have created a unique social group in Europe whose assimilation is key to providing for their human rights, and adaption to their host country is crucial in building a multi-cultural successful European society. Nonetheless the variations of the Syrian Refugees social group give them a possible point with which to connect to European society. Thus it is important to outline that the age, gender, region of Syria, Educational Level, Languages Spoken, Type of Residency, and Date of Arrival all contribute to the vantage point of Syrian Refugees progressive integration into European society. As a social group the characteristics of Syrian Refugees must be better understood, so as to highlight their potential contributions and sectors of society in which they will be placed. Insofar as Austrian society accepts and provides for the Syrians, so do the Syrians provide to Austrian culture. Within Syrian Refugees capacity to adapt to Austrian culture there are essential aspects that are highlighted by the questionnaire, for example Syrian Refugees were asked in the questionnaire to rate their satisfaction with many aspects of the asylum process. Questions were asked to understand their relation to their systematic assimilation in Austria, where they were understood to belong to a certain group in contrast to the Austrian host culture. Syrian Refugees varied social groups bring about different needs and desires

that must be fulfilled in order to realise an approach of human security in which human rights are respected. As revealed by the literature review, European policy is adopting a securitization approach¹⁹⁵ that has created a cultural clash with the views that the Syrians Refugees should be accepted in their host country population. Thus understanding the human rights of the specific category groups within the Syrian Refugee population is fundamental in targeting the correct Human Rights application to accommodate the discrepancies in satisfaction expressed by Syrian Refugees in reply to the questionnaire.

Within the results the age groups were divided between the under 18, 18-30 years old, 31-49 years old, and 50+ years so as to gauge their response in accordance with the relevant age groups and identify possible contributions and type of assistance needed by each in society to provide opportunity accordingly. As shown by the table below all relevant age groups rated Education as the most important right, revealing a strong incentive to learn how to assimilate and belong to European culture. The under 18 group and the 18-30 years age group rate jobs and social interaction evenly as the next most important rights, while the 31-49 age group put independent living with freedom of choice as the 2nd most important, then jobs and welfare as the next closest needs. Thus the Austrian government has a clear message from these results that each age group requires a certain mature understanding of their Rights, and furthermore as most Syrians are motivated to have the same duties as EU citizens with a mean of 9.2 out of 10, the need to provide opportunity similar to citizens' is crucial for better relations between the Syrian refugee minority and Austrian multi-cultural society. The youngest age group is in a critical stage where their development can be heavily influenced by their conditions, thus as social interaction is so important as a right to them, Human Rights of education and securing Human development in youth are vital to assimilating this group properly so that they may develop.

195 Matera, C., & Taylor, A. (Eds.), 2014, p.16

Age		N	Minimum	Maximum	Mean	Std. Deviation
Under 18	Education	9	1.00	5.00	4.3333	1.32288
	Job	7	2.00	4.00	3.1429	.89974
	Welfare	7	1.00	3.00	1.8571	.89974
	Social Interaction	7	1.00	5.00	3.1429	1.34519
	Independent living with freedom of choice	7	1.00	5.00	2.7143	1.70434
	Valid N (listwise)	7				
18–30 years	Education	33	1.00	5.00	3.9697	1.46810
	Job	34	1.00	5.00	3.6471	1.20309
	Welfare	32	1.00	5.00	2.4375	1.36636
	Social Interaction	31	1.00	5.00	2.8065	.98045
	Independent living with freedom of choice	33	1.00	5.00	2.3939	1.32144
	Valid N (listwise)	31				
31–49	Education	16	1.00	5.00	3.5000	1.71270
	Job	17	1.00	5.00	3.2353	1.39326
	Welfare	16	1.00	5.00	2.8750	1.45488
	Social Interaction	17	1.00	5.00	2.4118	1.00367
	Independent living with freedom of choice	18	1.00	5.00	3.3889	1.46082
	Valid N (listwise)	16				

For older groups jobs are fundamental to provide, which would require training in language and professional behavior understanding of Austrian work settings and culture. The economic, social, and cultural rights of Syrian Refugees should be observed when applying a human security approach to each age group to secure them development within society's domestic sectors.

As Syrians come from different regions of Syria according to the questionnaire, each comes with a unique village or city mentality that can be properly re-constructed to understand how they would assimilate in European city life. Most Syrians come from Damascus, the Syrian capital, or Rif Damascus, which are large cities with lively domestic sectors of trade and exchange. Nonetheless the social system of Syria and Austria obviously differ and therefore principles of reciprocity and exchange are governed by different

cultural rules. Hence 88% believed that Syrian and Austrian Culture can learn from each other, which clearly reflects a willingness to cooperate and through a thesis and anti-thesis create a better role for Syrians as a social group within Austrian society. The city mentality of Vienna is governed by European Human Rights understandings in the treatment of citizens and thus when Syrians manage to live in Vienna, they are met with freedoms that pre-war Syria did not have, such as civil and political rights.¹⁹⁶ Presented with a set of new capabilities in European civilization, Syrians' category groups will further cement the way they mold as a group to the multicultural system of Austria. By enjoying the freedoms provided by the Austrian asylum system each group will be adapted in a specific sector depending on how actively the Austrian asylum system is able to target the interests of each group in the short-term and long-term.

Pre-war Syria had actually created a high potential of educated refugees within the Syrian social groups as education and health care in the pre-war state of Syria was a right for society.¹⁹⁷ Thus when extended to a human security approach, Syrians already understand the concept of a State providing for their opportunity and development in the competitive sectors of society, and Austria should be able to reinforce this notion along with their other rights in order to improve assimilation standards. As a result of the educational framework of Syria's past, the table below reveals that Syrian refugees in Austria are generally well-educated, where only 3% have no education, 26.9% have 9th Grade education, 31.3% have up to baccalaureate, 9% have technical training, 25.4% have university training, and 4.5% have a Higher Education which show, that Syrians potentially have many abilities to contribute to society if their knowledge can be transferred through language courses. That is probably why most age groups put Education as most important, because they know that they are capable of finding work and competing in European society, making it the responsibility of the European states to provide easy access to ensure

196 Odeh, M. 2013

197 Galdo, A, 2004, p.3

a transfer of their skills, mainly through language courses as soon as possible. Furthermore, educating Syrian Refugees about European standards is fundamental for them to be able to understand the cultural context of Austrian culture.

Educational Level

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No education	2	3.0	3.0	3.0
	9th grade	18	26.9	26.9	29.9
	Baccalaureate	21	31.3	31.3	61.2
	technical training	6	9.0	9.0	70.1
	university	17	25.4	25.4	95.5
	Higher	3	4.5	4.5	100.0
	Total	67	100.0	100.0	

Syrian culture is a mainly high context culture whereas Austrian culture is more of a low-context culture. Indeed Arab/Syrian culture carries a lot of unspoken information which is transferred during communication, while Austrian Culture is more direct and explicit. However, while both cultures stem from a different absorption of educational development, most Syrians still believed that Austrian and Syrian cultures could learn from each other.¹⁹⁸ Thus within the commonalities of the framework of Syrian rights and European Human Rights, possible links can be made to better assimilate and educate Syrians on committing to the duties entailed by the CSR51 to their host country, in which low and high context cultures might learn from each other. Syrian culture is based more on intuition and feelings, while Austrian culture is based more on logic and facts. Thus Human Rights can form the bond between both cultural understanding by providing the same opportunities as citizens and easy access to services for refugees, so they feel that they belong, through Human Rights applications that satisfy their needs in Austria.

Another interesting result from the questionnaire is the language abilities of Syrians, meaning that where 47.8% said that they are able to speak German. This could also be evaluated as Syrian Refugees do not know German at a fluent level but are still saying they know the language. Nonetheless, this shows that Syrians are excited to present themselves

198 Maclachlan, M., 2010

as being able to assimilate so as to get a good reputation and learn the language to better understand low-context culture. It is therefore crucial for Austria to provide language lessons that allow for Syrians to keep up with their own standards of impressing Europeans through learning their language as a respectful sign of homage towards their culture. Thus the issue of providing language courses and recognizing the need of asylum seekers to have direct access to language courses is crucial in satisfying the needs of the various categories that define the Syrian Refugee social group in Vienna.

German

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	32	47.8	47.8	47.8
no	35	52.2	52.2	100.0
Total	67	100.0	100.0	

Another quality of the Syrian Refugee social group within Austria is that there are only around 30% females, with the rest being males, as shown by the table below. In Syrian culture, women are allowed the same rights as men yet are not encouraged by the State to push for achieving these levels of success. Women are mainly employed in agricultural or technical work rather than given positions that would challenge the patriarchal status quo of Syrian society.¹⁹⁹ Upon reaching Vienna, women are suddenly put on a more equal standing and potential as men, and Syrian men have to acknowledge women's abilities in an open European society rather than impede their social group's success. In contrast, there are many identity markers that the questionnaire revealed which Syrian Refugees feel bound to follow in order to better integrate into Austrian society with their own perceptions of rights and cultures. However, this can create some challenges as the priorities and development of Syrian and Austrian cultures clash.

¹⁹⁹ Syria, 2016, In *Encyclopædia Britannica*.

Gender

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Male	47	70.1	70.1	70.1
Female	20	29.9	29.9	100.0
Total	67	100.0	100.0	

8.2 Political, social and cultural clashes that challenge the human security approach

After analyzing the variety within the Syrian Refugee minority in Vienna, it is important to further elaborate and understand their position in dealing with the political, psychological, social, and cultural aspects of assimilating to the new Austrian culture. These clashes between Syrian Refugees and Austrian culture are illustrated as clashes of identity. The results of the questionnaire clearly illustrated what are the foundations of identity that Syrians feel most connected to. While Vienna is a multi-cultural society, it might still face difficulty in handling the large influx of refugees, causing Europeans to view Syrians as growing in ratio to their population. Indeed Austria has the 3rd highest per capita of Syrian Refugees within Europe. It is therefore fundamental to coordinate with what Syrians believe are their rights to expression within European society, or else Syrian Refugees will continue to be stigmatized as a force clashing against natural Austrian society and values characterized by a fragile balance between ‘Wilkommenskultur’ and xenophobia.²⁰⁰ Nonetheless Europe’s insecurities have been tested by the large amount of Refugees arriving to apply for asylum, and the Austrian public is forced to face the reality of the European common policy in keeping up with Human Rights standards and learn to relate to the Syrian’s cultural differences rather than fear them.

²⁰⁰ Holmes, S.M & CASTAÑEDA, H., 2016

Relationship to Vienna					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Temporary Safe Place	15	22.4	23.1	23.1
	Permanent New home	50	74.6	76.9	100.0
	Total	65	97.0	100.0	
Missing	-1.00	2	3.0		
Total		67	100.0		

Nonetheless Austria must strike a balance between allowing Syrian Refugees to fulfill their self-realization in Europe, or provide strong limits for Syrians so they can better integrate and respect Austrian culture which, as shown by the 9.2 out of 10 mean in the graph below, is appreciated by Syrians who feel they have duties towards Austria for providing them with opportunity. This naturally implies that Syrians accept cultural differences and are adapt willing to them. As for reinforcing Syrian Refugees' sense of duty towards their host country after arriving in Vienna, since most Syrians (74.6% of respondents) described their relationship to Vienna as a permanent new home, Austria must capitalize on it by establishing a good level of communication between Syrian Refugees and Austrian society, so that Syrian Refugees might truly make Austria their new home and genuinely contribute to Austrian society through their various skills and methods of communication, in a culture that absorbs elements of city as well as village life (similar to Austria).²⁰¹ Instead of perpetuating xenophobic and right-wing tendencies, Austrian politicians could take leadership roles in accepting Syrians as permanent citizens and providing them with the proper guidance, that would go beyond mere legal guidance so as to give them a foothold in Austrian society which they might contribute to their cultural influence, thus reinforcing and developing Vienna's multi-cultural society.

²⁰¹ Syria, 2016, In *Encyclopædia Britannica*.

	N	Minimum	Maximum	Mean	Std. Deviation
Duties to Host Country	67	1.00	10.00	9.2537	1.63618
Valid N (listwise)	67				

In the main cities of Syria, there is always a place for commercial trade (huge outdoor or indoor market) where the city interacts, which is an essential aspect to the city life in pre-war Syria.²⁰² Furthermore Syrians are used to living within cities of heavy industrial zones where many are employed as industrial workers, whereas Vienna is more oriented towards a business center of different economic trade capacities. Etched in Syrian culture also is the village culture where family is the main unit of society, where Syrian society interacts with closer solidarity, as there is a more high context culture within the rooted village culture.²⁰³ Thus Syrians sense of work ethics and productivity within society takes on a different approach to societal exchange and progress. Here the questionnaire elaborates on the aspects of that identity by asking them how they feel in relation to their own culture in Europe too. Age groups 18-30 years and 31-49 years state religion – which is unfortunate in views of some European nations’ concerns such as Slovakia and Hungary²⁰⁴- (which is predominantly Muslim for Syrians) as the most important aspect of their identity, while the under 18 group put education, then Syrian culture, and then Religion as most important to their identity, showing that the youth are more adaptable to assimilating to European cultural values, as they are more open to cultural values in general, and ready to learn to adapt to a new society.

202 Syria, 2016, In *Encyclopædia Britannica*.

203 Syria, 2016, In *Encyclopædia Britannica*.

204 Pongratz-Lippit, C, 2016

Age		N	Minimum	Maximum	Mean	Std. Deviation
Under 18	Syrian Culture	7	1.00	6.00	4.5714	1.81265
	Arab Culture	8	2.00	5.00	3.2500	1.03510
	Religion	7	1.00	5.00	3.2857	1.49603
	Social Class	7	1.00	5.00	2.7143	1.38013
	Experiences that occurred in your lifetime	7	1.00	5.00	2.5714	1.98806
	Education	7	2.00	6.00	4.8571	1.67616
	Valid N (listwise)	7				
18-30 years	Syrian Culture	32	1.00	6.00	3.8438	1.64825
	Arab Culture	29	1.00	6.00	2.8621	1.76724
	Religion	32	1.00	6.00	4.6250	1.45358
	Social Class	29	1.00	5.00	2.5862	1.26822
	Experiences that occurred in your lifetime	29	1.00	6.00	3.2069	1.56706
	Education	30	1.00	6.00	4.2667	1.79911
	Valid N (listwise)	28				
31-49	Syrian Culture	13	2.00	5.00	3.3077	1.18213
	Arab Culture	15	1.00	6.00	3.7333	1.66762
	Religion	15	1.00	6.00	4.6667	1.91485
	Social Class	13	1.00	6.00	3.0000	1.73205
	Experiences that occurred in your lifetime	15	1.00	6.00	3.0000	1.69031
	Education	13	1.00	6.00	3.9231	1.75412

The immigration of so many Muslim Syrian Refugees has conjured up fear in European societies, that those who had been predominantly unilaterally cultured societies will now develop with the need to integrate Islamic practices to have the way for the cultural rights of Syrian Refugees.²⁰⁵ It is exactly this that perpetuates the notion by Europeans that Syrian Refugees are not welcome in their societies as European perception of Muslims has been severely damaged by media campaigns and public opinion, at a time when European states did not handle the Syrian Refugee Crisis through a human security approach. European society rather than understanding to facilitate assimilation, felt that the rise of Islam in Europe feels like an invasion of Syrian identity; instead of sensing that Syrian Refugees graciously accept what Europe has offered them, resentment and mistrust festered between both sides.²⁰⁶ Nonetheless a Human Security approach would be most effective in eliminating the cultural barriers and adopting policies that would take into account political, domestic, and cultural factors that would facilitate connections to Syrian

205 Pongratz-Lippit, C, 2016

206 Sullivan, P. W, 2015

refugees conditions and would allow Europeans to see them more as people in need, rather than an external threat coming with clashing values.²⁰⁷

For the second most important parts of their identity, Syrians' age groups 18-30 years and 31-49 years put education, then Syrian/Arab culture, then experiences that occurred in their lifetime, then social class as least important to their identity as shown by the graph above. Despite Syrian Refugees' tendency to put religion as their most vital aspect of identity, this should not affect European public view of Islam. Indeed, Syrians primarily in Syrian society have for long identified with their religious sect anyway, yet they lived in an equal society.²⁰⁸ Thus Syrians coming to Europe will feel that religion or belonging to their sect's community is their defining factor, as that is what enabled them to retain their uniqueness in pre-war Syria. However, as both age groups put Education as most important, it shows an openness to learn what can be assimilated into Syrian identity to become part of a new culture. It could also mean that Syrians view the level of education they have been taught as having a significant impact on how they will assimilate in European society. This reveals that Syrians perhaps have a lot that they wish to show European society so taking the Human Security approach, recognizing Syrian Refugees as people with Human Rights instead of only victims of war, might allow Syrians to contribute their skill basis and educational understanding to Austrian society, ranging from food culture, to textiles, literature, political philosophy (usually socialist concepts), as well as many artistic talents (glass blowing, etc.)²⁰⁹ These professions that many Syrians belonged to could develop domestic sectors of Austrian society, and as more people from foreign countries arrive, they will be welcomed within recognizable domestic sectors where they would be able to participate, quelling the difficulty of socially accepting Syrians.

207 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p. 20-21

208 Syria, 2016, In *Encyclopædia Britannica*.

209 Syria, 2016, In *Encyclopædia Britannica*.

Syrian Refugees might turn out to be a great asset to economic activities that would make them great contributors to European society.

On the other hand in the absence of Human Rights or a Human Security approach, Syrian Refugees might be stigmatized as an outer threat and various cultural, political and social challenges that present itself can lead to dangerous effect.²¹⁰ Through the questionnaire it can be seen that, while Syrian Refugees have made clear that their view of Vienna is positive and describe a willingness to contribute, the defining aspect to their integration will be how well the Austrian Government can provide language courses, housing, and connectors to Austrian society. When Syrian refugees arrive in Vienna and begin the asylum process, their motivation is severely dampened if they have to wait a maximum of a 6 month period (sometimes more) to receive legal authorization to work, when they have had to learn German earlier in order to be fit for the Austrian job market. This often creates problems as many reception centers are not fully equipped with language courses and integration schemes.²¹¹ As the questionnaire shows, Syrians also have faced challenges in the Asylum process as well as had problems with European Social Workers. On average Syrians rated the efficiency of European Social Workers as P = 6.79, whereas the efficiency of the Austrian Government in handling their asylum process was rated as P = 5.36, as shown by the tables below. Furthermore the next table below shows that 82.1% of Syrians stated that Austrians did help in their asylum application processing. Thus the main problem that can be outlined here is the efficiency that creates the discrepancy between Syrians being able to find opportunity in a system that works, but not efficiently

210 Holmes, S.M & CASTAÑEDA, H., 2016

211 European council on Refugees and Exiles (Ed.), 2015, p.63

enough to provide them with the proper tools for further integration.

	N	Minimum	Maximum	Mean	Std. Deviation
Efficiency of European Social Workers	64	1.00	10.00	6.7969	2.93949
Efficiency of Austrian Government	65	1.00	10.00	5.3692	2.71322
Valid N (listwise)	62				

Asylum application assistance

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	55	82.1	82.1	82.1
	No	11	16.4	16.4	98.5
	5.00	1	1.5	1.5	100.0
	Total	67	100.0	100.0	

Syrian refugees, however, seem quite satisfied with the process of application for asylum, but mainly have trouble with how the system works to provide for them, which could be the reasons why they only rated the efficiency of Austrian Asylum process as average. Furthermore, as 56% of Syrian Refugees rated Hope as the defining emotion motivating them to continue their journey to Austria, it is important for the Austrian system to satisfy their various needs, as Syrian Refugees are intent on working and improving their lifestyle of economic and social progress within a new country. The shortcoming of the Asylum process lie in the fact that Refugees need to get an asylum decision before they get access to any services; until their application has been processed and approved they are only given a small amount of money, housing and basic necessities; their German courses are not paid for, leaving many Syrian Refugees at the mercy of the system, waiting to be integrated, while being further marginalized from society till they are able to feel as part of

the system.²¹² Whereas immediate assimilation would be crucial to integrate Syrians, instead they are left to wait around for their asylum decision in Refugee camps where they are unable to progress with their life and are accommodated with basic necessities; it is difficult for them to sit idly while they see the world moving on around them. This can cause several conflicts of interest as the Austrian public argue that Refugees are given too many services and funds, while they are actually able to contribute but not given the chance. Most vital is that there are security nets that make sure Syrian Refugees get a glimpse of Austrian culture outside of the Refugee camps, as well as begin to understand how to assimilate to Austrian culture.

When asked about the importance of the future of Syria, Syrian Refugees had a mean of 9.6; the future of Syria is therefore extremely important to them as shown by the table below. This shows that Syrians indeed care about the future of their country of origin as the memory is still fresh in their minds, and they feel compassion towards those Syrians who are still suffering in Syria. This could be interpreted as a wish to return to Syria once the war is over. But as most Syrians answered that they wish to stay permanently in Vienna, their answer could reflect pure and simple nostalgia towards their country of origin. These aspects of concern for their neighbors reflect the Syrian people's capability of understanding and sharing the burden of their society. This is something Austria might be able to learn from Syrian culture. When asked if Syrian and Austrian culture could learn from each other as the table below shows, 87.9% of Syrians agreed that Syrian and Austrian culture could learn from each other. Therefore, the data thus far shows that Syrians wish to be educated and also wish to stand on an equal footing upon which Austrians and Syrians can build a mode of intercommunication that would allow them to benefit from each other's needs and understanding and relate to one another.

212 European council on Refugees and Exiles (Ed.), 2015, p.59

Cultures Intercommunication

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	58	86.6	87.9	87.9
	No	8	11.9	12.1	100.0
	Total	66	98.5	100.0	
Missing	-1.00	1	1.5		
Total		67	100.0		

	N	Minimum	Maximum	Mean	Std. Deviation
Welfare for Syria's Future	67	2.00	10.00	9.6119	1.33661
Valid N (listwise)	67				

8.3 Push and Pull factors and Human Rights along Syrian Refugees' journey to Austria

In order to understand Syrians' journey and the extent to which Human Rights are upheld in their interests in coming to Vienna and leaving Syria, it is also crucial to analyze the data that presents the main reasons the push and pull factors that govern Syrians' journey to Vienna, and how Human Rights can be improved along their journey so that Syrians feel more welcome upon arriving in Vienna. For push factors, as shown by the table below, most Syrians put War as the main reason, then house destroyed, better life in Europe, family Reasons, and least important Jobs. Thus the main reason why most Syrian fled was War; therefore their asylum processes must be taken much more seriously, as Syrians' need for security stems from losing everything. This reinforces the idea that they are Refugees and need help and makes the upholding of the policy of non-refoulement even more critical. Furthermore, many Syrians put their house destroyed as the next most

important reason, meaning that all their domestic equity was destroyed with their house. Obviously, they have nothing left in Syria and they are planning on creating a new life in Vienna. After the main push factors, Syrians then placed pull factors, such as better life in Europe, as the next most important reason, meaning that first they left as Refugees, but they also had plans on seeking more security in Europe. Another interesting finding is that most Syrians, 49.3%, said that, before coming to Vienna, they had pre-expectations of returning home once the war is over, with 40.3% considering it a permanent home. But after coming to Vienna, 77% put that they considered Vienna a permanent new home. Therefore the need for assimilation is even more important as Syrians' prospects of lifestyle in Vienna are very high, as they were probably fascinated by the good life of Austrian citizens and thus felt compelled to believe they have the same duties as citizens with 9.2 out of 10.

	N	Minimum	Maximum	Mean	Std. Deviation
War	62	1.00	5.00	4.7097	1.01444
House Destroyed	45	1.00	5.00	3.0000	1.34840
Family Reasons	41	1.00	5.00	2.6341	1.19909
Better Life In Europe	43	1.00	5.00	2.8837	1.21908
Jobs	40	1.00	5.00	2.4500	1.08486
Valid N (listwise)	36				

Giving Syrians an easy access to their route to Europe is fundamental in their perception of Europe before reaching the host countries where they wish to settle. While Europe has adopted a securitization approach,²¹³ it is crucial instead to grant easy access for Syrian Refugees to host countries as their need for Refugee status becomes more imperative. The questionnaire has clearly shown that most are truly leaving because of War and thus need a secure place in which they might find opportunity. The outer European nations have adopted tactics to push-back Syrian Refugees from their borders; instead of creating safer routes, outskirts European nations view Syrian Refugees as a threat, diverting illegal boats carrying refugees and erecting fences.²¹⁴ Austria has also adopted a military approach replacing border police with the military, and a new emergency law that allows Austrian officials to decide whether those seeking asylum would be granted asylum at the

213 Crépeau, F., & Purkey, A, 2016, p.23

214 Orchard, C., & Miller, A, 2014, p. 21

border, in efforts to keep control of how many Refugees are entering.²¹⁵ Austria, apart from permanently deploying its military to deal with Refugees at its borders, has also moved to send its military to reinforce the borders of Bulgaria and Greece, in an attempt to curb the flow of Refugees.²¹⁶ These actions show that Austria, instead of improving its approach by taking into further consideration the Human Rights of Syrian Refugees and understanding their situation in providing more human security, is considering Refugees as an external threat, with all the disastrous consequences that this might entail.

The policy of non-refoulement, as outlined previously in the literature review in the court case of *Ahmed v. Austria*, shows that International Refugee Law clearly states that Refugees should not be returned to their country of origin or an insecure third-country.²¹⁷ However, as Europe is divided on its policies, returning a Refugee to another European state outside of Austria could also begin to constitute a violation, as Hungary and the Czech Republic have become more and more belligerent towards Refugee arrivals, closing their borders with fences as well as applying push-back tactics.²¹⁸ Instead of taking advantage of Syrians' potential in reaching Europe and being guided through as people with Human Rights, they are paradoxically turning them into enemies of the State, and deploying their military to handle the influx of Refugees, as if the latter are inferior people who pose a danger to the European way of life. Yet, as the questionnaire has shown, Syrian Refugees have a substantial claim according to IRL as they are indeed fleeing War and possible harm. Here, Europe and specifically Austria, have an obligation to uphold Human Rights of Refugees in accordance with their reaffirmation of the Lisbon Treaty of 2009, in which EU law was made to be incorporated in the national legislations of EU nation-states.²¹⁹ Thus by rejecting Refugees and installing a quota system, Austria has created a path for reinforcing

215Salzmann, M, 2016

216 Salzmann, M, 2016

217 Bacain, L. E, 2011, p.54

218 Babones, S, 2015

219 Orchard, C., & Miller, A, 2014, p. 19-20

the notion of militarized control, stigmatizing the Refugees, creating a ‘war of symbols’²²⁰ that serves to perpetuate the notion that Refugees are enemies of the State and making the Syrian refugees less accepted and feel more labeled as enemies. This could lead to many future problems.

8.4 Possible Human Rights Violations and the need for a Human Security Approach

As a result of Europe’s securitization approach, propelled by Austria’s militarization across their borders, Europe’s unity in dealing with issues has taken an unprecedented turn, whereby the Syrian Refugee Crisis has indeed become a growing problem along Europe’s borders, as Refugees trying to reach Europe are turned away as potential risks to the European way of life. Under the pressure of dealing with such an influx of Refugees, each European State has adopted its own policies,²²¹ allowing sovereignty to take precedence over Human Rights, even though European states had reaffirmed Human Rights as central to EU legislation and action.²²² Thus European states have begun burdening each other; even the wealthy States of Germany and Austria have begun sending Refugees away from their borders to other EU states in attempts to control their populations. For example, Germany has sent back many Refugees to Austria, causing Austria to be faced with a much larger burden of Refugees than it had bargained for and straining its domestic sectors in providing for these Refugees.²²³ Therefore many possible Human Rights violations might occur, such as: worse reception conditions and laws

220 Holmes, S.M & CASTAÑEDA, H., 2016

221 Oreskes, B., & Schatz, J, 2015

222 Orchard, C., & Miller, A, 2014, p. 19-20

223 European council on Refugees and Exiles (Ed.), 2015, p.57

restricting Refugees, Human Rights violations in stopping them from reaching EU borders, right-wing parties gaining power and further tightening Refugee law regulations, and attacks on Refugees by local populations.

Reception conditions are increasingly difficult to uphold as European governments are faced with further pressures from Syrian Refugees. While Austria had agreed on a Basic Care Agreement that spells out the basic necessities to be provided for Refugees in 2004, these conditions could slowly begin to worsen as Refugee populations swell in Refugee camps. After speaking to various NGO workers within Vienna while collecting questionnaire data, it transpires that many problems might arise, leading to various Human Rights issues of overcrowding, lack of funding, lack of educational courses for youth, and problems of keeping both genders in the same centers. Furthermore, finding housing for Refugees has also become a problem. Refugees might henceforth need to rely on themselves to find housing, leading to various social, and economic rights being violated as they struggle to find basic housing units that can accommodate the large influx of Refugees. Thus if Austria and other European states are further separated in their policy towards Refugees, chances are that Refugees, who have lost almost everything during the war, will find it very difficult to resettle in Austria, leading to discrepancies between how they survive and what is legal.

As has already begun in Austria, fences have been erected to block out Refugees where military has been placed to prevent Refugees from entering the country.²²⁴ As is mostly the case with deploying military, soldiers might start taking on a more aggressive position against Refugees such as in Bulgaria and Macedonia where water-canon tactics have been employed in order to curb the flow of refugees and forcefully keep them away from the country.²²⁵ These Human Rights violations constitute inhumane treatment, and

224 Babones, S, 2015

225 Salzmann, M, 2016

might further restrict Europe's and Refugees' Freedom of Mobility as a Human Right and further break up the unity of Europe's governing Human Rights principles. The problems with the CSR51 is that it was not designed to be a burden-sharing convention in which the international community cooperates, rather it has created an environment in which asylum seekers are drawn to specific countries due to: family and ethnic community networks, employment opportunities and wage levels, generosity of welfare systems, levels of tolerance within existing societies, and the accessibility of determination systems.²²⁶ This can cause European nations to decrease their reception standards as well so as to curb the incentives for Refugees coming to their States, causing Europe to further disintegrate by attacking each other on policies, rather than sharing the blame for first opening their doors and then reneging on their open policy. Furthermore by reinforcing Europe's external borders with military presence,²²⁷ Refugees will not be greeted by social workers, and people designed to support and guide them, their first encounter will instead be the 'symbol' of a military force that seems belligerent towards welcoming them, thereby further consolidating their perception of Europe as a continent that doesn't want them as well as their self-perception as enemies of the European continent. By being made into enemies of Europe, and with a vastly different culture having heavily invaded Europe's populations, Syrian Refugees run the risk of being labeled as miscreants of society, whose history and culture will be reduced to labels, and European society will disregard humanity in an attempt to salvage its security.

The rise of Europe's right-wing parties has been driven by the influx of Refugees reaching its shores and the right-wing has made clever use of propaganda employing a 'war of symbols' which is being fought in order to scare the public into further pushing the notion onto their governments that Refugees are a danger.²²⁸ Furthermore right-wing nationalist parties have pushed forward anti-Muslim views and rhetoric, reinforcing the

226 Millbank, A, 2000

227 Salzmann, M, 2016

228 Holmes, S.M & CASTAÑEDA, H., 2016

labels of Christianity vs. Islam all across Europe, fueling the fires of an unnecessary war and conflict of interests.²²⁹ This might lead to further branding of Muslims with specific belligerent labels, such as accusing them of coming to take over Europe and impose their own views, making local European citizens even more afraid. The media has taken a large role in this deepening of the views that Refugees are a danger and making it even more and more clear that the right to non-discrimination²³⁰ might be forsaken, as Refugees begin to be discriminated based on their Religious and ethnic affiliation, such as has happened in Slovakia, where only Christian Refugees are welcomed.²³¹ Thus the only way to reinforce Human Rights in Vienna is for Europe to share the burden and adopt the policies with a more efficient and united front so as to prevent these possible Human Rights violations from occurring as a result of securitization that turns Refugees into inferior enemies of the European way of life.

8.5 Enforcing and Extending Human Rights Principles

So as to prevent Human Rights violations from occurring, the enforcement of Human Rights must be taken from a European perspective in which all of Europe unites in handling the problem, or else it will fall under the burden of its own idealistic principles which govern the notion of the EU within the AFSJ.²³² The CEAS is perhaps the closest that Europe has to a unified solution in handling the Refugee Crisis and allowing Syrian Refugees to find opportunity and a foothold in Europe. Thus the EU should set certain priorities in managing the Refugee Crisis: first, EU policy must shift from security concerns to a multi-sector policy, or human security approach which is based on developing

229 Salzmann, M, 2016

231 Oreskes, B., & Schatz, J, 2015

232 Costello, C., 2016, p.19-21

cooperation, foreign affairs, trade, economic, social, and employments conditions in order to maintain and improve the EU's image. This move would serve to better the EU's stance in recognizing itself as set out by its principles and would reinforce the notion that the EU is indeed an upholder of Human Rights. Second priority is to reform the CEAS and mainly the Dublin system, to perpetuate an environment of responsibility-sharing among EU states with an improved criteria for taking a humanistic approach, in order to decide how to distribute asylum seekers; here, the leading role of the EU's stronger nations would be crucial in supporting the poorer EU nations to accept and integrate the influx of the Syrian Refugee population. This would involve assessing Syrian Refugees differently on their commitments to the host country as enlisted by CSR51 in which Refugees are said in article 2 to contribute to their new societies. Thirdly, the EU Commission should work more closely with the European Parliament in adopting policies and enforce existing EU standards as required by the Lisbon treaty to prevent EU states from diminishing the standards of EU policy. Finally the EU should improve its external border guard to provide better rights and easier access to the EU, where the border police are managing rather than repelling Refugees, for those who have the right to an asylum process, this would avoid dismantling the Schengen agreement, and creating tensions on border policies between poorer and richer EU states.²³³

In order to keep Europe as an AFSJ, the rights of Refugees are essential to uphold; if they are not respected, right-wing parties might be able to argue against the unification of Europe, allowing nationalistic tendencies to rise, such as has occurred with 'Brexit'.²³⁴ Thus reinterpreting the meaning of CEAS regulations and directives as well as reinforcing the political leadership of EU states is crucial in developing a better form of communication and understanding.²³⁵ EU solidarity is vital in achieving this goal, where Reception and

233 Carrera, Sergio and Gros, Daniel. and Blockmans, Steven. and Guild, Elspeth, 2015, p. 20-21

234 Tharoor, I, 2016

235 Crépeau, F., & Purkey, A, 2016, p.12-19

Qualifications Directives should be reinforced and reinterpreted so as to create common paths through which European nations view Syrian Refugees,²³⁶ as they have already proved that they were able to contribute to the domestic sector with their various skills and cultural inputs. The Human Rights listed in the CSR51 should be carefully scrutinized, such as: freedom of movement (Article 26), the right to non-refoulement (Article 33), Right to Liberty and Security, rights to family life, as well as the right to education (Article 22), access to justice (article 16) and employment (17), etc.²³⁷ Freedom of mobility should be understood to mean, not only the free movement between European states, but also the freedom to move within European states while asylum applications are being processed. Thus far Syrian Refugees are kept under close control within Refugee camps and as they are not given proper access to opportunities that would allow them to have activities to take them away from their Refugee camps, Syrian Refugees are forced to form their own communities in the first months of arriving to Vienna, instead of being given the capacity to explore the new country. Therefore, it is important for NGOs and government organizations to provide easier access to outside activities and opportunities free of charge to cultural centers, so that Syrian Refugees have the chance to begin assimilating their mind set to the new European way of life. The right to education is also of fundamental importance in this regard as children under the age of 18 must not be impeded in their intellectual progress and must be given opportunity to assimilate and understand European culture so that they might adapt into hardworking EU citizens as expressed by their wish to have almost the same duties as citizens. An access to employment is also crucial as outlined by the CSR51. Refugees should be given preferably guidance in finding work, and the Trade Unions of Austria should create more solidarity in ensuring that the Syrian labor force is initiated into the Austrian labor market so as to reinforce their right to work and livelihood. Through enforcing these Human Rights, Refugees will be better accepted in European societies and states where Europe will be able to take advantage of the situation instead of forsaking the

236 Matera, C., & Taylor, A. (Eds.), 2014, p.13

237 International Justice Resource Center, 2016, ASYLUM & THE RIGHTS OF REFUGEES

binding principles of Human Rights in an attempt to salvage a perceived threat to its societies. When a Human Security approach is taken to understand that we are all one race, and not a divided humanity, then Europe will be able to fulfill its prescribed duty of creating an AFSJ, as envisioned by the European policies.

Human Rights articles can be understood through their enforcement and application but also extended by the meaning of the various articles that govern the European legal system. Thus when applying different articles of legal conventions, it is crucial to view Syrian Refugees as Humans with potential to expand and develop European societies, while taking the articles of Refugee conventions as basis for expanding on the role of Syrian Refugees. For instance, the article that dictates freedom of mobility in the CSR51 is essential to uphold in Europe, as European nations need to reinforce their notion of an AFSJ,²³⁸ so as to further define the meaning of freedom of mobility within a multi-cultural society that has constant access to the variation of States on the continent they live in. Thus Austria's actions in moving against Germany along the wishes of poorer European States only diminishes the capacity of Europe to recognize itself as a unified body, eliminating the effect of human compassion within the ideological framework of Human Rights. Through various court cases and interpretations, the policy of non-refoulement has been made essential; but when Syrian Refugees are met with clashes at every European border, non-refoulement becomes less important than the actual push-back tactics that constitute Human Rights violations and force Syrian Refugees across borders, back to the bad conditions they were leaving in the first place. Conversely, Human Security should be enforced so as to recognize Syrian Refugees as a social group within Europe's area of free movement, to control them and understand their security needs, and to provide a closer sense of security for Europe as a whole. As article 4 of the Refugee convention dictates, Religion is of

238 Costello, C., 2016, p.19-21

fundamental importance to respect.²³⁹ This shows how the identity and culture that Refugees bring with them should be respected and given guidance to help them adapt and assimilate another Human culture into European society. Article 16 of the CSR51 that provides for Refugees access to courts is also crucial in outlining their judicial recognition in their host countries; empowering them with free access to courts is most important to prevent European countries from diminishing their social systems to lesser standards of asylum procedure, because then other aspects of their social system might also lose influence and motivation. The CSR51 also has an article 17 that sets forth Refugees' right to employment, where most favorable treatment is given;²⁴⁰ yet as Syrian culture and work ethic is adaptable, Austria must find a way to harness the potential of the Syrian work force instead of making schizophrenic approaches on how to use a valuable labor force within their society. Syrians must be faster put to use in order to be able to truly contribute to their host countries; they must be appropriately given the right to develop their economic capacities. Article 22 of the CSR51 speaks about social security of a basic welfare system,²⁴¹ where actually this is a new concept to Syrians, as productivity and survival in a high functioning society was always crucial to their survival in Syria. Thus social security should be extended with proper rules of reciprocity, so that notions of Europe only being the 'giver' are lessened and Syrians feel more deserving and contributing to their new host country. Perhaps the most important Human Right to elaborate on is Article 22 within the CSR51, which is the right to education. This article only lays out the need for public education, but it is critical to understand that education can be extended to many forms of learning, where language courses are a bare minimum to educating Syrian Refugees about the customs and traditions of Austrian culture. Many discrepancies between upholding

239 UN General Assembly, (28 July 1951) Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137, available at:

<http://www.refworld.org/docid/3be01b964.html>

240 UN General Assembly, (28 July 1951) Convention Relating to the Status of Refugees
 241 Harvey, C, 2014

Human Rights and giving too much to Syrian Refugees have arisen, yet the principle outlined by Article 20 in which Welfare rationing is needed to provide for Syrian Refugees, should be taken subjectively where criteria are measured to determine the assistance each person will need. Furthermore, Austrian NGOs and government should thus take more initiative in giving Syrian Refugees the role of planning their own life within a fair framework of opportunity. Where all these Human Rights principles can be extended to a Human Security approach, the Syrian Refugee can be better understood in the context of upholding Human Rights in their truest intention, that is to benefit society through Human awareness.

Thus Human Rights must be taken to be expanded not only in a policy application form, but also in a micro-form of expression where interaction between Syrian Refugees and Austrian society is properly governed by principles that create mutual recognition and cooperation of each one's values. Human Rights as a framework is designed to empower individuals, and to be able to empower Refugees who have lost all hopes of surviving in this world and provide them with a secure net, is the true test of Europe's understanding of Human Rights. If Human Rights cannot be upheld in such a form that people in dire need of assistance will not be neglected, then Human Rights and understanding the political landscape of our world through a Human Security perspective would be easier to grasp and progress our understanding of Human Rights.

9 Conclusion

In conclusion, the Syrian Refugee crisis has shown that Vienna within the European context has provided for strong barriers to ensure that Syrian Refugees are well-treated and that specific Human Rights might be upheld, whereas others might become

violated, as far as Europe is willing to accept its responsibility for sharing the influx of Refugees in working as a united force. The Syrian Refugee Crisis is a key component and true test to Europe's self-perception as an upholder of Human Rights. As the reality of the situation has shown, European nations follow their self-interest and fears of public opinion in order to deal with the influx of immigrants coming to their countries. While Syrian Refugees are accepted and provided for in Austria, politically Austria has begun to move towards a more conservative approach in systematically managing the Syrian Refugee crisis, through an approach of securitization rather than of human security, showing that Human Rights might only be upheld insofar as European nations are able to manage the influx of migrants. However, with growing numbers of Refugees, Europe has forsaken its Human Rights approach in favor of a more political adaptable approach that might foresee many issues that might occur in European society, as Refugees have already begun to be labeled as distinct from the larger European society. Integration measures in Vienna are adequate but at the same time they force many Refugees to wait for too long, while their asylum process is accepted, with few direct opportunities for quickly adapting to European society. Syrian Refugees have therefore become stigmatized by European society to the extent that Europe has reached a 'point of no return' where it is forced to continue managing the Refugee crisis with securitization and fear of how the Refugee populations might change its societies. Whereas Europe has established Human Rights as the guiding principles to EU legislation, the reality has shown that European states are only able to manage the Syrian Refugee Crisis to the extent that they are prostrated as protectors of Human Rights; yet when faced with the burden of more Refugees, Europe diverts its strategy to burdening other EU states to deal with the managing of so many people who require direct assistance and aid, so as to continue being seen as upholders of Human Rights when truly the Refugee crisis remains a political issue.

Consequently, the Syrian Refugee Crisis is the true test of how much Europe can apply Human Rights in the political realities of the running of its individual states, and of Europe as a whole. The interpretations of the International Refugee Law should be closely

scrutinized in order to provide better security for Refugees coming to Europe, so that violations against Refugees are more monitored and punished by the proper courts. So far the European courts and Human Rights Frameworks have shown to only be applied insofar as European nations might save face in front of their public and one another in really being the secure, Human Rights zone that Europe has made itself out to be. Yet as there are further problems and difficulties with the influx of Syrian and other Refugees, Human rights have only been applicable in providing basic necessities and non-refoulement has been adhered to, only so that Europe can continue to flexibly interpret their rights, and when certain provisions do not suit them, many European nations show their true face and blatantly violate the rights of Refugees in attempts to provide Human Rights and security to their 'true' citizens within the closed 'safe bubble' of Europe. Many serious violations by EU nations have been illustrated by this paper, and these violations will only increase and become more prevalent as Europe continues to be divided and argue the establishment of its own framework allowing for European states to individually challenge the wider concept of a European society and leading towards a change that might diminish the significance of Human Rights within the European context.

As a result of the Syrian Refugee Crisis, Europe has shown that when faced with a real problem, it cannot unite under one common purpose but buckles under the pressure of its differences rather than standing up to the Human Rights principles that binds it together. This issue can only be 'swept under the rug' for so long, as Europe must confront and define itself more clearly in order to allow all EU states to understand their position and the limits of their policies and actions in the international framework. Europe must be able to clearly outline how far Human Rights have an effect on its policies and interpret the articles more carefully so as to create a better mode of action and unity of all EU states in dealing with future Human Rights issues. Thus Europe must be able to acknowledge and reaffirm the importance of supporting Human Rights, otherwise it will collapse on its own theories under the pressure of violations of the very and same Human Rights it is supposed to protect and give meaning to. European nations will no longer be able to remain as

superficial entities that preach Human Rights on one hand and violate the rights of others on the other hand, and will hence have to accept a new approach to the global system.

In terms of Austria, Vienna has still agreed to a basic provisions package to Syrian Refugees, yet under pressure by different political parties and public opinion this might change to exacerbate conditions for Refugees trying to reach Austria, as Austria continues to support a securitization approach that would lead to difficulties for Refugees trying to reach Europe. Consequently, Europe must find a balance between securitization and Human Security in determining how to allocate responsibility for dealing with the Syrian Refugees coming into Europe's borders. It has to recognize the Syrian Refugee Crisis for what it truly is, a Crisis. The current Human Rights framework while clear on some points, should still be expanded or re-adjusted to take care of the reality of the situation and applications of Human Rights in dealing with Syrian Refugees assimilating into Europe. Austria as a rich European nation, instead of taking the lead in preventing Syrian Refugees from reaching Europe's shores, should instead try to renew solidarity among EU states in order to reinforce their notion of adhering to the binding Human Rights principles of EU legislation. Therefore the Syrian Refugee Crisis clearly shows that Human Rights have been applied in Vienna to the extent that basic necessities and a slow asylum process can be provided for Syrian Refugees, while in the larger European context, Human Rights have been to a much lesser extent applied, at times even violated, in order to keep Europe within a secure zone away from the troubles of most of the world. The Syrian Refugee Crisis looms over Europe's political-social capabilities as a burden to Europe's shallow understanding of upholding Human Rights, where the protection of the European way of life is fundamentally more important to keep and takes precedence over enforcing the Human Rights capabilities of Europe's wealth and success in providing for Syrian Refugees.

Appendix

Appendix 1: Number of Asylum applications per 100,000 local population in Europe (BBC, 2016, Migrant crisis: Migration to Europe explained in seven charts)

Appendix 2: Percentage of Refugees in Austria between Man, Woman, and unaccompanied youth. (European council on Refugees and Exiles (Ed.), 2015)

Appendix 3: Refugees drawing of cost to journey to Germany (Foreign policy, 2016)

Appendix 4: Routes and number of Illegal moving across Europe (BBC, 2016, March 4, Migrant crisis: Migration to Europe explained in seven charts)

Appendix 5: Routes taken by Refugees traveling through Europe (Dettmer, J, 2015)

Appendix 6: Directives applied to Austrian Law framework (European council on Refugees and Exiles (Ed.), 2015, p.84)

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Responding to development and protection challenges

Questionnaire

Greetings, I am a student at the university of Vienna studying for a Masters in Human Rights. This questionnaire is for a research paper that I am doing in which I need to see the Syrian people's view on Human Rights, This paper might be published and I thank you for your time to answer it.

1. Age

- a) Under 18
- b) 18-30
- c) 30-49
- d) 50+

2. Gender

- a) M
- b) F

3. Region in Syria:

- a) Damascus b) Rif Damascus c) Homs d) Aleppo e) Latakia f) Idlib g) Raqqa
- h) Hasakeh i) Qunaitra J) Suwaida K) Daraa L) Hama M) Tartous N) Der Ezzor

4. Arrival to Vienna:

- a) 1-3 months
- b) 3-9 months
- c) 9 - 2 years

d)2+

5. Educational Level:

- a) No education b) 9th grade c) Bacallaureate d) technical training e)
university d) Higher

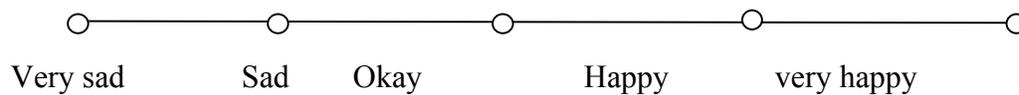
6. Languages Spoken:

Arabic English German French other _____

7. Residential Status:

- a) A) Asylum Seeker b) Convention Refugee c) Subsidiary Protection
b) other

8. Rate of Happiness in Vienna:



9. When you were in Syria what were the main reasons for leaving? (1 least important – 5 most important) Ordinal

___ War

___ House destroyed

___ Family reasons

___ Better life in Europe

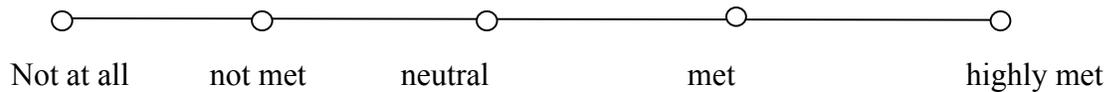
___ Jobs

10. What were your expectations about Europe before arriving or taking the journey?

Nominal (Choose One)

- a) Rumors on high welfare benefits such as private housing and high income
- b) Freedom of mobility
- c) Survivability and temporary stability (Plans to return home once war is over)
- d) The want to live a decent prosperous life (plans to stay here for good)

11. Since arriving here, to what extent have your expectations been met? Interval



12. When did you realize that your only choice was to leave Syria to any other country?

Nominal

- a) 1 month-1year ago
- b) 2years-3years ago
- c) 4-5years ago

13. Arrange by preference the parts of your identity that you feel most important to take with you wherever you went? (1 least important -6 most important) Ordinal

___ Syrian culture

___ Arab culture

___ Religion

___ Social class

___ Experiences that occurred in your lifetime

___ Education

14. What was the most difficult part of the journey? (1 least difficult -6 most difficult)

Ordinal

___ Actual transportation method

___ Money

___ European social workers

___ laws

___ Personal difficulties

15. What emotion made you strong enough to push yourself through the harsh journey?

Nominal

- a) Sadness
- b) Desperation
- c) Anger
- d) Hope

16. During your journey how helpful would you rate the work of European social workers in helping you reach your destination? Interval

1 2 3 4 5 6 7 8 9 10

Not Helpful

Very Helpful

17. Were European people helpful in describing and assisting you with your asylum application? Nominal

- a) Yes
- b) No

18. rate the efficiency of the government of Austria help in the Asylum process? Interval

1 2 3 4 5 6 7 8 9 10

Very low Efficiency

Very high efficiency

19. Which of these best describe your relationship with Vienna? Nominal

- a) Temporary Safe Place
- b) Permanent New home

20. Do you feel that you have duties to this country that has provided you with the opportunity? Interval

1 2 3 4 5 6 7 8 9 10

No Duties Same Duties as citizens

21. What Government laws or values do you think is most important in your lifestyle rate by importance 1 least important 5 most important? Ordinal

- ___ Education
- ___ Employment
- ___ Social Welfare
- ___ Social interaction
- ___ Independent living with freedom of choice

22. How important do you think the future welfare of Syria is to you? Interval

1 2 3 4 5 6 7 8 9 10

Not Important Extremely important

23. Do you think both cultures can learn from each other? Nominal

- a) Yes
- b) No

Abstract

This paper was written to evaluate the impact of the Syrian Refugee Crisis on Europe so as to understand how Human Rights might better be applied and understood in terms of refugee rights. Syrian Refugees condition and situation will be contextualized in order to determine to what extent Europe is capable of upholding the banner of Human Rights. The Human Rights framework that protects Refugees coming to Europe will be illustrated through a political, ideological, social, cultural, and economic scope. Through understanding the identity and motivations of Syrian Refugees in Vienna, and their conditions under asylum in Vienna, Austria, this paper seeks to make a critical understanding of how human rights applies to the realities of European countries' policy development and how they deal with the Refugee Crisis, taking a Human Rights approach to understanding the Syrian Refugee. While analyzing and contextualizing the International Refugee Law, regimes in place and their initiatives; links might be drawn between the possible applications, interpretations, and developments that might arise from Human Rights for Refugees that will be understood and built to understand how Europe, and specifically Austria might provide a better Human Security approach in handling the influx of Syrian Refugees so that they might integrate and create a better sense of communication and exchange. By contextualizing the Syrian Refugees identity and understanding their position within the wider framework of European policy and society, analysis will primarily focus on improvements and challenges to creating and enforcing Human Rights during the Refugee crisis faced by Europe. By forming a pilot questionnaire this paper aims to understand the position of Syrian Refugees in Europe, to form a basis for the necessity of Human Security in upholding Human Rights in which the understanding of Human Security is extended to present itself as a basis for the growth of Europe as a continent and as a multicultural society, that symbolically holds the beacon of Human Rights. In order for

Europe to grow as the united front within the political realm it envisions, the Syrian Refugee Crisis is a true test that presents how strongly Europe is able to manifest itself as in their pursuit for achieving an ‘Area of Freedom, Justice, and Security,’ and uniting under the principles of Human Rights. Thus this paper will progressively reveal the linking points where European policy and the Syrian Refugee Crisis might influence changes in how Europe establishes and implements Human Rights in the face of its political realities.

Abstract (german)

Die vorliegende Arbeit verfolgt das Ziel, durch die Evaluierung der Auswirkungen der „syrischen Flüchtlingskrise“ auf die Mitgliedsstaaten der Europäischen Union, ein besseres Verständnis über die zukünftigen Entwicklungsmöglichkeiten der europäischen Flüchtlingspolitik zu vermitteln. Dabei geht diese Arbeit der Frage nach, in wie weit in der österreichischen Hauptstadt Wien die geltenden Menschenrechte Anwendung auf die syrischen Flüchtlinge finden. Dabei wird hier insbesondere auf die deren Durchsetzungsmethoden im Rahmen der europäischen Flüchtlingspolitik, eben auf nationaler Ebene eingegangen. Ferner werden die aktuellen menschenrechtlichen Instrumente zum Schutz von Flüchtlingen - insbesondere für jene, die nach Europa einwandern - aus politischer, ideologischer, sozialer, kultureller und wirtschaftlicher Sicht erläutert. Zunächst wurden Fragebögen von syrischen Flüchtlingen ausgefüllt, um besseres Wissen um deren Identität, deren inneren Bewegungsgründe, eine doch nicht ganz unriskante Reise nach Europa heranzutreten und die Bedingungen und Umstände, in der sie derzeit hier in Asyl leben, zu erlangen. Die Analysen in dieser Arbeit basieren auf die durch diese Fragebögen erzielten Ergebnisse; sie verdeutlichen vor allem die Lage der Flüchtlinge in Europa aus politischer und auch gesellschaftlicher Sicht. Bei der Beurteilung wurde das zentrale Augenmerk auf die Verbesserungen und Herausforderungen in der Erzeugung und

Durchsetzung der Menschenrechte in Krisensituationen gerichtet. Um die tatsächlichen Anwendungsmöglichkeiten der entsprechenden Menschenrechte in der derzeitigen politischen Situation Europas, insbesondere in Österreich, kritisch zu hinterfragen, wurden diese in Zusammenhang mit den bereits vorhandenen und geltenden Normen und Zielsetzungen diverser Internationaler Abkommen zum Schutz von Flüchtlingen gebracht – um schließlich auch weitere Anwendungs-, Realisierungs-, Interpretations- und Entwicklungsmöglichkeiten dieser Zielsetzungen zu finden und herauszuarbeiten. Die „syrische Flüchtlingskrise“ hat Europa schon vor vielen neuen Herausforderungen gestellt. Insbesondere der Zusammenhalt Europas als eine starke, stabile politische Einheit – vor allem im Hinblick auf die Beachtung und Gewährung der Menschenrechte im universellen Sinne - wurde bisher mehrfach harten Prüfungen unterzogen. Wenn Europa - und somit notwendiger Weise auch ihr Mitgliedsstaat Österreich – sich als multikulturelle Gesellschaft fortentwickeln möchte, worin die obersten Prinzipien „Freiheit, Gerechtigkeit und Sicherheit“ gelten sollen, muss als aller erstes einem jedem die Sicherheit gewährt werden, damit die Menschenrechte hier überhaupt in vollem Umfang garantiert werden können. Dies würde schließlich auch zu einer besseren Integration der Flüchtlinge führen und auch ein besseres Miteinander verschiedener Kulturen auf einem Raum fördern. Diese Arbeit strebt es daher an, die Spannungsverhältnisse/Problemkreise zwischen österreichischer bzw. europäischer Flüchtlingspolitik und der Flüchtlingskrise herauszuarbeiten und anzusprechen, welche sodann die künftigen Entwicklungen der Flüchtlingsthematik auf politischer und somit auch schließlich auf gesellschaftlicher und rechtlicher Ebene beeinflussen könnten.