

Joint NGO statement ahead of the European Council of 15 December 2016:

### **EU leaders can save lives this winter if they change migration policies**

This week, European leaders meet in Brussels to discuss, amongst other things, progress on the EU-Turkey deal, the reform of the European asylum system, solidarity and responsibility sharing, and cooperation with countries of origin and transit. As humanitarian and human rights organisations working in Europe, we are gravely concerned that European policies are trying more and more to push people out of Europe, making it even harder to seek asylum, and leaving it to Member States of first entry, like Greece, to shoulder all the responsibility. Disregarding the realities on the ground and the human rights violations that the EU-Turkey Statement has led to, the European Commission proposes measures that will further exacerbate the situation.

In its progress report on the EU-Turkey deal that was published last week, the European Commission acknowledges many of the problems that their European policies and approaches are causing in Greece, that reception centres on islands are filled beyond capacity and that conditions are drastically deteriorating under harsh winter weather. Yet a Joint Action Plan, published last week along with the progress report, asks Greece to take problematic steps to increase returns to Turkey, including of vulnerable asylum seekers and those with family members in other EU countries. The Commission has also recommended that EU countries should gradually resume returns to Greece of asylum seekers who passed through that country from 15 March 2017 onwards, applying the Dublin Regulation. Given the challenges the country is facing, this decision comes when efforts should instead be stepped up to relocate asylum seekers out of Greece to other European countries.

At the EU summit on December 15, European countries have the opportunity to make concrete changes that will determine whether the EU manages migration with respect to human rights and prevents unnecessary suffering. Its leaders have the political strength to ensure the future of people arriving in Europe will be managed humanely and responsibly.

The question is whether or not they have the political will.

The living conditions of tens of thousands of men, women and children on the Aegean islands do not meet even the most basic standards of dignity or safety. Many sites are not fit for living in during winter with people falling ill and even dying in tents from fire and suffering from carbon monoxide poisoning, families are being kept apart, and procedures are slow and unclear to people who are trying to claim asylum. Unaccompanied children are kept in detention facilities or in police cells, often in unsanitary conditions without any privacy, while awaiting space in a shelter. Sometimes they are detained together with adults increasing the risk of sexual and other abuses.

In any other part of the world, Europe would be calling on governments to improve the situation. Instead, European countries are shifting their protection responsibilities on to countries outside the EU, even at the cost of violating European and international law. They have failed to come together and collectively manage the new arrivals of people, instead putting huge pressure on just a few countries to manage the process and consequences of Europe-wide policies. Phrases like “flexible solidarity” have no place in a common, well-managed and humane approach to migration.

The EU-Turkey deal, a flagship policy, has resulted in over 16,000 people trapped on the islands of Lesbos, Chios, Samos, Leros and Kos despite island sites collectively having only the capacity to host 7,450. Many of these people are detained upon arrival to the islands, and most facilities and sites where asylum seekers live lack adequate services and accommodation. The transfer of people from overcrowded sites on the islands to locations in the mainland that meet European standards for reception has now become urgent.

On the mainland, border closures blocking onward travel and a lack of timely options to seek refuge in other EU Member States has led in Greece to people living in camps that were only designed for temporary stay. Children, the elderly and other vulnerable groups should not be required to stay in tents with no heating in the freezing cold in Europe. Substantial efforts and support is needed to improve reception conditions all around the country and to ensure swift and efficient access to the asylum procedure.

The relocation mechanism is still slow and difficult to navigate and Member States’ offers are still much behind their targets. Though the mechanism expires in September 2017, only 8,162 refugees have been relocated out of the 106,000 assigned spots – less than 8% – of the agreed target. The system suffers from serious design flaws, including that it excludes many people because relocation is only open to those nationalities that have an EU-wide recognition rate of at least 75%.

At the summit on 15 December, European leaders have the opportunity to ensure that people arriving in Europe will be treated humanely, responsibly and that their rights will be safeguarded. In order to improve the situation, European leaders need to take important steps immediately:

- Member States should prioritise the immediate transfer of people from overcrowded sites on the islands to open facilities on the mainland that meet European law standards for reception, rather than pressuring Greek authorities to keep people on islands in substandard conditions.
- Member States should commit to redoubling their efforts to take asylum seekers out of first countries of arrival, including Greece, prioritising the most vulnerable groups, irrespective of their nationality, and providing information and support to people when selecting the destination country. Member States should enable swift and efficient access to family reunification, relocation and a secure refugee status.

- Member States should ensure that every person has access to protection and to a fair and efficient asylum process. The EU should respect the fundamental rights framework it has set out for itself and ensure that the desire to speed up processes is not at the expense of access to asylum.

The EU should halt its policy of externalising migration management through agreements such as the EU-Turkey Statement, which fall short of the EU's commitments under refugee and human rights law. It is possible to manage migration in a dignified and humane way. By strengthening the framework for legal migration, expanding safe and legal routes for refugees, and protecting the rights of everyone who arrived in Europe, the EU can set a global example for systems that ensure the wellbeing of migrants, including refugees, while simultaneously protecting its own internal freedoms.

Yours sincerely,

The undersigned organisations:

ACT Alliance EU  
Amnesty International  
Association Européenne pour la Défense des Droits de l'Homme (AEDH)  
CARE International  
CCME - Churches' Commission for Migrants in Europe  
CNCD-11.11.11  
COFACE – FAMILIES EUROPE  
Danish Refugee Council  
Doctors of the World International Network  
EuroMed Rights  
European Council on Refugees and Exiles (ECRE)  
European Network of Migrant Women  
European Women's Lobby  
FEANTSA - European Federation of National Organisations Working with the Homeless  
FIDH - International Federation for Human Rights  
Human Rights Watch  
ILGA-Europe  
ICMC Europe  
International Rescue Committee  
Jesuit Refugee Service – Europe  
Migrant Rights Centre Ireland  
NAGA (Milano)

Norwegian Refugee Council

Oxfam

PAX

Platform for International Cooperation on Undocumented Migrants (PICUM)

Save the Children

Slovene Philanthropy

SOLIDAR

Terre des Hommes

World Vision