

**Subject: EU Migration policy and cooperation with third countries in the 18th October 2018 - European Council meeting.**

Dear President Sánchez,

As Coordinadora de ONGD-España, member of the European confederation of NGO for relief and development CONCORD Europe, we are writing to you in advance of the European Council on 18th October, during which you will discuss the critical issue of the EU's approach to migration and development.

**We, European NGOs and civil society organisations working on sustainable development and global justice, urge you to ensure that the European Union delivers results for the world's poorest, for the people most in need, and for Europeans alike.** In this context, we reiterate the importance of sustainable development and Spain's commitments to eradicate poverty, to tackle inequality and discrimination, to promote safe and regular migration as well as peaceful and inclusive societies. In an increasingly challenging global context, we call for European countries to work together for an effective rights-based approach to development policy<sup>1</sup> and migration. We therefore urge you to use this meeting to ensure that the European Union continues to propose and implement policies based on common European values of human dignity, freedom, democracy, equality and the rule of law, all of which are preconditions for sustainable development.

We invite you to show political leadership in the following areas:

- **EU migration policy and Search and Rescue (SAR):** According to IOM and UNHCR data, from January to October 2018, 1.783 deaths of migrants have been recorded in the Mediterranean with a high increase in the mortality rate since June. It is surprising that, in these conditions, some European leaders have claimed that the reduced number of migrants arriving by sea is "a success". The lack of safe and legal pathways to Europe are still forcing people to cross in extremely dangerous boats. The criminalisation of search and rescue (SAR) NGOs and their operations has become a significant phenomenon of shrinking civic space in the EU. In Italy, Greece and Malta, affected by irregular arrivals by sea in the Mediterranean, national authorities have

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<sup>1</sup> See Council conclusions of 2014 on a rights-based approach to development cooperation, encompassing all human rights [link](#)



started to take measures including seizing ships and launching criminal investigations to address actions by NGOs ships rescuing migrants at sea.<sup>2 3</sup>

**We urge the European Council to commit to operating Search and Rescue vessels with the sole purpose of saving lives and not for border control purposes.** We also call on Member States to ensure that CSOs can provide this humanitarian action without interruption and that they can operate, in a safe and enabling environment, being allowed to take migrants to a safe place in compliance with international human rights and maritime law and with the UN Declaration **on Human Rights Defenders**.<sup>4</sup> The duty to save lives at sea and to respect the right to life rests primarily with EU Member States; these are international obligations which cannot be circumvented under any circumstance.

European development NGOs are extremely concerned about the proposal for **controlled centres and the disembarkation platforms**. Since there is little progress on the Dublin reform, the consequence of the disembarkation-platforms' proposal will not overcome the challenge of "shared responsibility" regarding refugees and migrants in Europe. The main focus of these centres and platforms will be to distinguish between migrants and refugees. Identification processes must always secure human rights, respect of non-refoulement and must take into account individual reasons for seeking asylum, such as persecution based on religion, gender identity and sexual orientation or of belonging to a minority. **We therefore call on the European Council to ensure an EU-wide equitable responsibility sharing among Member States of EU and respect the legitimate needs of asylum-seekers and the rights of people in vulnerable situations to be protected.**

**We urge the European Council to establish more safe and legal migration routes**, particularly for people who do not fit within the interpretation of the 1951 Geneva Convention and related resettlement criteria such as people fleeing famine, natural or climate-related disasters or economic crises. This is essential to guarantee the respect for fundamental rights and to avoid deaths at the borders. In recent Council Conclusions<sup>5</sup>, the EU Council affirmed that a comprehensive approach is to be implemented, but this approach still does not appear in the policy. In particular no action has been taken to open up more legal pathways.<sup>6</sup>

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<sup>2</sup> FRA Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations [link](#)

<sup>3</sup> In Italy, the Code of Conduct for NGOs involved in SARs prohibits them from entering Libyan territorial waters and obstructing the Libyan Coastguard intercepting migrants boats and returning them back to Libya. In this country migrants are held in detention and are reportedly of being subjected of systematic human rights violation and abuses, with children, women and girls particularly vulnerable to being subjected to rape, slavery, prostitution, child marriage and other forms of sexual violence.

<sup>4</sup> <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

<sup>5</sup> 28 June 2018

<sup>6</sup> Safe and legal pathways are also included into the final [Global Compact on Migration](#) that will be signed in Morocco in December 2018 see CONCORD briefing paper [link](#).

- **Cooperation with third countries** in particular in the Euro-Mediterranean region. The responsibility for saving lives at sea lies with all coastal countries' governments, which should coordinate their efforts. But such coordination should not be used to reduce the EU's own accountability and responsibility towards people in need. Some of the North African countries, which the EU supports fail to protect the rights of their own citizens, let alone those of refugees and migrants. **The EU and its Member States must not pursue arrangements with third countries that could result in migrants and refugees being subjected to inhumane treatment; rather you should seek ways to improve accountability, democracy and respect for human rights in those countries.** We are calling on the European Council to invest in improving protection and democratic space in the Euro-Mediterranean region, rather than stepping up support for governments which violate human rights conventions and put in danger refugees, migrants, and the civil society organisations that support them. **Lastly, we call on European Council to ensure that people rescued at sea are then brought to the closest safe port, as stipulated in maritime law, and not sent back to unsafe countries.**

In its development cooperation, the EU has used funding with the objective of stemming migration. We would like to take the opportunity of the European Council meeting to remind Member States that **funding dedicated to development cooperation with third countries should not be diverted to migration control measures and return policies. On the contrary, it should continue to aim to reduce poverty and to leave no one behind.**

CONCORD Europe and Coordinadora de ONGD-España wishes you positive results in these crucial discussions.

Yours faithfully,



Johannes Trimmel

President of CONCORD Europe



Andrés Amayuelas

President of Coordinadora de ONGD-España



