EXECUTIVE COMMITTEE OF THE
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NGO Statement on Europe
Agenda item 3(a)v

Thank you, Chair.

This statement has been drafted through a wide consultation with NGOs and attempts to reflect the diversity of views within the NGO community.

We have seen some achievements to date in the response.

While the current refugee and migrant situation has presented a number of challenges to Europe, we have seen an outpouring of support from European citizens, local authorities and volunteers, which have been crucial to mobilizing resources and refocusing our attention on the human element of forced migration. Despite a rise in nationalist and xenophobic responses in some European States, individual citizens and leaders will continue to mobilize this support in the spirit of solidarity and shared humanity.

This response has brought together a broad range of actors, each with the shared goal of meeting the needs of vulnerable people passing through Europe. Increased cooperation with host governments—who remain the lead actor in each context—and the strengthening of partnerships and coordination structures, as well as information-gathering and sharing, within the humanitarian community will be key.

As a result of these efforts, some real progress has been made, including an increase in reception capacities and more adequate standards; in the swifter implementation of registration procedures; and in the distribution of winter clothing, food and other essential items.

NGOs welcome the Regional Refugee and Migrant Response Plan (RRMRP) for Europe, which provides a much-needed framework to guide our efforts to ensure that protection and assistance are offered to those making dangerous journeys throughout Europe. Many NGOs have stepped up their efforts, and now more than 50 national and international NGOs from all sectors are involved in and contributing to the RRMRP.
But challenges remain

That said, we still have many remaining challenges for 2016.

In 2015, just over a million of people arrived to Europe by sea, of which, over half were women and children\(^1\). Shamefully, at least 3,771 people have been registered as dying at sea as the European policy response focused less on protecting lives than securing borders. In reality, the number of those lost at sea is undoubtedly higher than official registration numbers, and this represents one of the most damning policy gaps in the current European response.

We call on the European States to ensure that search and rescue operations continue to save lives as a matter of priority, and to ensure that these operations have the adequate capacity and mandate. Protecting human lives, rather than protecting borders, must be the priority for operations in the Mediterranean.

Another critical challenge has been the rapidly changing situation on the ground. From the closing of borders and the erecting of fences, to selective entry procedures and changes in border controls; decisions made at a national or European level have had immediate impacts on the lives of people travelling through Europe, increasing their vulnerability and effectively denying their right to seek and enjoy asylum.

We call on the European States to ensure that migration routes and procedures are safe, humane and predictable. European states should immediately cease border closures and other restrictions on refugee movement which systematically increase the vulnerability of people and deny fundamental rights to asylum.

We also call on European States to urgently strengthen reception and support systems which ensure the respect of human rights to liberty, security, freedom of movement and human dignity – in line with international and European standards.

To this end, we welcome the development of cross-border information-sharing mechanisms and a tracking system of vulnerable cases, as referenced in the RRMRP, but acknowledge that its implementation to-date has been ad-hoc and insufficient.

The current refugee situation has seen thousands of children make their way into Europe, either with or without their families. For those who travel alone, the risks and challenges are particularly acute. There are many gaps in existing child protection systems, leaving children, particularly those who are unaccompanied or separated—at a heightened risk of abuse, exploitation, violence, trafficking, and other serious rights violations. In 2016, a critical challenge will be to strengthen existing child protection systems, in order to fully protect the rights of children on the move.

Furthermore, we emphasise the opinion of the UN Committee on the Rights of the Child and the UN Special Rapporteur on Torture that the detention of children based on their or their parents’ migration status is never in the best interest of the child; it is a clear child rights violation, which constitutes cruel, inhuman or degrading treatment of migrant children. Therefore, States should expeditiously and completely cease the immigration

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\(^1\) UNHCR figures
detention of children and families, and should make clear in their legislation, policies and practices that the principle of the best interests of the child takes priority over migration policy or other administrative considerations.

Additional efforts must be taken to ensure that children have access to adequate health and educational resources along their journey, which often last for months or even years at a time.

There should be an end to discrimination based on nationality to ensure a fair and thorough refugee status determination procedures for all nationalities. Discrimination based on nationality and ethnicity is taking place at borders, with some states denying entry to anyone other than nationals of Syria, Iraq and Afghanistan. Nationality must not be the basis of arbitrary discriminatory decisions. Under international law, all nationalities must be granted their right to a fair and thorough status determination procedure based on their individual circumstances.

Greater attention also needs to be paid towards the heightened risk of statelessness faced by the children of Syrian and other refugees resulting from birth registration challenges as well as gender-discriminatory nationality laws that prevent women from passing nationality to their children. Recent research has revealed that currently more than half of European states are breaching their obligations under international law by failing to grant nationality to all children born on their territory who would otherwise be stateless. In this context, NGOs welcome UNHCR’s #ibelong campaign as a framework to help galvanise efforts to eradicate statelessness. Also welcomed was the adoption of European Council Conclusions on Statelessness in December which hopefully will provide impetus to efforts to improve the protection of stateless persons in a migratory context.

In addition to supporting efforts to improve birth registration practices in neighbouring and transit countries, at home we call on the European States to put in place nationality legislation and practices which ensure the right of all children to acquire a nationality. These are necessary for States to fulfil their international law obligations in practice, including to guard against the risk of arbitrary detention.

We need to realize and accept that the current refugee and migrant crisis will not end until States provide safer and more appropriate options for those fleeing war and persecution. The solution is not to add obstacles, danger and uncertainty to the journey of some of the world’s most vulnerable people, but rather to plan appropriately and to assist refugees and host communities across Europe to support themselves, and to secure protection for however long it is required.

To this end, we call on European States to improve refugee resettlement and additional legal pathways to admission, including humanitarian admissions, education visas, work visas, and family reunification schemes. We encourage states participating in the 30th March high-level meeting on global responsibility-sharing of the admission of Syrian refugees, to use the opportunity to present increased and realistic pathways for admission based on need.

A more ambitious intra-EU relocation scheme is also needed, in addition to the swift implementation of the existing commitments made by European states.
Stepping up cooperation and regional responses with Sub Saharan Africa and the Middle East, and ensuring responses are fully funded, are steps in this direction. However such regional cooperation agreements must focus on protecting and respecting the fundamental rights of refugees and migrants, rather than simply seeking to stop onward movement or arrivals to Europe.

Finally, the NGO community is concerned by the EU-Turkey deal. The proliferation of restrictive measures at national and EU levels based on a strategy of containment of asylum seekers and refugees in Greece and ultimately in countries neighbouring the EU is extremely alarming. European governments must live up to their fundamental human rights obligations. Without this, they risk undermining the foundations of international refugee and human rights law, which are the very foundation of the freedoms and prosperity that all Europeans enjoy. Denying the fundamental rights of refugees and migrants is a detriment to us all. We strongly encourage that 2016 be a year of international solidarity and a recommitment to our shared human rights values.

Thank you, Chair.