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.

Sharing or Shirking Responsibility?

The High Level Summit on Large Movements of Refugees and Migrants in September 2016 provided a platform for states to re-pledge their commitment to refugee protection and show solidarity for those fleeing desperate situations. Yet despite being a vocal champion of responsibility sharing for refugees at the Summit, European states have since failed to live up to the values and traditions upon which it was founded. The steady erosion of the right to refuge in Europe has continued, with strategies such as the EU-Turkey Statement effectively leaving tens of thousands of people trapped in Greece.

Instead, we saw the opposite. On the same day as the Refugee Summit in September 2016, a fire broke out in the Moria camp on the Greek island of Lesbos. Deteriorating conditions and rising tensions among the refugees led to further tragedies, such as the death of three men on Lesbos in January, possibly as a result of carbon monoxide poisoning from makeshift heating devices used to heat freezing tents. Yet, the European Commission sustained its policy of containment by reiterating that asylum seekers should be held on the islands, rather than transferred to the mainland ‘to avoid secondary movement to the rest of Europe’.

A Call for Leadership

While only representing a small proportion of the world’s refugees, the increasing numbers of refugees and migrants arriving in Europe in 2015 and 2016 demanded a strong and coordinated response from the EU. Yet instead of setting a global example by promoting human rights and international law, the EU implemented a strategy which promotes negotiations with third countries to curb migration, a stronger application of return policies, and the instrumentalisation of aid to reduce migration flows. This twisted formula of shifting responsibility, rather than sharing responsibility, was exemplified by the EU-Turkey Statement, the UK’s decision to end the “Dubs” scheme to resettle refugee children, as well as a similar arrangement to return Afghan refugees to Afghanistan. The example set by this EU policy may have prompted other countries such as Kenya and Pakistan to question their international obligations towards refugees. Furthermore, instead of ensuring a principled and efficient humanitarian response to the crisis, the European policy response on displacement has focused on targeting traffickers and strengthening external borders, leading to large increases in expenditure benefiting border security agencies.

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The NGO community calls on Malta, as the new holder of the Presidency of the Council of the European Union, to step up and ensure a principled European approach to the protection of displaced people on the basis of respect for fundamental human rights, responsibility and solidarity.

Collective Action

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 scaled up their response, and all sectors are involved in and contributing to the RRMRP. However, given the changing environment, we still have many challenges for 2017, which we can address altogether by connecting short- and long-term thinking. We cannot keep people in an emergency state, but need to offer opportunities that ensure people of concern can become self-reliant. European states must do this by offering protection and safe and regular channels of mobility instead of furthering externalization and securitization.

Troubling human rights abuses and humanitarian challenges have been witnessed in hotspots in Greece and Italy, as well as on the Balkan routes. While Turkey continues to host more refugees than any other country in the world and keep accepting asylum seekers from Greek territory under the EU-Turkey statement, pushbacks of Syrians attempting to cross into Turkey continue to be alleged. Human-rights observers have suggested an increase in the frequency of these incidents following EU pressure to curb irregular border crossings. As States continue to tighten their borders, people are taking more and more risks to reach safety, especially as smuggling gets more expensive and dangerous. In Greece, positive collaboration and partnership patterns between different humanitarian actors contributed to strengthening capacity of national actors. However, conditions during reception have worsened. Further work on preparedness needs to be prioritized to avoid potential situations where we fail to provide protection and assistance to people in need.

In the spirit of partnership, the NGO community would like to highlight today to Member States and UNHCR the following identified key priorities where we should collectively focus our attention and limited resources in order to address important humanitarian challenges in Europe:

1. **Improve and strengthen the asylum procedure system:** First and foremost, people need to be allowed to seek refuge and protection. The system must be improved and made more efficient to ensure that the backlog of refugees waiting in limbo can be granted protection and security.

2. **Improve protection policies:** The EU-Turkey Action plan of December 2016 should end and be replaced by an approach consistent with international refugee and human rights law.

3. **Strengthen social cohesion, stability and security:** Funds should be allocated by the annual EU Asylum, Migration and Integration Fund (AMIF), to local integration actors and to non-traditional actors to enable successful integration that ensures the enjoyment of rights, a welcoming environment and integration programmes beneficial for refugees and host communities.

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5 http://www.refworld.org/docid/58385d4e4.html
Resources and time should be invested in the *Together* initiative to counter xenophobia. It should be anchored in community-based initiatives and in face-to-face exchanges, in order to truly impact public perceptions of people on the move.

4. **Acknowledge conditions in countries of return**: State policies in Europe to return refugees fail to assess the human rights situations in countries of return. For example, Libya is in crisis and, according to OHCHR, migrants are subject to arbitrary detention, torture, ill-treatment, unlawful killings, sexual exploitation, smuggling and forced labour. Likewise, returning people to Afghanistan, a country in which their lives would be at risk due to the conflict and violence and their living conditions would be extremely dire, with high rates of malnutrition, no access to water and sanitation, is a breach of the International Refugee Law. The EU should acknowledge the reality that blocking people from leaving a country or returning them to places that are not safe is not in line with the EU’s fundamental values of human dignity and rule of law. As a matter of principle, returns must systematically be voluntary, based on a thorough and neutral impact assessment of the country’s situation and its abilities to develop adequate, humane and dignified reception conditions and reintegration opportunities for returnees. For this to happen, precise criteria on what constitutes a voluntary return need to be in place, in line with the principle of non-refoulement.

5. Development assistance, as enshrined in the Treaty on the Functioning of the European Union (TFEU), has a primary aim of alleviating poverty. Development priorities must be identified in close cooperation with stakeholders and decision-makers of the countries concerned, in line with the development effectiveness principles. Instead, the EU has started to pressurise several priority countries to strictly follow its migration control and deterrence agenda, and threatened negative ‘incentives’ if countries refused to do so. Instrumentalising aid to compel governments to deliver results in terms of returns and reduction in migration flows is undermining the purpose of development assistance and the EU’s expressed commitments to poverty reduction and a human rights-based approach.

6. **Recognising statelessness as both a cause and consequence of forced displacement**: There are estimated to be at least 600,000 stateless people in Europe today, often living in the margins of society and unable to enjoy fundamental rights. NGOs call on European states to do more to address statelessness in their external relations policies, as well as to plug various gaps and problems in domestic law, policy and practice which can cause statelessness or fail to fully protect the rights of stateless persons. In this regard, states should take decisive action in line with their human rights obligations, UNHCR’s Global Action Plan to End Statelessness by 2024, and work towards the full implementation of the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the 1997 European Convention on Nationality. The new framework provided by the European Migration Network’s Statelessness Platform to share and encourage good practices concerning the identification and protection of stateless persons is welcome.

7. We have observed positive developments in the **inclusion of various actors in the humanitarian response**. While cooperation and information-sharing are already happening, national institutions are overloaded and not able to deliver the services they would like to provide. Willingness is there, but resources are lacking. Decentralization by government authorities putting local authorities at the center is welcome. Yet, some entities are not always familiar

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with the context. We all have our parts to play: Governments must show stronger support, UN agencies and international and local NGOs must work together to foster capacity building, emergency preparedness and all actors must work on how to better coordinate. In this regard, the NGO community feels that there are a number of critical actions that UNHCR could take in order to further facilitate an improved response to refugees in Europe. Specifically,

a) Improve high level coordination and show leadership in raising concerns around key policy issues including the increasing erosion of the Refugee Convention commitments in the European context.

b) Be a strong humanitarian advocate, ensuring needs alone drive response, and curbing the increasing trend of tying response to nationality and status.

c) Routinely conduct and share legal analysis of this rapidly evolving situation, in order to allow for timely response from Member States and civil society, and to ensure refugees and other vulnerable persons receive the protection to which they are entitled.

8. **Expand safe and legal channels for refugees:** In line with the principle of responsibility-sharing, European countries need to substantially increase their resettlement offers in order for Europe to make a meaningful contribution to global resettlement and durable solutions. EU Member States have at their disposal a toolbox of safe and legal routes to protection. Among the tools are resettlement and humanitarian admission programmes, humanitarian visas, community and private sponsorships, more effective and extended family reunification procedures, as well as opening labor migration, education exchanges and scholarship programmes to refugees. Yet, these should not be used as a pretext to create legal barriers to accessing the protection system in Europe for persons arriving irregularly. Establishing safe and legal channels for refugees to access protection in Europe does not absolve States from their obligations to substantively examine asylum applications made on their territories or at their physical borders. As the world is witnessing the largest forced displacement crisis since World War II, the EU should not *shift*, but rather *share*, a greater part of international protection responsibilities with those countries hosting the vast majority of the world’s refugees.\(^8\)

Thank you, Chair.

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