

NGO Statement on Europe

Dear Chair,

These past weeks have seen the unthinkable come to pass: Russia's attack on Ukraine resulted in a devastating war in Europe, tragic civilian deaths, and huge humanitarian needs. Over 1.5 million people are now displaced internally and across borders. Now as ever, NGOs call on states to facilitate safe passage and adequate reception for refugees; ensure they receive a durable and predictable protection status; and deliver humanitarian assistance to Ukraine. Moreover, states' response must involve the dissemination of accurate and accessible information and be AGD sensitive, especially as most of those fleeing are women and children. Crucially, protection must be offered without discrimination, including to non-Ukrainian nationals seeking safety.

NGOs commend recent official statements of solidarity with Ukrainian refugees and welcome the decision to trigger the EU Temporary Protection Directive. This tragedy must serve as a lasting reminder of the values Europe holds dear, and of what it can accomplish when it acts jointly to uphold refugee protection. In this perspective, other ongoing displacement situations and the fate of asylum seekers elsewhere in Europe must not be forgotten or under-resourced as a result of the Ukrainian emergency.

However, across Europe, states increasingly fail to comply with asylum norms and obligations with apparent impunity. Many seek to externalise their protection responsibilities, keep asylum seekers out, and return people to danger. Others repeatedly try to suspend asylum rights and fail to protect people arriving at borders. While harming international protection norms and undermining European states' credibility, these trends amount to a grave rule of law crisis within the EU. Proposed legislation such as the UK's Nationality and Borders Bill also undermines the right to seek asylum.

These trends also shape external action. Thus, responding to the 2021 Afghanistan emergency, European leaders stoked fears over possible arrivals in Europe and focused on maintaining refugees near Afghanistan.

Therefore, NGOs urge European governments to:

- 1. Ensure access to territory for asylum seekers and address human rights violations at European borders.** As illegal and dangerous pushbacks have become alarmingly prevalent, we welcome the proposed border monitoring mechanism. However, we stress that it must be strengthened to be effective and independent. The European Commission must also uphold the rule of law and hold states accountable, including through withholding funding or launching infringement procedures.
- 2. Ensure access to fair asylum procedures for people seeking international protection, no matter the circumstances and without undue restrictions.** We regret the application of the 'fiction of non-entry' in the Pact; states' growing reliance on 'safe country of origin' or 'safe third country' concepts to deny asylum applications; and the use of accelerated border procedures. Talks of derogations from asylum and reception obligations in cases of so-called 'instrumentalization' of migrants risk irreparably damaging asylum norms in Europe.
- 3. Ensure humane and effective reception systems in Europe, which respect people's dignity, protect their mental health, and foster their inclusion into societies.** Restrictive and isolated accommodation for asylum seekers is becoming the norm, with devastating impacts on wellbeing and inclusion prospects. Across Greek islands, the Closed Controlled Access Centres amount to de-facto detention. States should reject such models, end migration-related detention, and invest in community-based accommodation.

- 4. Establish a fair, predictable and sustainable responsibility-sharing system, centred on relocations.** States' failure to invest into asylum and reception systems and the absence of intra-EU solidarity leaves states in reactive and emergency postures, when needs arise. Solidarity with states of first arrival and with refugees must be at the core of the New Pact, including through a predictable and mandatory relocation system.
- 5. Significantly expand safe and regular pathways to protection, including through European refugee resettlement pledges.** Despite affirmed ambitions to leading post-pandemic global resettlement efforts, resettlement to Europe is yet to resume at scale. States must urgently deliver on pledges, make ambitious commitments and admit refugees through a range of pathways, including by adopting the long overdue Union Resettlement Framework. Resettlement through the Emergency Transit Mechanisms in Niger and Rwanda should also be accelerated.
- 6. Place refugee protection and humanitarian principles at the centre of EU's external action.** The EU should address the needs of people on the move and refrain from instrumentalizing development cooperation to enhance third countries cooperation on migration management or return and readmission agreements.
- 7. Show greater humanitarian leadership beyond EU borders.** As global humanitarian needs have continued to grow, addressing chronic emergencies worldwide and their impact on civilians will require stepped up humanitarian aid and diplomacy to ensure unfettered humanitarian access and champion IHL.
- 8. Act urgently to address deaths and pullbacks in the Mediterranean.** To prevent further loss of life, and abide by international law, the EU must immediately re-establish a dedicated search and rescue capacity. European states must also stop criminalizing actors helping those in need at sea and on land, especially NGOs. All returns to unsafe ports should stop and the EU should prioritise the swift release of migrants from Libyan detention centres, and support alternatives to detention.
- 9. Invest in refugees' integration and inclusion.** States must now implement the European Commission's 2020 Action Plan on Integration and Inclusion. States should also mainstream inclusion objectives across policy areas and guarantee the meaningful involvement in policymaking and responses of refugees, migrants and organisations they lead. European states and EU institutions must also take concrete steps to tackle xenophobia and discrimination.
- 10. Address statelessness.** Europe is estimated to host over half a million stateless people, often denied access to fundamental rights. European states still lack an adequate policy response and are still generating statelessness due to a lack or ineffective implementation of safeguards against childhood statelessness in their nationality laws. Europe should contribute to meeting the #IBelong campaign objectives to eradicate statelessness by 2024 and implement the 2019 High-Level Segment statelessness-related pledges.

Further details are available on icvanetwork.org

Thank you