

Draft Outline Karl Kopp, PRO ASYL

State of play:

The refugee deal with Erdogan, the deal with Libya, the EU agreement with Afghanistan, the endless debate on "camps in North Africa", "migration partnerships" with dictatorial regimes - there is hardly any taboo in European refugee policy. The old dream of Tony Blair, Jack Straw, Otto Schily and others is becoming an acceptable solution.

Brexit: "On asylum and refugees, Britain left Europe years ago" (Allan Travis)

UK position concerning "Search and rescue operations" in the Med as "an unintended 'pull factor. Britain has insisted that refugees claim asylum in the first safe country. And Britain is a strong supporter of the EU-Turkey Deal. "The paradox is that while Britain was almost alone in refusing, even in principle, to take part two years ago in a European solution to the crisis, it is May's policy that now commands majority support within Europe." (Allan Travis/Guardian)

European refugee policy is characterised by

- daily deaths in the Mediterranean,
- illegal push backs of those seeking protection at European land and sea borders contrary to international law
- and dirty deals with authoritarian governments and regimes .

Since October 2015, Germany – one of the most willing countries to accept refugees - together with other EU member states, has been attempting, to block access to Europe for those seeking protection at all costs.

Dying in the Mediterranean: Between 1 January 2014 and 31 October 2017 alone, more than 15,000 boat people died in the Mediterranean Sea. Europe was not even prepared to guarantee their right to life. Without the tireless efforts of civil rescue organisations, the death rate in the Mediterranean would be much higher. Instead of helping the humanitarian organisations to save lives and finally organising a robust, comprehensive EU sea rescue operation, they are being attacked and their work hindered.

Push backs at land borders

According to the UNHCR, tens of thousands of people seeking protection have been pushed back at European borders, for example in Bulgaria, Croatia, Greece, Hungary, Serbia, Spain and Macedonia. In many cases, violence has been used to keep out those seeking protection. On the Polish border with Belarus, there is also a growing tendency of push backs of protection seekers, mainly from Chechnya.

Unfortunately, there is no significant reaction from the European Commission to these blatant violations of international law.

The EU-Turkey deal (March 2016):

The deal is a kind of blueprint for the policy of border closure and outsourcing. The Aegean escape route and land borders were largely sealed off. What happens in Turkey with the intercepted people remains largely in the dark. However, it is well known that persons deported from Greece, after being detained in Turkey, were further deported to their countries of origin, including Afghanistan and Iraq.

The Turkey deal has turned the Greek islands into a buffer zone where refugees in limbo are struggling to survive amidst the deterioration of living conditions. Serious malfunction and instrumentalization of asylum procedures based on political considerations leave the most vulnerable of them exposed to acute weather conditions, exploitation, violence and severe abuse. Lives have been lost in the EU-hotspots due to political imperatives and no one took responsibility for these deaths. Meanwhile local societies on the islands have been used so far as European »Nauru islands« with the tensions between locals and refugees escalating over the last few months and increasing xenophobia and racism among the locals.

Libya: The dirtiest deal (February 2017)

The EU member states accept that refugees and migrants with their "Libya deal" are subject to rape, torture and enslavement in terrible detention camps in Libya. The EU is making deals with warlords and criminal gangs, among other things, in order to reduce the number of refugees arriving in Europe. The so-called Libyan coastguard, accused of serious human rights violations against refugees, is being rearmed and trained by Germany and Europe - not least in order to intercept boats more effectively and to bring those seeking protection back to the "Hell of Libya".

"Deals" instead of rule of law: By-passing the European Parliament seems to have become the principal modus operandi in the European external relations pushed forward by the Council. Out of sight, out of mind: Migrants and refugees themselves, human rights violations against them are made invisible – far away from the European public and media coverage.

The new narrative: Similar to the discourse which has promoted the fight against smugglers, the "root causes approach" is framed to "stop the drowning at sea", to avoid human rights abuses against refugees and migrants. The "root causes approach"- discourse thereby functions as a door opener for new very brutal cooperation arrangements.

Undermining the right to asylum in Europe: The deals and political agreements with important countries of transit and increasingly countries of origin were key in the efforts to prevent arrivals of protection seekers in Europe. By declaring Turkey a "safe third country" and rejecting asylum claims as inadmissible the way to a new strategy to undermine the right to asylum in Europe was opened. "Inadmissibility" is becoming a key principle of EU asylum policy. Not only is the Turkey-Deal seen as a blueprint and role model, but in the meantime it has also been included in the Commission's proposals (Dublin IV draft etc.) in the form of admissibility procedure before examining asylum claims on the merits.

The Brussels “reform proposals” use the concept of “safe third countries” in a problematic way; but the European Council goes further. Some Member States – like Germany – are advocating for alarming ideas. “In proposals they are pitching no link would be necessary: a person seeking protection could be transferred anywhere, to any country categorised as safe. Thus, a Syrian arriving in Europe could be sent to New Zealand.” (Catherine Woollard, ECRE Secretary General)

Outlook:

- It is a shame that the demands for access to Europe, for safe and legal ways to Europe and finally to stop the unbearable deaths at sea are still as relevant and urgent as ever. Access to European territory and a fair asylum procedure has to be guaranteed – this responsibility cannot be outsourced.
- More than ever, transnational ties of solidarity are needed. Civil society actors on both sides of Channel, but also on both sides of the Mediterranean have to understand that their struggles are interlinked and dependent of each other.

It is therefore important to take a loud and clear stand: for the right to asylum, respect for human rights and the right to life for refugees and migrants. Protecting boat people from drowning is an international and moral duty. Only safe and legal channels for those seeking protection, a European sea rescue service and new migration policy can put an end to this mass dying at Europe's borders.

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Litigation: Since the implementation of the cynical deal with Erdogan our Greek colleagues are working passionately to support protection seekers in exercising their rights in spite of an unfair and unlawful procedure. The Greek lawyers defend the right to asylum in Europe on behalf all of us. We should give them every support they can get.

Bitter reminder: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.” (Article 2 Treaty on European Union)

The EU's current refugee policy is in the process of destroying these cornerstones of the European project. We should fight for these values, whether inside or outside the EU.