

30 January 2019

Dear Minister,

Re: Timely and Predictable European Arrangements for Disembarkation

We, the undersigned organisations, networks and platforms, write to you to express our grave concerns and urge you to act over the current crisis in the Mediterranean Sea. Since January 2018, at least 2,500 women, children and men have drowned in the Mediterranean. Meanwhile, EU leaders have allowed themselves to become complicit in the tragedy unfolding before their eyes.

For over six months, European governments have tried – and failed – to agree on a system that would allow survivors to be disembarked safely when they reach a European shore. As it stands, every time a ship brings people who have just been rescued to a European port, EU governments engage in painful, drawn-out debates about where the ship can disembark and which countries can host the survivors and process their asylum applications. All the while, women, men and children, who often carry physical and mental scars from their journey, are left stranded at sea, sometimes for almost a month. The EU's naval mission in the Mediterranean, Operation SOPHIA, risks being terminated altogether because European governments cannot agree on where to disembark rescued people.

In parallel to this situation, European governments are putting undue pressure on the civil society organisations that conduct life-saving search and rescue missions in the Mediterranean. Rather than supporting these activities in an effort to save lives, a number of EU member states have made it more difficult for them to operate; made unfounded allegations against them; and prevented search and rescue boats from leaving their ports. Whereas this time last year, five organisations were conducting search and rescue operations in the Mediterranean, only one is able to do so today.

The actions of European governments have made it extremely difficult for search and rescue organisations to continue their life-saving work, and have deterred other vessels from upholding their obligations to rescue people in distress and return them to the nearest place of safety. As a result, the Mediterranean has become one of the deadliest seas in the world. In January, a naval helicopter rescued three people, who reported that their ship had left Libya with 120 women, children and men on board. Everyone else had drowned. People who are forcibly returned to Libya are likely to be placed in arbitrary detention, abused, tortured or sold into slavery. According to the UN refugee agency, over 15,000 people were returned to Libya in 2018.

Under international law, people rescued at sea should be taken to the nearest place of safety where they will be treated with respect and offered protection. Europe has committed to save lives in the Mediterranean and share responsibility in hosting refugees. The rights to seek asylum and the principle of non-refoulement are repeated in the Treaties of the European Union, which also declares that the Union is founded on the values of respect for human dignity, freedom, democracy,

equality, the rule of law and respect for human rights. These are the values we all believe in and the law we are bound by. They should be upheld regardless of political disagreements.

We ask you, in the upcoming Informal Justice and Home Affairs Council, to reach an agreement on timely disembarkation arrangements that will save lives and respect people's fundamental rights, including their right to seek asylum. Specifically, we ask the council to:

1. **Support search and rescue operations:** Countries should allow all vessels conducting search and rescue activities to dock in their ports, disembark people who have been rescued, and return to sea in a timely manner. Attempting to prevent the life-saving operations of NGOs and commercial vessels is a dangerous approach that puts lives at risk and undermines citizens' trust in their governments to resolve the situation.
2. **Adopt timely and predictable disembarkation arrangements:** Until positive reform of the Dublin System, including a permanent responsibility-sharing mechanism, is adopted, arrangements should be put in place to ensure timely disembarkation and distribution of rescued persons among EU Member States. Concrete proposals for relocation arrangements following disembarkation have been made by NGOs. Given the urgent need for measures on responsibility-sharing and the obstacles to an EU-wide solution, the arrangements should be agreed immediately, and the participating states should be identified from the outset, not on a "ship-by-ship" basis. No arrangement should absolve other member states from their legal obligations under EU law, international refugee law or maritime law.
3. **End returns to Libya:** Libya is a country torn apart by war, where refugees and migrants are regularly detained in horrific conditions that violate their basic human rights. Women, children and men who are returned to Libya by the EU-supported Libyan coastguard or under instructions from Maritime Rescue and Coordination Centres face automatic, arbitrary detention and the real risk of torture and other serious human rights violations. Authoritative sources, including some of the signatory organisations, have documented specific cases in which intercepted or rescued persons were tortured and abused upon their return to Libya. The UN Refugee Agency, UNHCR, has urged states to refrain from returning any third-country nationals to Libya because of risk to their safety. European governments should establish clear benchmarks, including an end to arbitrary detention, and be prepared to suspend cooperation and assistance to the Libyan coastguard if not met.

The situation is becoming more urgent than ever and we urge you to take immediate action.

Yours sincerely,

[List of signatories on separate page]

List of Signatories

[Europe]



Médecins Sans Frontières (MSF)



SOS Méditerranée



ACT Alliance EU



Action Against Hunger



Caritas Europa



Churches' Commission for Migrants in Europe (CCME)



Danish Refugee Council



The European Council on Refugees and Exiles



European Evangelical Alliance



Human Rights Watch



The International Catholic Migration Commission (ICMC)



Missing Children Europe



Mixed Migration Centre



Oxfam



The Platform for International Cooperation on Undocumented Migrants (PICUM)

[Belgium]

11.11.11.

CIRÉÛ

Médecins Sans Frontières

[Italy]

AOI (national network)

Arcs

CEFA Onlus

COMI

Concord Italia (national network)

Focsiv (national network)

Gcap Italia (national network)

IPSIA-ACLI

Legambiente

Marche Solidali (regional network)

Sonia per un mondo nuovo e giusto

[Malta]

African Media Association Malta

Blue Door English

Kopin

Malta Microfinance

SKOP

[The Netherlands]

Amnesty the Netherlands

Dutch Refugee Council

Oxfam Novib

Pax for Peace

[Spain]

La Coordinadora

cc:

- EU member states' Ministers of Justice and Home Affairs
- President of the European Council, Donald Tusk
- President of the European Commission, Jean-Claude Juncker
- High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission, Federica Mogherini
- European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos
- Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs, Claude Moraes