

Joint Statement on Protection in the Mediterranean in Light of the EU Council's Decision of 23 April 2015

Monday, April 27, 2015

UN High Commissioner for Refugees António Guterres, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, Special Representative of the UN Secretary-General for International Migration and Development Peter Sutherland, and Director-General of the International Organization for Migration William Lacy Swing

Given the intensification of boat movements and continued unbearable loss of life in the Mediterranean Sea, we, the undersigned*, take note of the Special European Council's decision of 23 April 2015. We acknowledge the Council's specific undertaking to "mobilize all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency."

The Council's decision is an important first step towards collective European action: the only approach that can tackle a phenomenon of such a scale, complexity and trans-national nature. It will also help pave the way for further elaboration of a new EU Migration Agenda.

A number of preliminary measures have been decided. We appreciate that the details still need to be worked out in consultation with a range of stakeholders, including the institutions we represent, and pledge our full support for developing them further.

The announced tripling of resources for the Frontex Operations Triton and Poseidon is encouraging to the extent it results in increasing rescues of migrants and refugees in distress at sea now and in the foreseeable future. While the efforts of merchant ships are to be commended and welcomed, they are not best equipped to rescue hundreds of people at a time, and are no substitute for a comprehensive and well-resourced EU-led effort with a particular focus on addressing the protection needs of vulnerable migrants and refugees, not least unaccompanied children, survivors of violence and those with special needs.

A number of proposed measures focus on disrupting the smuggling trade and stemming movements, in cooperation with third countries. But law enforcement measures must be accompanied by efforts aimed at reducing the need for migrants and refugees to turn to smugglers in the first place. The situation today calls for measures going beyond border security.

Most smuggling does not involve the crime of trafficking. This distinction is important to maintain in statements and actions initiated in response to the current crisis. Moreover, people resorting to smugglers and those falling prey to traffickers are not criminals. Those boats are carrying human beings who are entitled to their human rights and are in need of international aid and protection. All actions must scrupulously respect International Human Rights Law, International Refugee Law, International Humanitarian Law, the Law of the Sea, and ensure the dignified, safe and humane treatment of migrants.

We look forward to working with EU Member States and institutions on elaborating concrete actions respecting the rights of all migrants and refugees, and consultations to increase resettlement places on offer, on arrangements for pre- and post-arrival assistance, and on relocation to ease the burden on States on Europe's southern border.

Efforts to deter smuggling will be in vain unless measures are adopted to address overly restrictive migration policies in Europe, as well as the push factors of conflict, human rights violations and economic deprivation in many of the countries of origin and transit. Enforcement measures need to comply with applicable standards for human rights in law enforcement and in the administration of justice.

As the EU Institutions and Member States work on development of a European Agenda for Migration, we look forward to working closely with EU and other stakeholders to expand and enhance the measures announced, with a view to setting in place a more holistic plan consistent with international norms and standards.

In this regard, we believe that additional measures are needed, beyond those already announced, to address the many factors compelling people to move in such precarious circumstances and to transform this into a truly comprehensive response. These measures would, inter alia, include: setting in place migration policies that meet real labour market needs; increasing the provision of safe and regular channels for entry, including by making family reunification more readily accessible and easier; making the Common European Asylum System work more cohesively, especially through intra-EU solidarity measures; making evidence-based and better targeted development investments in origin and transit countries; revisiting measures relating to trade practices and labour migration; stemming arms trafficking; promoting proactive peaceful settlement of disputes; and vigorously combatting all forms of racism, religious intolerance and xenophobia.

The international community has a shared responsibility to ensure the protection of migrants and refugees who are making the journey across the Mediterranean Sea. The scale, complexity and sophistication of the response should be in line with the scale and complexity of the problem. We need a truly comprehensive response that will serve as a testimony to those lost at sea and those who have survived to recount the experience.

The institutions we represent all have a stake in being part of the solution to the on-going tragedy in the Mediterranean. We are drawing up plans to increase our support in a number of indicative areas, for example by:

SRSB FOR MIGRATION AND DEVELOPMENT

- Active diplomacy with States in Europe, Africa and elsewhere to safeguard the rights of all migrants and promote fair and equitable migration policies that contribute to sustainable development.

UNHCR

- Stepping up operational support, as needed, in Southern and South Eastern Europe, North Africa and in the Horn of Africa.
- Supporting various proposals already made under the Central Mediterranean Sea Initiative, including: increased refugee resettlement, enhanced family reunification and other forms of admission; support for intra-EU solidarity and responsibility sharing measures, including relocation possibly through a pilot project for Syrian arrivals in Greece and Italy; and information campaigns along transit routes aimed at informing people of the risks of onward movements.
- Disseminating the SAR Guide developed with the International Maritime Organization and International Chamber of Shipping.

OHCHR

- Disseminating OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders.
- Supporting an independent inquiry into the recent tragic incidents in the Mediterranean.
- Providing advice on the human rights of all migrants at points of origin, transit and destination.
- Promoting compliance with international standards for human rights in law enforcement.
- Combatting racism, religious intolerance and xenophobia in all its forms.

IOM

- Implementing the Missing Migrants project which seeks to document loss of life.
- Cooperating with and implementing anti-smuggling and trafficking efforts.
- Setting in place a Migrant Response and Resource Mechanism along migratory routes in key sub-Saharan African countries to identify persons in need of help, offer counselling, make referrals and provide assistance, including with voluntary return for economic migrants.
- Supporting EU Regional Development and Protection Programmes.
- Following the specific call on IOM in the EU Council conclusion, working towards building capacities of and supporting countries of origin in the voluntary return and reintegration to ensure that return forms part of a comprehensive response.

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