



Human rights organisations urge EU governments to adapt border management to ensure that refugees can reach Europe

Brussels, 24 February 2010. Preventing as many people as possible from entering Europe irregularly at all costs has become the most important objective of the EU's migration policy. Spain, Europe's door for migrants from West Africa and current Presidency of the EU, has been a pioneer in setting this European trend by externalising border controls to international waters and beyond; and by cooperating with third countries to curb migration flows, irrespective of human rights considerations.

According to the Spanish Ministry of Interior, the irregular arrivals by sea to the Canary Islands decreased over a 92 % from 2006 to 2009. The EU Borders Agency, Frontex, has contributed substantially to this "success" and EU countries are now calling for its strengthening, including the reinforcement of the Agency's capacity to cooperate with third countries and the possibility of regular chartering joint return flights organised and financed by Frontex.

Bjarte Vandvik, ECRE Secretary General said: *"States have a legitimate right to control their borders, but this is not an excuse to ignore the fact that persons fleeing war or persecution are entitled to protection under international, European and national laws. As Frontex is being strengthened, its operations need to be monitored to ensure that human rights are respected"*.

"European governments brag about their success in fighting irregular migration but refugees who are prevented from arriving to the European territory are paying the price of this 'success'. The EU shows a worrying hypocrisy: it celebrates the establishment of a European asylum system, while leaves refugees outside Europe, where they don't have access to their right to international protection", added Alfredo Abad, Secretary General of the Spanish Commission for Refugees (CEAR).

Regardless of where border controls take place and of who implements them, methods to prevent unauthorized entry must leave room for the identification of persons in need of international protection so they are not returned to any country where they will face persecution. Member States' obligations under international and European refugee and human rights law do not stop at the physical boundaries of the EU. This responsibility is not only moral and political but also legal. EU Member States cannot abdicate their principles, values and commitments by doing outside their borders what would not be permissible in their territories.

A trend towards a more restrictive approach towards migrants is not only present at Europe's borders. As a deterrent, governments are sending a message to those who want to come here that they will be treated badly.

"There has been an increasing trend of zero tolerance towards both irregular migrants and those who provide services to them in several EU countries. This policy compromises access to health care and safe living conditions and leads to a situation in which innocent people are treated like criminals", said Nicolas Beger, director Amnesty International's EU office.

Note to editors

- The Joint Operation HERA, coordinated by Frontex, aims to tackle irregular migration flows coming from West Africa countries heading to Canary Islands. This operation has been presented by Frontex and the Spanish Government as a success, since it has led to a considerable decrease in the number of irregular arrivals. According to the Spanish Ministry of Interior, the irregular arrivals by sea to the Canary Islands decreased over a -92 % from 2006 to 2009. See: Balance de la lucha contra la inmigración ilegal, available at: http://www.mir.es/DGRIS/Balances/Balance_2009/balan_inmigrac_ilegal.html
- Spain concluded agreements with Mauritania and Senegal which allow diverting of boats back to their points of departure from a certain distance of the African coast line. A Mauritanian or Senegalese law enforcement officer is always present on board of deployed Member States' assets and is considered responsible for the diversion. See: http://www.frontex.europa.eu/newsroom/news_releases/art40.html
- Current numbers of asylum applications in the EU represent only a small fraction of a global population of refugees and internally displaced people estimated at over 40 million. There are now¹ fewer than 240,000 asylum applicants registered in the 27 Member States – by contrast in 1992 some 550,000 persons applied for asylum in the then 12 EU countries.
- The **European Council on Refugees and Exiles** (ECRE) is an alliance of over more than 60 member agencies across Europe, including the Spanish Commission for Refugees (CEAR) and Amnesty International. ECRE and its members work together to protect and respect refugees. www.ecre.org
- The **Spanish Commission for Refugees** (CEAR) advocates for the defense of refugees and asylum seekers' rights in Spain. Present at the Southern maritime border of the EU, CEAR provides legal and social assistance to refugees and other migrants who arrive to Spain by sea, and monitors closely the situation in Mauritania and Morocco. www.cear.es
- **Amnesty International** (AI) is a worldwide movement of people who campaign for internationally recognized human rights to be respected and protected for everyone. The EU Office of Amnesty International in Brussels co-ordinates and promotes AI lobbying of the European institutions. The office works to ensure that the European Union (EU) puts human rights at the heart of all its policies. <http://www.amnesty-eu.org/>

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¹ There were 238.000 asylum applications in the EU in 2008. According to provisional data available in January 2010 (<http://www.unhcr.org/pages/49c3646c4d6.html>), there were 222.930 asylum applications in the UE in 2009.