

## EU should take share responsibility for migrants

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EU ministers should clearly state that rescue vessels are not bound to obey instructions to disembark migrants rescued at sea in Libya, because Libya is not a place of safety, Amnesty International has said on a plan forged by EU states for the rescue of migrants.

“Nor should anyone be subject to sanction for legitimately disregarding instructions to disembark people anywhere in Libya. This principle applies even when rescues are carried out inside Libya’s declared search-and-rescue region,” Amnesty and Human Rights Watch said in a joint statement on the sixth anniversary of the Lampedusa shipwreck, in which 368 people died.

EU interior ministers will meet in Luxembourg next Tuesday, 8 October to discuss a joint declaration agreed upon by Germany, France, Italy, and Malta in Valletta.

The ‘ [Joint declaration of intent on a controlled emergency procedure – voluntary commitments by member states for a predictable temporary solidarity mechanism](#) ’ commits participating states to creating a predictable and efficient system to ensure “dignified disembarkation” in places of safety.

Building on this good start, EU ministers need to now agree on the details of a plan to ensure certainty around disembarkation and a fair relocation system.

Since June 2018, numerous boats have been left stranded at sea for weeks after rescuing refugees and migrants, until ad hoc agreements were reached.

“If we are to avoid yet another obscene standoff at sea, relevant EU coastal states must make clear plans to allow ships to dock in their ports, while other EU states should commit to take their fair share of responsibility for people disembarked,” said Matteo de Bellis, Migration Researcher at Amnesty International. “A strong agreement will help save lives and demonstrate that EU countries are committed to working together to uphold basic values and international obligations.”

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“The EU’s current response to the rescue crisis in the central Mediterranean is fundamentally flawed,” said Judith Sunderland, Associate Europe and Central Asia Director at Human Rights Watch. “Supporting the Libyan Coast Guard to intercept and return people to Libya puts people at risk of arbitrary, abusive detention and makes EU governments complicit in human rights abuses against them in Libya. EU interior ministers have an opportunity to ensure that people rescued by nongovernmental organization boats and other vessels land swiftly and safely in Europe.”

The joint declaration includes the worrisome proposition that state-owned vessels must take the rescued people to their flag state. This requirement could impose unjustifiable delays in disembarkations and discourage active rescue patrols and rescues by EU navies and coast guards.

In addition, the declaration emphasizes the need for an increase in the use of aircraft to identify vessels in trouble, but does not refer to a reinstatement of naval vessels. In parallel to an agreement on disembarkation and relocation, EU ministers should pledge to deploy an adequate number of vessels along the main sea routes and to support and enable nongovernmental rescue efforts in this area.

The commitment in the joint declaration to relocate asylum seekers to participating member states within four weeks after they land is a positive step toward sharing responsibility more widely according to Amnesty International and Human Rights Watch. “This process should be both fair; ensuring people are not put at risk of prolonged detention and that certain groups are not discriminated against on the basis of nationality, ethnicity or other factors, and streamlined; avoiding additional burdens on countries where people disembark.”

By suggesting that member states should return some of the people “immediately after disembarkation” without referring to any relevant process beyond a basic security and medical screening, the joint declaration fails to ensure respect for safeguards against unsafe or abusive returns.

Amnesty and HRW said the joint declaration appears primarily designed to address the “disembarkation crisis” in the central Mediterranean. “But collective responses are also urgently needed to address the situation in Greece, Spain and Cyprus, where arrivals are significant, reception is under strain, and the humanitarian consequences need to be addressed,” the two NGOs said.

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