

# EU: Deflecting Responsibility to Protect Refugees

Lack of Consensus on Mandatory Relocation; Shift Focus to Countries Outside EU



Syrian asylum seekers in a detention center at the Hungarian border. September 9, 2015. © 2015 Private

(Brussels) – The response to the refugee crisis agreed by the **European Union** interior ministers on September 14, 2015, is largely focused on shifting responsibility to countries outside the EU, Human Rights Watch said today.

Ministers failed to reach consensus on a proposal for mandatory distribution of asylum seekers or other steps to protect asylum seekers inside the EU and reiterated a focus on expedited returns and countering smuggling

networks. Instead of agreeing on new concrete measures to share responsibility for refugees, the special EU Justice and Home Affairs Council meeting on September 14 focused on aid to countries outside the EU.

“Faced with Europe’s biggest refugee crisis since the collapse of Yugoslavia, EU governments can only agree to push responsibility to countries outside the Union,” said **Judith Sunderland**, associate Europe and Central Asia director at Human Rights Watch. “The EU is supposed to have a Common European Asylum System, yet EU governments can’t even agree on how to share responsibility for those in need of refuge.”

Interior ministers failed to agree to a mandatory distribution of asylum seekers among EU countries. They formally approved an already agreed voluntary scheme to relocate 40,000 asylum seekers from Italy and Greece over the next two years – though pledges remain short of that target – but postponed concrete action on a recent European Commission proposal for a compulsory mechanism to relocate an additional 120,000 asylum seekers from EU countries experiencing significant arrivals. The United Nations refugee agency, UNHCR, has suggested that 200,000 would be a more appropriate starting point.

Central to the approved relocation scheme is the creation of so-called hotspots in **Italy and Greece**, where individuals would be registered and fingerprinted, and decisions made about who is an asylum seeker and who is an undocumented migrant subject to expulsion. These centers appear to be designed as both reception centers pending relocation and detention centers pending deportation.

Given the emphasis on preventing onward movement of asylum seekers, the hotspot plans raise concerns that asylum seekers could be subject to accelerated asylum

adjudication procedures or detained for months, Human Rights Watch said. EU countries have the right to return to their countries of origin individuals without genuine protection claims, and to take measures to ensure deportation, including detention, provided there are adequate procedural safeguards in place.

“In principle the hotspots proposal could help manage the situation, but it all depends on the conditions, treatment, procedures in place, and on relocation commitments,” Sunderland said. “Otherwise detaining asylum seekers until an EU government agrees to take them could lead to mass prolonged detention.”

Interior ministers also endorsed a plan to draw up an EU list of “safe countries of origin,” including at a minimum the Western Balkans, which would include Serbia, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Albania, and Montenegro. Turkey, initially discussed as a candidate for such a list, was ultimately not included. This means asylum applications from nationals of these countries would be processed under accelerated procedures with a presumption that they are not in need of international protection. This approach raises concerns that asylum claims will not be examined carefully and rights of appeal could be restricted, with the result that individuals with protection needs could be sent back to face torture or threats to their lives or freedoms, Human Rights Watch said.

Ministers rightly affirmed the need to provide more support for the UN refugee agency and countries neighboring Syria to help improve reception conditions for Syrian refugees, the vast majority of whom remain in the region. The UN relief effort for Syrian refugees in the region is severely underfunded.

The ministers agreed to increase support for asylum and reception systems in countries outside the EU, including the Western Balkans, Turkey, and other affected regions. The aim would be to provide “lasting prospects and adequate procedures for refugees and their families until return to their country of origin is possible.”

Capacity building is always valuable. But until transit countries are able to examine asylum claims according to EU standards and procedures and are able to provide decent reception conditions and effective protection, capacity-building assistance should not be used to justify returning asylum seekers from the EU to transit and neighboring countries, Human Rights Watch said.

EU foreign ministers on September 14 also announced that EUNavFor, the EU’s military mission in the Mediterranean, would pass into phase 2 of its operations beginning in mid-October. EU vessels will be authorized to board, seize, and destroy boats used by smugglers. Every effort should be made to ensure that the lives and safety of migrants and asylum seekers are not endangered in such operations, Human Rights Watch said.

The meetings came as Germany, Austria, Slovakia, and the Netherlands – all of which are in the open border Schengen area – reinstated temporary border checks. Hungary introduced a new border regime that combines a fence on its border with Serbia, criminalization of irregular entry, and a previously agreed designation of Serbia as a safe third country, giving rise to concerns that Hungary would detain and summarily return large numbers of the asylum seekers and migrants entering the country from Serbia. Human Rights Watch has **documented** police abuse against migrants and asylum seekers and difficulties accessing asylum procedures in Serbia. The right to control borders must be carried out

in a way that respects the right to seek asylum and protects asylum seekers and migrants from human rights abuse, Human Rights Watch said.

According to the International Organization for Migration, over 430,000 asylum seekers and migrants reached the EU so far this year, with over 2,700 dead or missing in the attempt. In the latest tragedy, 34 people, including 15 children, drowned when their wooden boat capsized near the Greek island Farmakonisi on September 13.



**Region / Country** Europe/Central Asia, Bosnia and Herzegovina, European Union, Germany, Greece, Italy, Serbia/Kosovo, Turkey

**Topic** Migrants, Refugee Rights, Asylum Seekers, Migrants

**Tags** Europe's Migration Crisis

#### MORE READING

---

November 1, 2017 | Dispatches

**Britain Has Opportunity to Help Children in Calais**



November 1, 2017 | Commentary

**Welcome, France, to the “New Normal”**



#### REPORTS

---