



## JOINT NGO STATEMENT

Emergency in the South Mediterranean – towards a true policy of addressing humanitarian assistance, protection, cooperation and solidarity

We are representatives of humanitarian, human rights, refugee and migrant assisting organisations from all over Europe who are deeply concerned about and committed to the response to refugees, migrants and other displaced persons in and from North Africa. We believe that this is a moment for action and cooperation by the European Union and Member States, together with NGOs and broader civil society, anchored in the core values of the Union that is solidarity, humanity and respect for human rights.

### 1. A call to broaden humanitarian assistance to all displaced in Northern Africa

More than 400,000 people have fled Libya to date, of which many thousands are stranded in the border areas. A large and growing number are displaced within Libya. It is likely that these numbers will increase because of the fighting and widespread violence in Libya.

To address needs that are clear and rising, it is urgent that the European Union and Member States:

- Respond to the UN Flash Appeal with substantial financial support to the United Nations agencies and international and non-governmental organizations that are assisting the displaced and their temporary host communities.
- Supplement the recent ECHO contribution with other financial resources for emergency assistance in order to address the humanitarian needs of those displaced, regardless of their status, including refugees, migrants and other persons in urgent need of assistance and protection.
- Acknowledge the generosity of the peoples of Egypt, Tunisia and other countries in the region who are receiving large numbers of people displaced as a result of the recent conflict, particularly since many of these countries are at present facing important transformation processes. The European Union must assist these countries through humanitarian, European neighbourhood and partnership instruments and others, guaranteeing civil society participation in these programmes.
- Contribute to the voluntary evacuation of economic migrants from the border areas and to their re-integration in their home country.
- Continue to lend their support to the UN Humanitarian Coordinator's efforts to negotiate access to humanitarian assistance for all those who need it in Libya.

## **2. A call to increase resettlement**

Among the displaced, a large number are men, women and children who cannot return to their own countries because of violence or the risk of persecution there, including Ethiopians, Eritreans, Somalis and Sudanese. Where neither effective protection nor local integration is available to these refugees, resettlement is the only durable solution left.

- As an immediate response to the situation in Libya, and other emergency situations, Member States are urged to pledge additional resettlement places for 2011-12 as requested by UNHCR.
- Member States should immediately unblock the current impasse between the European Council and Parliament on the EU Resettlement programme, which calls for joint EU resettlement allocations to increase protection space in the North African region and promote the strategic use of resettlement.
- Following the earlier example of the 2007 EU Council Decision relating to Iraq, the EU should offer a generous number of resettlement places to be used by UNHCR and humanitarian agencies as a flexible quota to meet urgent protection needs.
- The EU should give priority to the needs of the most vulnerable refugees - as determined by UNHCR - including women at risk, children, survivors of violence and torture and refugees with urgent medical needs, and closely cooperate with NGOs in offering adequate assistance and services.

## **3. A call for identification and differentiation of people with rights to specific protection**

Since the beginning of the year, over 20 000 persons have arrived by boat in Lampedusa of which more than 6000 arrived over the last week. Of the arrivals from Tunisia thus far, the vast majority have expressed economic reasons for their move and are not looking for international protection. A small number among them however, and a substantially greater number among those leaving Libya are a mix of both refugees and asylum seekers (particularly Eritreans and Somalis) and migrants of different nationalities and profiles, including many women and children. Significant boat arrivals have started to arrive also in Malta and are likely to expand to other Mediterranean countries.

- The European Union and Member States must ensure that all persons who are apprehended at sea, landing on the shores or arriving at other borders of the European Union are given immediate access to procedures and mechanisms that effectively ensure the proper identification of persons in need of protection (such as asylum seekers, children, victims of trafficking and torture) and their referral to appropriate services.
- None of these persons should be automatically detained or deprived of his or her liberty except as a last resort, on a case-to-case basis and separate from criminal detainees.

- In line with the EU Action Plan on Unaccompanied Minors, the European Union and Member States should ensure, proper responses to the situation of unaccompanied children arriving in the EU, taking child protection as their starting point. This should include appropriate identification processes and special assistance and protection for these children in line with the UN Convention on the Rights of the Child.
- Children should never be detained, and should not be separated from family members unless it is properly assessed to be in their best interest.
- Asylum procedure provisions must be respected and reception conditions must avoid congestion and meet at least the minimum standards set out in the relevant EU norms.

#### **4. A call for assistance and solidarity at the EU borders of the Mediterranean**

Additional measures to respond to the large influxes of boatpeople from Tunisia and other Maghreb countries should be taken in countries of arrival (Italy, Malta and other Mediterranean countries). These measures should cover both adequate frontline humanitarian services and appropriate reception capacity.

- Mechanisms must be put in place to ensure effective and immediate solidarity with those Mediterranean Member States that are and will be receiving the largest numbers of arrivals. Such mechanisms could be based on the following types of referral systems:
  - Member States further develop a system of relocation of persons granted international or humanitarian protection
  - Member States suspend removals under the Dublin II Regulation to Member States that already receive large numbers of arrival
- If indeed a mass influx of displaced persons from the region are observed in the EU in the coming period and where an immediate and individual assessment of their protection needs would no longer be possible in the short term, Member States are to request the European Commission to present a proposal for temporary protection as foreseen in Directive 2001/55/EC of the Council of 20 July 2001 on minimum standards for the granting of temporary protection, for which funding should be made available from the emergency reserve of the ERF. In these directions, the EU and Member States should refrain from all forms of enforced return to areas in conflict. Special humanitarian consideration should be given in particular to refugees and migrants among the arrivals who had been pushed back earlier and detained, abused or made more vulnerable as a result.

#### **5. A call to increase legal migration possibilities and visa facilitation**

Mobility of persons and exchange of ideas are essential elements in building democratic systems in the South Mediterranean region. In this context, legal migration possibilities (including for seasonal

employment) and visa facilitation must be further expanded as part of partnerships between Europe and the South Mediterranean.

## 6. A pledge of NGO solidarity

Finally, as everyday partners of EU and Member States in a multiplicity of relevant, on-the-ground responses that reflect European values of solidarity, humanity and respect for human rights, we pledge to continue to cooperate broadly in practical efforts to address these challenges, fulfill international, regional and national obligations, and provide the essential identification, differentiation, protection and assistance that is called for in this historic moment.

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