

16 July 2019

Dear EU Ministers of Justice and Home Affairs,

Re: Safe and regular pathways, search & rescue, fair responsibility sharing. A European Search and Rescue Mission

Our organisations represent Churches throughout Europe – Anglican, Orthodox, Protestant and others – as well as specialised ministries of Christian churches working in the humanitarian field and in the field of migration and refugees. As Churches and Christian organisations, we are convinced that God has created each human being in his image and granted him/her the right to a dignified life. We therefore believe that it is our responsibility and the responsibility of governments to promote, respect and protect the sanctity, dignity and the right to life of every person regardless of their national, ethnic, gender background and to seek the best humanitarian and rights based solutions for people especially under difficult conditions. We support the EU's mission as a project of peace, freedom and justice, based on values including the protection of human rights and the sanctity of life and the respect for the rule of law. This should be reflected in all EU decisions concerning the cooperation among member states and the lives of people living in EU-countries as well as decisions affecting non-EU-governments and people abroad. We are therefore very much concerned about the current discussions and political crisis around the questions of search and rescue where we do not find those fundamental European values and the primacy of human life over political consideration adequately reflected. We therefore urge you to reconsider former EU decisions and the present discourse and behaviour of the EU and European governments towards the people who have left their home countries and are crossing the Mediterranean sea in order to seek a safe and dignified future in Europe – as asylum seekers, refugees or migrants.

Germany's Minister of Development, Gerd Müller, recently urged swift action both in the Mediterranean and in Libya while German Minister of Foreign Affairs Heiko Maas has indicated the willingness of Germany in the reception of those rescued at sea. Our organisations strongly support this call, noting that furthermore, in line with international and EU law, people in need of international protection must be given access to fair asylum systems in countries which respect their dignity and human rights without arbitrary detention and before any return can take place.

The attack on a detention camp for migrants in Libya, in which at least 44 people died, is only one example of the dangers and horrid circumstances people are subjected to in war-torn Libya, where gross human rights violations and human slavery have been well documented. Unfortunately, despite the terrible situation, leaving Libya safely has also become nearly impossible. Only this month 86 migrants heading to Europe drowned off the coast of Tunisia, in May 2019 alone at least 65 migrants lost their lives. UNHCR reported 597 dead migrants in 2019. The number of undocumented casualties is far higher; there is not enough search and rescue or patrolling capacity on the Mediterranean routes.

The fact that people are dying on the way to Europe discloses the humanitarian shortcomings of the European community of values, clearly defined in Article 2 of the Treaty of the European Union<sup>1</sup>. We

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<sup>1</sup> Article 2: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

welcome the willingness of some EU countries, to receive persons rescued at sea. The fact that the crew of SeaWatch 3 and the sometimes severely traumatized shipwrecked were waiting on board for several weeks to be admitted by European Member States clearly shows that the situation is still not resolved. Others like the Spanish Open Arms and the boat Alex of the Italian organization Mediterranea Saving Humans await a heavy fine for their life saving activity. At the same time the Member States of the European Union refuse to carry out state-organized maritime rescue.

Operation Mare Nostrum of the Italian Coast Guard rescued more than 150,000 people in 2013 and 2014 without a commitment for relocation or solidarity from other EU countries. Many of the rescued persons chose to then migrate further to other EU countries.

Today, only a few civilian rescue operations are active in the Mediterranean while the EU operation Sophia does not have patrol ships in its mandate any longer.

An EU or member state operated search and rescue mission is urgently needed. We therefore expect the following accompanying measures from the institutions of the European Union:

- **Set up a search and rescue mission and stop criminalizing NGOs and others who save lives:** Those responsible for border and coast guards must fulfil their duty to rescue at sea. To refrain from sea rescue or to prevent rescue by civil and private sea rescue organizations is against international law and contrary to the values of the EU and its member states. The so-called pull factor argument, that search and rescue ships would promote or even trigger movements in the Mediterranean has never been substantiated. Despite the overall decreasing number of arrivals, the death rate is increasing on the Mediterranean routes. Bishop Heinrich Bedford-Strohm, chair of the Council of the Evangelical Church in Germany (EKD), has urged an increase in international efforts to rescue and receive refugees. “Letting people drown is not an option for Europe, 2019 should not be a lost year for rescuing people in distress on the Mediterranean.”

- **Set up an EU emergency plan for the disembarkation and relocation of those saved at sea:** Italy has officially closed its ports and borders for boat refugees. Even though the European Union and some EU member states including Germany are showing efforts to negotiate with other European states on a fixed distribution and admission procedure (relocation), in view of the standoffs no solutions seem to be emerging for the time being. After landing in a safe European port, asylum seekers should be granted humane reception and access to a fair asylum procedure. We call for the immediate implementation of an emergency plan for rescued persons and other refugees arriving via the Mediterranean. In doing so, like-minded Member States should assume special responsibility for the reception of refugees within the Union. Family ties and the will of the asylum seekers should be the primary criteria considered when relocating a person.

- **End cooperation with Libya and any other neighbouring states determined unsafe by UNHCR:** We urge for the full respect of the international law of the sea which foresees disembarkation at a safe harbor, and the Search and Rescue Convention, and ask for an immediate end of cooperation between the European Union or its member states and the Libyan authorities and coastguard. The EU must be guided in its action and funding by the Charter of Fundamental Rights of the European Union, moreover the European Convention on Human Rights and the Convention Relating to the Status of Refugees that all EU member states are party to, and must not enter into any agreements with states that do not guarantee the full respect of human rights. The principle of non-refoulement must always be respected as a binding, *ius cogens* norm of international law.

- **Creating legal migration routes:** Without safe and legal migration routes to Europe and without a human rights-based refugee and migration policy, people will continue to take dangerous routes and risk their lives to reach Europe. The creation of safe and regular pathways for persons in need of international protection and migrants across all skills levels, by issuing humanitarian visas, allowing for safe and speedy family reunification, extending resettlement programmes and concluding labour migration policies and student visa agreements with third countries is necessary.

- **Evacuation of migrants and refugees from Libya:** Our agencies support the current project of the Federation of Protestant Churches in Italy (FCEI) and the Community of Sant Egidio to evacuate and receive 50,000 people from the crisis region of Libya and to distribute them according to a voluntary quota system in the EU.

Moreover, we also adhere to UNHCR's proposal in advocating for resettlement from countries around Libya, and the continuation and support of the Emergency Transit Mechanism by the speedy resettlement of vulnerable refugees from Niger.

We sincerely hope that you take our recommendations into consideration in your upcoming informal Justice and Home Affairs Council meeting in Helsinki on 18-19 July and take quick steps to put an end to the deaths at sea.

Yours sincerely,



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