

Human Rights concerns regarding the ongoing crisis of Europe's Migration System

On the occasion of its General Assembly meeting on 21 March 2016 in Geneva, the European Network of National Human Rights Institutions (ENNHRI) reiterates its serious concerns regarding the human rights situation of migrants, asylum seekers, refugees and persons in need of international protection in Europe.

National Human Rights Institutions (NHRIs) from across wider Europe restate their commitment to promote and protect the rights of migrants, asylum seekers, refugees and persons in need of international protection in accordance with international and regional human rights standards, as set out in the Universal Declaration of Human Rights, the 1951 UN Convention relating to the Status of Refugees (the 1951 Convention), the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union (EU).

ENNHRI is concerned that the current management of migration flows at the EU's borders is characterised by a serious deterioration of internationally accepted asylum procedural safeguards, putting at risk not only the very right to asylum but also the lives of individuals, especially of vulnerable groups such as children. Even the *non refoulement* principle and the prohibition of collective expulsions are challenged by proposals in search for a solution to the current situation.

ENNHRI underlines that any plan to address the current situation, including the EU-Turkey deal and its implementation, must not breach the right to fair asylum hearings and effective access to justice. ENNHRI calls for effective independent legal advice to migrants, asylum seekers, refugees and persons in need of international protection before and during the whole procedure in Europe. ENNHRI encourages the EU, Turkey and all states concerned to guarantee the full protection of human rights, including thorough individual scrutiny and independent review of all applications for asylum in order to secure that it is not nationality but rather each person's need for protection that is decisive.

Furthermore, individuals entitled to subsidiary protection must not be returned without guarantees for their right to life and protection against inhuman or degrading treatment. Any person entitled to refugee status under the 1951 Convention must not be returned without the necessary guarantees that their rights under that Convention are respected in the receiving country. ENNHRI calls upon European states not to return migrants, asylum seekers, refugees and persons in need of

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international protection before these issues have been resolved in a manner fully respectful of human rights.

ENNHRI appreciates the challenges faced by the current situation and commits to work with European mechanisms and states, and other regions, to seek solutions that respect the human rights of all individuals. ENNHRI calls for solidarity between European states both within the EU and with the EU's neighbours. If responsibility is placed on only a few states, no solution will be found to the current humanitarian crisis in Europe.

ENNHRI acknowledges that long-term solutions will require action from many regions across the globe, and concerted effort by a variety of actors to address the root causes of the mass exodus of individuals from various regions to seek asylum elsewhere. ENNHRI calls on all states to contribute proportionately to sustainable development and the realisation of all human rights, including in those regions of forced migration, as well as within Europe itself.

ENNHRI underlines the crucial role of NHRIs in monitoring and reporting the human rights situation, advising state bodies, and protecting the rights of individuals. NHRIs are also active in promoting public awareness of the rights of migrants, asylum seekers, refugees and persons in need of international protection, including the need for their prompt and effective integration.

ENNHRI works actively to support its members' efforts and enhance solidarity at the national and regional levels to promote and protect human rights across wider Europe. ENNHRI will continue this work, following up on the Belgrade Declaration (November 2015), the Thessaloniki Regional Action Plan on the Refugee/Migrants Crisis and Human Rights (February 2016) and the AOM Malta Declaration on Migration (March 2016).

ENNHRI urges the European Union, its member states and other relevant actors to take into account the human rights implications of all actions and promote human rights compliant responses to the current migration situation and stands ready to cooperate fully to this end.

About ENNHRI

ENNHRI, the European Network of National Human Rights Institutions, works to enhance the promotion and protection of human rights across wider Europe. National Human Rights Institutions (NHRIs) are independent bodies with a constitutional or legal mandate to promote and protect human rights. They are a key element of a strong and effective national, regional and global human rights framework. NHRIs are accredited by reference to international standards, the UN Paris Principles, to ensure their independence, pluralism, impartiality, and accountability. ENNHRI's Secretariat is based in Brussels.

List of ENNHRI Members Present

- 1) Albania - People's Advocate of Albania
- 2) Austria - Austrian Ombudsman Board
- 3) Belgium - Myria - Belgian Federal Migration Centre
- 4) Belgium - Unia - Centre for Equal Opportunities - Belgium
- 5) Bosnia and Herzegovina - The Human Rights Ombudsman of Bosnia and Herzegovina
- 6) Croatia - Ombudswoman of the Republic of Croatia
- 7) Denmark - The Danish Institute for Human Rights
- 8) Finland - Finnish Human Rights Centre
- 9) France - Commission nationale consultative des droits de l'homme – France
- 10) Germany - German Institute for Human Rights
- 11) Georgia - Office of the Public Defender of Georgia
- 12) Great Britain - Equality and Human Rights Commission - Great Britain
- 13) Greece - Greek National Commission for Human Rights
- 14) Hungary - Office of the Commissioner for Fundamental Rights – Hungary
- 15) Ireland - Irish Human Rights and Equality Commission
- 16) Kosovo - Ombudsperson Institution of Kosovo
- 17) Latvia - Ombudsman's Office of the Republic of Latvia
- 18) Lithuania - The Seimas Ombudsmen's Office of the Republic of Lithuania
- 19) Luxembourg - Commission consultative de droits de l'homme du Luxembourg
- 20) Moldova - The People's Advocate Office of the Republic of Moldova
- 21) Netherlands - The Netherlands Institute for Human Rights
- 22) Northern Ireland - Northern Ireland Human Rights Commission
- 23) Norway - National Human Rights Institution of Norway
- 24) Portugal - Ombudsman of Portugal
- 25) Scotland - Scottish Human Rights Commission
- 26) Serbia - The Protector of Citizens of the Republic of Serbia
- 27) Slovakia - National Centre for Human Rights – Slovakia
- 28) Spain - Defensor del Pueblo de España
- 29) Sweden - The Swedish Equality Ombudsman
- 30) Ukraine - Ukrainian Parliament Commissioner for Human Rights