**Human rights organisations: “Days left” for EU legislators to save the right to asylum**

**Nineteen human rights organisations across Europe, alongside aid workers and survivors of human rights abuses, say that a crunch summit in Brussels on December 7th risks “opening the door to abuses across Europe” including racial profiling and pushbacks, in a “potentially irreversible attack” on the international system of refugee protection and the rule of law.**

The organisations, which include Amnesty International, Border Violence Monitoring Network, EuroMed Rights, Jesuit Refugee Service Europe, Platform for International Cooperation on Undocumented Migrants, and Save the Children, have sounded the alarm on wide-ranging issues in the EU Migration and Asylum Pact. This comes following the Justice and Home Affairs Council on 4-5 December and ahead of a “Jumbo Trilogue” on the key legislative files of the Pact on 7 December.

Campaigners’ principal concerns relate to:

* The further entrenchment of “pushbacks” at borders, which have been linked to hundreds of people’s deaths, injuries, and rights violations at the hands of EU Member State border forces.
* The increase in the use of detention across Europe, including of children and families, in a model which has led to people remaining incarcerated, in legal limbo and in dire physical conditions.
* The risk of racial profiling of people who live in and come to Europe, whatever their citizenship or residence status, as surveillance-backed screening procedures are rolled out across the bloc.
* The deepening of “externalisation” policies where European migration control is outsourced to third countries without scope for accountability, which has in turn been linked to deaths at sea, widespread torture and inhuman conditions.
* The focus on deportations while lowering procedural safeguards, despite the risk of serious harm if people are returned to a third country. This combined with the use of a dangerous "safe third country" enables Member States to evade their responsibility to provide reception and protection.
* The mandatory use of asylum border procedures, which forces people into de facto detention with limited access to legal assistance, representing a severe blow to the right to asylum in international law. These standards could be lowered even further in an unacceptably broad and vague range of so-called ‘crisis’ situations.
* The failure of the Pact to address the substantive issues it claims to, such as the distribution of asylum claims across member states.

The Spanish Presidency of the Council of the EU aims to close all political deals on the Pact on 7th December. Rights defenders are warning that “complex decisions with huge consequences are being rushed through.”

The organisations involved in this release are AMERA International, Amnesty International, Associazione Ricreativa e Culturale Italiana, Border Violence Monitoring Network, Comisión Española de Ayuda al Refugiado, European Network Against Racism, Cairo Institute for Human Rights Studies, Centre for Peace Studies Croatia, Greek Refugee Council, Ligue des Droits Humains, CNCD-11.11.11, EuroMed Rights, Irídia, Jesuit Refugee Service Europe, KISA Cyprus, La Cimade, LADDH - Ligue Algérienne pour la Défense des Droits Humains, PICUM, Save the Children.

**Quote pack**

**Michele LeVoy, director at PICUM, said:**

“The Migration Pact in its current form opens the door to human rights abuses, providing implicit and explicit EU backing for the arbitrary deprivation of liberty and severe human rights

violations that have become commonplace at or near EU borders.”

“This Pact reflects Europe's obsession with deportations, based on the assumption that if you don't qualify for international protection, then you have no right to stay in the EU. What this approach blatantly overlooks is that people move for many different reasons and may have a right to access residence permits other than those linked to asylum.”

**Parvin A, a woman who was severely beaten, detained and pushed back from Greece six times and** [**later filed a complaint**](https://www.ecchr.eu/en/case/bringing-greek-push-backs-to-justice/) **at the UN Human Rights Committee, said:**

"It is unbelievable that they want to use 'safe third countries' even more. Turkey is not a safe third country in my experience - I am a person who had status from UNHCR, that was then taken away by the Turkish authorities."

"If they really pursue this New Pact, it will be against any kind of human or refugee rights. They are playing with the lives of people who are vulnerable and in danger."

**Professor E. Tendayi Achiume, former UN Special Rapporteur on racism, said:**

“Across Europe, police and border forces already disproportionately stop and search racialised communities."

"Enabling border forces to surveil, stop and detain anyone anywhere in the bloc who they believe looks like a migrant opens the way to systemic racial profiling across Europe."

“European legislators must act to safeguard human rights and civil liberties in the new Migration Pact."

**Willy Bergogné, Europe Director at Save the Children, said:**

"Our asylum system must work to keep children safe with a Migration Pact that safeguards, not threatens, children's rights. This means no child detention or deportation, swift family reunions, and migration decisions made in children's best interests."

"One in every four people arriving in Europe is a child - and those people arriving should be protected and supported, not face chaos and abuse."

**Hope Barker, Senior Policy Analyst at BVMN, said:**

“The Migration Pact in its current form opens the way for a new archipelago of detention camps where people - including children - are arbitrarily locked up, held in legal limbo, mistreated, and denied access to their basic rights.”

“And through a system of racial profiling and surveillance across the bloc, it widens the net of who could find themselves detained.”

“We need to look no further than the Greek islands where this process is already underway. EU legislators must break with a failed model which benefits only those who profit from spending our resources on harmful and costly prisons and surveillance systems - and put people first instead.”

**Sara Prestianni, Advocacy Director at EuroMed Rights, said:**

“The Migration Pact was supposed to reach a common European position on how people who need protection are cared for across the bloc.”

“It has done nothing of the sort. Instead, states can simply dodge their responsibilities by paying for weapons, walls, and detention camps in border states or non-EU countries with grim human rights records. It doesn’t achieve what it sets out to, raises dangerous risks, and should be urgently reformed or scrapped.”

“European legislators must instead find a vision for genuine solidarity, for safe migration routes for people who need them, and for a system with the care and investment to ensure that both people on the move and host communities experience the benefits of migration.”

**Alberto Ares SJ, Regional Director, Jesuit Refugee Service Europe:**

"We fear that the Migration Pact in its current form will compromise human rights and EU values under pressure to reach an agreement before the end of this legislature. The EU should abandon this plan that would not only fall short in providing any real operational solutions for the shortcomings of the existing system but would also be harmful for migrants and refugees.”

"The Jesuit Refugee Service has a long tradition of visiting and accompanying people in Migration Detention in Europe going back decades. We see first hand how limited the access to legal assistance and justice in this context is at the moment. The current proposal will only make it worse".

"We call on legislators to make a U-Turn and abandon this pact. There is still time to put energy and efforts into strengthening reception and asylum systems on the territory and mechanisms for meaningful responsibility sharing among Member States."

**Fanélie Carrey-Conte, Secretary General at La Cimade, said:**

"The proposed measures represent a straight continuation of strategies that has already been tried and tested. They are based on a repressive, security-based approach that aims to curb migration and encourage deportations, solutions that have proved ineffective and, above all, cost human lives. Instead of calming fears and providing solutions, they legitimise xenophobic ideologies and lead to humanitarian disasters. It's time for a genuine paradigm shift, for a Europe based on respect for human rights and international solidarity, to ensure that people are protected and not excluded".

**Eve Geddie, Director of Amnesty International’s EU Office, said:**

“For years the EU has been trying to agree on a new system to respond to people moving or fleeing to Europe. The agreement now on the table would in many ways worsen existing legislation, and risks increasing suffering at European borders. It could increase de facto detention across the EU, reduce safeguards for asylum seekers, and normalise exceptions to the right to asylum at European borders.”

“European policymakers have a responsibility to ensure a future-proof, evidence based, human rights compliant final agreement in these last days of political negotiations.”

**Emmanuel Achiri, policy and advocacy advisor at European Network Against Racism, said:**

"The Migration Pact in its current form racializes migration to Europe, and betrays the spirit of the EU Action Plan Against Racism which recognized the intersectionality of racism and the specific vulnerability of migrants and refugees by drawing attention to the risk of rising xenophobia and racism towards this group".

"EU member states may tell themselves otherwise, but this Pact is designed to keep a particular group of refugees and migrants out of Europe, often those coming from Africa, Asia, the Middle East, Latin and South America, and other racialized communities."

"This Pact contrasts the dignified and unified response from EU member states to the displacement of Ukrainian refugees. The double standard in this new agreement is glaringly apparent and actively continues the discriminatory approach to granting protection which underscored the differential actions taken by EU member states towards Ukrainian and non-Ukrainian refugees seeking safety from the violence in Ukraine. EU legislators must ensure that a new agreement offers the possibility of asylum to all persons in need, irrespective of nationality, race, ethnicity, religion, gender, sexual orientation, disability, age, and social or economic status".