

European Solidarity in the field of Migration: Coming together to Promote and Protect Human Rights

On the occasion of its General Assembly meeting, ENNHRI restates its concerns regarding the human rights situation of migrants, asylum seekers, refugees and persons in need of international protection under the current management of migration flows both at European Union's borders and across the wider European territory.

ENNHRI acknowledges that long term solutions will require actions not only from EU states but also from many regions across the globe and concerted efforts by a variety of actors to address the root causes of the mass exodus of individuals from various regions to seek asylum elsewhere.

ENNHRI is deeply worried that the crisis situation that has been steadily unfolding in Europe and its neighbouring continents over the past years has turned into a crisis of Europe itself and threatens the very pillars of the European Union and the Council of Europe – human rights, solidarity and the rule of law.

ENNHRI recalls that the right of access to asylum and the prohibition of *refoulement* constitute fundamental pillars of refugee law and human rights law, including the 1951 Geneva Convention relating to the Status of Refugees, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union (EU).¹

ENNHRI is deeply concerned about the increasing violence at the European borders and the increasing numbers of pushbacks of migrants and refugees across those borders and in the Mediterranean. Further, ENNHRI regrets, with concern, that the European Commission recommended, for the fourth consecutive time, to reactivate the refugee return mechanism under the Dublin system.

ENNHRI emphasises the need for solidarity with the countries whose refugee reception and protection mechanisms are suffering tremendous pressure. We urge all EU member states to at last live up to their commitments made to relocate 160,000 persons in clear need of international protection by September 2017.

In light of bilateral arrangements between the EU and third countries stemming from the recent conclusions of the Council of the European Union² and the Malta Declaration of 3 February 2017³ we call upon all European states, the EU institutions, the Council of Europe, and all the international organizations involved to undertake all necessary actions and act in a spirit of responsibility, solidarity and sincere cooperation.

¹ See also; the Protocol to the 1951 Geneva Convention Relating to the Status of Refugees of 31 January 1967; and Resolution 1821 (2011) of the Parliamentary Assembly of the Council of Europe on the interception and rescue at sea of asylum seekers, refugees and irregular migrants,

² <http://data.consilium.europa.eu/doc/document/ST-5321-2017-INIT/en/pdf>

³ <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/>

We urge them to take immediate measures with a view to ensuring:

- the strict observance of the principle of *non-refoulement*;
- the unhindered, timely and effective access of asylum seekers to the international protection procedures;
- the effective implementation of the decisions of the European Court of Human Rights regarding the obligation to protect migrants attempting to enter Europe by sea
- the careful review of EU migration policy and particularly of the Dublin system in light of the EU and its member states' international obligations;
- a more equitable numerical distribution of refugees across Europe; and
- the use of alternatives to detention or closed reception centres.

Given the current context of growing racism and the perceived conflation between migration and terrorism, European NHRIs urge State authorities to take all necessary measures in order to prevent hate speech and discriminatory practices and start to develop and implement long-term integration measures such as educational strategies, labour market policies and social integration measures.

ENNHRI, including all European NHRIs, is committed to promote and protect the human rights of all migrants, refugees, asylum seekers and persons in need of international protection, based on NHRI mandates at the national, regional and international levels. NHRIs are designed to be critical partners of their governments, and they stand ready to cooperate fully with States to take into account all human rights implications of actions developed in response to the current migration situation in a spirit of solidarity and non-discrimination.

This statement has been released on the occasion of ENNHRI's General Meeting in Geneva, on 6 March 2017 and follows several statements and declarations on this topic which ENNHRI has released or co-signed, as listed below:

- [Human Rights concerns regarding the ongoing crisis of Europe's Migration System](#), Geneva (March 2016)
- [GANHRI Statement at the United Nations Summit for Refugees and Migrants](#), New York, (September 2016)
- [Statement on Mediterranean sea tragedies](#) (April 2015)
- [Declaration on the Protection and Promotion of the Rights of Refugees and Migrants - "The Belgrade Declaration"](#)(November 2015)

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.

List of ENNHRI Members Present

Country	National Human Rights Institution
Armenia	Human Rights Defender Institution of the Republic of Armenia
Austria	Austrian Ombudsman Board (Volksanwaltschaft)
Bosnia and Herzegovina	Ombudsmen of Bosnia and Herzegovina
Croatia	Office of the Ombudswoman of the Republic of Croatia
Denmark	Danish Institute for Human Rights
Finland	Human Rights Centre
France	Commission Nationale Consultative des Droits de l'Homme
Georgia	Office of Public Defender of Georgia
Germany	German Institute for Human Rights
Great Britain	Equality and Human Rights Commission
Greece	Greek National Commission for Human Rights
Ireland	Irish Human Rights and Equality Commission
Kosovo	Ombudsperson Institution of Kosovo
Latvia	Ombudsman's Office of the Republic of Latvia
Lithuania	The Seimas Ombudsmen's Office of the Republic of Lithuania
Luxembourg	Commission Consultative des Droits de l'Homme
Moldova	People's Advocate of the Republic of Moldova
Netherlands	Netherlands Institute for Human Rights
Northern Ireland	Northern Ireland Human Rights Commission
Norway	Norwegian National Human Rights Institution
Portugal	Portuguese Ombudsman (Provedor de Justicia)
Romania	Romanian Institute for Human Rights
Russian Federation	The High Commissioner for Human Rights of the Russian Federation
Scotland	Scottish Human Rights Commission
Serbia	The Protector of Citizens of the Republic of Serbia
Slovakia	Slovak National Centre for Human Rights
Spain	Defensor del Pueblo
Sweden	The Equality Ombudsman
Ukraine	Office of the Ukrainian Parliament Commissioner for Human Rights