



Brussels, 12 January 2006

## **Humanitarian Situations affecting Migrants at EU borders and within EU territory**

The National Red Cross Societies of the European Union Member States and accession states joined by the Societies of Croatia, Serbia and Montenegro, Norway and Switzerland,

guided by the Fundamental Principles of the Red Cross and Red Crescent Movement, particularly the Principles of Humanity and Impartiality and committed to our mission to improve the lives of vulnerable people by mobilizing the power of humanity

express our grave concern about the precarious humanitarian situation facing migrants at EU borders (airports, ports and border points) and other situations of serious vulnerability created by some migration policies in a number of EU states.

Our key concerns are:

- Inhumane and degrading treatments that might be caused to migrants including children who are intercepted attempting to enter Europe
- Vulnerable migrants, for instance victims of trafficking, who are unable to access support, and suffer economic and often physical exploitation
- Effects of reinforcement of border controls and repressive measures on not only migrants but also individuals fleeing from a justifiable fear of persecution and who consequently might :
  - be unable to gain access to asylum and subjected to refoulement
  - not always be able to access legal advice and support whilst their case is being considered.

We recognise the right of all states to set up rules of entry to their territory and to protect their citizens while respecting international conventions.

It is also incumbent on those states to ensure the protection of vulnerable migrants seeking access to their shores.

We therefore:

- remind all European and bordering states as well as the EU institutions of the commitments which were explicitly affirmed by States and Red Cross / Red Crescent Societies at the 28<sup>th</sup> International Red Cross/Red Crescent Conference in

2003 "...to protect human dignity in all circumstances by enhancing respect for the relevant law and reducing the vulnerability of populations to the effects of armed conflicts, disasters and diseases."

- further remind signatories of the 1951 Geneva Convention of the articles relating to the Status of Refugees and the relevant regional legal instruments<sup>1</sup>, especially with regard to the possibility of lodging of asylum claims and the prohibition of refoulement. In particular, any signatory intercepting asylum seekers has a responsibility to ensure that individuals are only returned to a state where their claim will be dealt with fairly and humanely.
- alert all European and bordering States as well as the EU institutions to the fact that the situation at borders has been and still is leading to severe human suffering and to widespread and serious vulnerability among the concerned migrants.
- urge all European and bordering States to respect the human dignity of all migrants who are coming to and staying in Europe for various reasons regardless of their ethnic origin, gender, religion, nationality or legal status and according to applicable International Law and to ensure them a fair and human treatment.
- urge all European and bordering States to take specific, rapid and effective measures for vulnerable migrants in need of aid, assistance and protection.
- remind all States to respect the duty of National Red Cross / Red Crescent Societies, acting in accordance with the Fundamental Principles of the Movement and particularly those of Humanity and Impartiality, to assist and protect all vulnerable people, including refugees, undocumented migrants and Internally Displaced Persons.
- further more call on all European States as well as EU institutions to support the efforts of the Red Cross / Red Crescent Movement and NGO's, groups and actors concerned to protect the human dignity of vulnerable migrants and provide them with necessary humanitarian assistance.
- call on all European States as well as EU institutions, in consultation with National Red Cross / Red Crescent Societies and other groups with a concern for the protection of the vulnerable, to review their legislation building where appropriate on the ECHR<sup>2</sup> to ensure that it protects the basic rights of persons rendered vulnerable because of their movement or displacement. Such legislation should

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<sup>1</sup> In particular, the Council Directive 2005/85/EC of 1 December 2005 on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status; the Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted

<sup>2</sup> European Convention on Human Rights

provide for better access to legal procedures, including judicial review, access to health care and basic support for all persons in need of protection. A regular review mechanism should be incorporated.

- call on all European States as well as EU institutions to address the root causes of migration in the countries of origin, among others the problems and consequences of poverty, lack of health care and education, unemployment and underemployment, economic disparities, human rights violations and demographic pressures, and to formulate and implement a coherent and long-term development and migration policy which also includes the humanitarian dimension of migration.