



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

The President

Strasbourg, 27 November 2015

Open letter to the Ministers' Deputies of the Council of Europe concerning migration

Dear Ambassadors,

The humanitarian crisis currently affecting Council of Europe member states is unprecedented. I use the term “humanitarian crisis” intentionally as it is not a “migrant crisis”. It is a crisis involving countries which are at war or suffering from serious economic problems, countries of transit and countries which are taking in the thousands of migrants who have left their homeland.

Following the meeting that I held in Brussels on 21 September 2015 with the INGOs working with and for migrants, I decided to send you this open letter to share with you the expert opinions of the INGOs present and represented at the meeting and to make a number of proposals concerning the action that these INGOs are prepared to take.

At the meeting on 21 September, our attention focused on the distinction that is made between the status of refugee and that of migrant, as they do not give access to the same rights. In the opinion of the INGOs represented at the meeting, the term “refugee” should not be applied only to persons recognised as such by governments. A refugee could very well be a migrant who has not yet been granted refugee status. **The INGOs note that migrants from sub-Saharan Africa and Syria, for example, are not treated in the same way. As a result, there appear to be two categories of migrants: “good” and “bad”. This is, by its very nature, a form of discrimination.** My remarks therefore mainly concern all migrants who have not yet been granted either refugee status or the right to permanent residence in the host country.

In these introductory remarks I would also like to underline the fact that the positions taken by the NGOs and their attitudes are the outcome of practical knowledge of the needs of the migrant population acquired on the ground and not of the migration policies adopted by member states.

Ambassadors,

- We are witnessing a lack of co-ordination in managing the influx of migrants. The fact that there is no safe way in which they can reach Europe has increased the number of victims. Moreover, certain security measures taken by various governments (such as barbed wire fences to keep migrants out) are disproportionate and dangerous for the population.
- We are witnessing family tragedies as a result of the Dublin III Regulation. As migrants cannot choose the country in which they wish to apply for asylum, they are separated from members of their family and from the links that could support them when confronted with the inadequate social and medical services provided by the host country.
- We are witnessing the detention of unaccompanied minors and of families with children. Medical examinations to identify the age of children, which are known to be unreliable and disproportionate, intrusive and humiliating, continue to be **prescribed, despite the fact that a growing number of health professionals refuse to carry out such examinations for migration screening purposes.**
- We are witnessing human rights violations among irregular migrants. They do not dare to seek healthcare and live in the country for several years before making use of the services offered by Doctors of the World. The vast majority of migrants suffering from chronic illnesses are unaware of their illness before coming to Europe.
- We are witnessing migrants being held in administrative detention for prolonged periods as a direct consequence of lengthy asylum procedures.
- We are witnessing a failure to comply with the principle of adversarial hearings in proceedings for the granting of refugee status. Many migrants do not have access to a lawyer. The NGOs authorised to intervene in detention centres are the only ones who inform migrants of their rights.
- We are witnessing an increase in migration-related crime, both where migrants and the persons helping them are concerned.
- We are witnessing the ill-treatment of professionals who go beyond what is expected of them in order to meet the basic needs of the people for whom they are responsible. Working conditions prevent social workers from carrying out the tasks with which they have been entrusted and which entail a more long-term process of integration of the individuals concerned. Sometimes they are even forbidden to help irregular migrants, something which in other countries would be considered failing to render assistance to a person in danger.

- We are witnessing a European migration policy which leads to greater exclusion and consequently reinforces the trafficking in human beings it is supposed to prevent.

The NGOs are an irreplaceable resource and key players in Council of Europe member states. It is impossible for me in this letter to list everything that they do and all the other things they could do. However, they cannot be effective without the necessary resources and freedom of action.

On this subject, I would like to draw your attention to several conditions which governments must meet at national, regional and local level to guarantee NGOs' success on the ground:

- A wide range of funding sources is a factor of democratic pluralism and NGOs need such funding to be able to take action at the grassroots (in host countries and the countries of origin). Nevertheless we have seen that in some member states the public money with which NGOs organise and set up services for the population does not guarantee the political freedom to influence the government's political strategies. We believe it is essential that public funds earmarked for NGOs also finance their advocacy work.
- It is essential that there be NGOs set up by migrants themselves proposing direct and indirect support to new arrivals.
- The service providers and NGOs should not be sanctioned or criminalised for providing humanitarian assistance to irregular migrants.
- **The services provided by NGOs should not be a substitute for the governments' duty to guarantee access to rights**, even if, in the absence of a response by the public authorities, certain INGOs support migrants in their efforts by extending their own missions.
- Every person's right to international mobility must be recognised. Such mobility entails the right to travel, study and work anywhere in the world. Encouraging mobility not only has many educational outcomes but is also a way of improving the distribution of wealth between North and South.

Citizen mobilisation to facilitate the reception of migrants is to a large extent the outcome of the action taken by members of local, regional and national NGOs. The more the inhabitants of our towns and villages and policy-makers themselves express reservations with regard to the reception of refugees, the more such mobilisation will be necessary. The NGOs firmly believe that, together, we must resist the suggestion that the refugee crisis is creating security, economic, religious or cultural problems. **Instead we must support actions that underline the unconditional value of human beings and help communities to rise to these challenges.**

The INGOs which have participatory status with the Council of Europe and the INGOs which attended the meeting in Brussels on 21 September today ask you to have the political courage to find a pan-European response that respects the rights of each individual, irrespective of his or her status, a response that is consistent with the European Convention on Human Rights and Fundamental Freedoms and the European Social Charter.

Human rights must be at the heart of the high-level discussions on migration and of the action taken on the ground. Tackling the causes of migration is essential **to bring an end to this unprecedented humanitarian crisis.**

As President of the Conference of INGOs of the Council of Europe, I undertake to mobilise the INGOs to take the necessary measures to respond to the massive arrival of migrants, in particular in the areas identified in my consultations with the INGOs, i.e. improving the conditions in which migrants are catered for, giving them access to fair asylum procedures, introducing alternatives to the detention of migrant children and ensuring their protection.

I therefore ask the Committee of Ministers to give ALL Council of Europe bodies the necessary resources to enable them to take effective and significant action to overcome this crisis and to facilitate the integration of the migrants into our European societies. Thank you for your attention.



Anna RURKA

INGOs which contributed to the discussion and the drafting of this letter:

ACCESS

Caritas Europa

Doctors of the World International Network

Dynamo International (Street workers network)

EASSW (European Association of the Schools of Social Work)

ECAS (European Citizen Action Service)

ECRE (European Council on Refugees and Exiles)

European Bar Federation

European Youth Forum

Evangelische Kirche in Deutschland

ELSA (European Law Student Association)

FEANTSA (European Federation of National Organisations Working with the Homeless)

Friedrich-Ebert-Foundation

PICUM (Platform for International Cooperation on Undocumented Migrants)

Social Platform

Solidar