

The treatment of migrants, refugees and NGOs defending their rights. From findings to action

Summary of the current affairs debate on 24 June 2016 (*Summer session 2016*)

In January 2016 civil society as represented at the Council of Europe through 325 international non-governmental organisations (*INGOs*) with participatory status, said [NO TO COMPROMISING ON VALUES](#), following the observations and experiences of a large part of civil society which no longer felt that its views were reflected in several of the political decisions taken by governments to deal with the influx of migrants.

On 24 June 2016, at its summer plenary meeting, the Conference of *INGOs* of the Council of Europe held a current affairs debate between Greek national NGOs, international NGOs, representatives of the Committee of Ministers and the Parliamentary Assembly, the Council of Europe, the Special Representative of the Secretary General of the Council of Europe for Migration and Refugees, etc.

Despite the fact that she thought that there could be many differences of opinion between civil society and government representatives, Astrid Helle, Norwegian Ambassador and Chair of the Committee of Ministers' Rapporteur Group on Democracy, drew attention to a vital element that is common to all Pillars of the Council of Europe Quadrilogue: respect for the Convention for the Protection of Human Rights and Fundamental Freedoms. The Council of Europe had a wide range of legal instruments and action plans to help member states put in place migration and integration policies that comply with human rights. It is therefore aware of the fact that violence against women during the movement of migrants and the sexual exploitation of children are grave problems, as was that of the children who were born while their mothers were travelling and could not therefore be registered. This issue was being closely monitored.

Offering assistance and advice to member states was one of the tasks of the Secretary General's Special Representative for Migration and Refugees. Ambassador Tomáš Boček, who occupies this post, is doing his utmost to improve co-operation between the European Union, the UN, the OECD and the Council of Europe. He believed that, in their capacity as "Public Watchdog", NGOs made a significant contribution to his work. He had great respect for NGOs, which did an enormous amount of work in ensuring the application and monitoring of legal standards and, thereby, made it easier for refugees to gain access to their rights. The Ambassador had chosen the protection of migrant children as one of the priorities of his term of office.

Sahiba Gafarova, Chair of the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (*PACE*), encouraged the Conference of *INGOs* to raise its profile with the *PACE*. She pointed out that the parliamentarians could do more and offer better protection to human rights defenders if they had the necessary information. The ideological gap between the NGOs and the national public authorities had to be bridged.

The President of the Conference of *INGOs*, Anna Rurka, reiterated the need to develop the mechanisms that guarantee NGOs' independence in their relations with the public authorities. She urged the Committee of Ministers and the *PACE* to take a stand on the concept of an "offence of solidarity" to be found in the legislation of several member states. Directive 2002/90/CE of the European Union of 28 November 2002, defining the facilitation of unauthorised entry, transit and residence, gives member states the possibility of exempting those who offer assistance to migrants from criminal penalties, provided it is not a lucrative activity. Numerous countries apply the concept of offence of solidarity and also penalise NGOs which seek to make migrants' living conditions more humane. Annica Ryngbeck, representative of the [Social Platform](#), stressed the fact that NGOs were

entitled to offer assistance to vulnerable persons, including illegal migrants¹. On the Greek island of Lesbos, volunteers had been convicted for doing so when all they had wanted to do was to help people.

An open letter signed by 104 NGOs had been addressed to the European Commission, strongly criticising the European Union's policy, among other things its agreement with Turkey². The Conference of INGOs and the Parliamentary Assembly had been the only Council of Europe institutions to voice [reservations with regard to the agreement between the European Union and Turkey](#) in view of its consequences for refugees.

All migrant and refugees policies must be based on rights such as human dignity, gender equality and equality for all, respect for diversity, solidarity, freedom, social justice, sustainability, transparency and participative democracy, i.e. rights which are aimed at establishing an inclusive society. Given that the number of illegal migrants in Europe is going to increase, it is essential to give them the right to benefits which will allow them to meet their fundamental needs. With this aim in mind, those involved in helping migrants should be able to deliver such services, without being penalised by the authorities. NGOs must have a legal framework which allows them to provide assistance without the risk of being found "guilty"... The Council of Europe has a major role to play with regard to demanding better protection for INGOs and civil society.

Lora Pappa, Director of [METAdrasi](#)³, was very critical of the extremely slow procedure for dealing with applications for asylum in Greece, as a result of staff shortages and a chronic lack of qualified interpreters, who are essential in guaranteeing migrants' access to rights. Some NGOs use unreliable interpreters and this practice can jeopardise the lives of people in regions where a large number of traffickers are operating. Moreover, the priority given to Syrian nationals and to "Dublin cases" discriminated against the nationals of other countries.

The uncertainties brought about by new policies designed to control migratory flows are causing considerable tension. There is a major problem of insecurity for refugees and for the NGOs working in Greece. The situation is changing day after day and the situation of the migrants and refugees arriving in Europe has been deteriorating, in particular since 20 March 2016 (*date of entry, entry into force of the EU-Turkey agreement*), for refugees do not have the right to leave the islands and are stuck there (*the islands most concerned are Lesbos, Samos and Chios*). Unaccompanied children are living in grave conditions of insecurity and are prone to rape and suicide, especially at night. Local NGOs are not entitled to certain sources of international funding (*for example those that provided by DG ECHO⁴ of the European Commission*), as, in order to have access to such funds it is necessary to have a "framework partnership agreement", drawn up between NGOs from at least 3 different countries. The national and local associations which have always worked in Greece never meet these conditions. It is foreign NGOs which come to work in Greece with ECHO funds. However, these NGOs are not familiar with Greek legislation or the networks that are needed in order to work hand in hand with the local population. METAdrasi has lost 10% of its staff over the last few months. This is the direct result of the arrival of international NGOs, which offer much better conditions of employment and higher salaries than national NGOs can offer. Lora Pappa concluded her remarks by saying that she very much appreciated the action taken by the Council of Europe, which she considered to be the "conscience" of Europe. Its support was irreplaceable.

Ambassador Van den Reeck, Head of the International Cooperation of the Greek NGO [Smile of the Child](#)⁵, drew attention to the situation of the 57 000 migrants held up in Greece as a result of the closing of borders. In Greece, 10 000 children had disappeared... Numerous children had run away

¹ https://www.unodc.org/documents/southeastasiaandpacific/2011/04/som-indonesia/convention_smug_eng.pdf

² <http://www.socialplatform.org/news/platform-for-international-cooperation-on-undocumented-migrants-reject-dangerous-migration-response-plan-more-than-100-ngos-tell-eu-leaders/>

³ Meta means "after", drasi means "action". METAdrasi is a Greek NGO established in Idomeni. Its main fields of action are: providing interpreters (*over 270 interpreters throughout Greece*), legal aid provided by lawyers on the islands in North-East Greece and in the Aegean Sea, transit accommodation on Lesbos and Samos, accompanying persons moving from camps into appropriate accommodation, network of guardians/supervisors for unaccompanied minors or those separated from their parents, humanitarian aid through networks of volunteers. Non-accompanied children live in grave unsafe conditions and are victims of rape and suicide, particularly at night. To remedy this problems as far as possible, a pilot project has been set up to find Greek families to take in such children. It is implemented in co-operation with Norway and the Netherlands

⁴ European Commission Department providing emergency assistance and relief to refugees

⁵ This NGO conducts research and saves and cares for children. To that end, it has set up social support centres employing permanent staff. It has put in place a system of ambulances with incubators for babies. If quality service is provided, children do not try to run away. Quality service requires an unsegmented, comprehensive approach to providing assistance and an ongoing service. The organisation is currently caring for 400 children. Within approximately three months, it has set up 12 new centres and helped 15 000 children (*psycho-social and material support*). It has made 3 200 interventions in the Piraeus region, including 1 300 transfers by ambulance. It has funded over 80 hospital interventions and has undertaken to integrate 20 unaccompanied minors.

because they were being held in deplorable conditions; some of them had subsequently become the victims of traffickers. It is essential that long-term assistance be provided and not dimply salve our conscience by saying that a tent and a little food are enough.

Mauro Striano, Representative of the [European Federation of National Organisations working with the Homeless](#) (FEANTSA), said that the services which catered for the homeless received more financial support for the homeless than for homeless migrants. In a crisis context, this raised an ethical question. The shortage of places in accommodation centres for homeless migrants made it impossible for them to have access to other basic rights such as the right to information. The measures proposed by public policies did not take account of people's gender and age. This concerned both migrants who had secured international protection, and refugees whose application for asylum had been rejected. International humanitarian aid did not make any difference. This was an urgent problem. In 2014, in France alone, 23 000 asylum-seekers were homeless. The quality of services was obviously deteriorating under the pressure of such urgency. Moreover it was causing problems on the housing market. Abusive landlords and hotels, which were also used by public institutions, were sending prices through the roof. Quality and safety in these structures were no longer guaranteed; there were many forms of discrimination and it was poor people who suffered.

Richard Fischer, Representative of the Conference of European Churches, bore witness to the Churches' commitment alongside NGOs in establishing a protective and caring Europe. He spoke about "*Mapping Migration*", a project prepared by a board of Churches specially set up in Europe. This project updated the technical information sheets concerning the integration of migrants in Europe and analysed the way in which Churches rose to the challenge of migration.

Conclusive recommendations resulting from the speakers' presentations and from the discussion in the plenary assembly of the Conference of INGOs:

- Take a comprehensive approach to assessing and addressing the needs of migrants, refugees and asylum-seekers, thereby dealing with all of their fundamental needs and the assistance required (need for security, physical and mental health, etc.);
 - Finance infrastructure so as to provide decent accommodation for refugees who will be staying for a sufficiently long period of time pending the decision concerning their right to asylum;
 - Guarantee migrants access to their rights and to fair procedures;
 - Decriminalise humanitarian aid and assistance to vulnerable persons in irregular situations in all Council of Europe member states;
 - Foster and facilitate the inclusion of local NGOs in actions financed by international funds (*DG ECHO for example*);
 - Guarantee the co-ordination and exchange of information between international and local NGOs so that the international NGOs offer their services in addition to what already exists and not as a substitution for the services already offered by national NGOs;
 - Step up collaboration between NGOs and the Greek public authorities;
 - Acknowledge the role which services for the homeless can play and involve the latter in the measures for receiving refugees;
 - Put in place measures to help new refugees gain access to accommodation;
 - Develop reception policies and support tools for investment in quality accommodation at reasonable prices;
 - Examine the humanitarian aspect but also tackle the root causes: armed conflicts, arms imports steadily rising;
 - Highlight the action being taken by Russian NGOs, which are exerting pressure on the authorities to improve the situation of refugees in Russia;
 - Take advantage of migrant women's skills in the resolution of conflicts and in reconciliation;
 - Strengthen institutional positive treatment of police forces, which, in 21 countries, encounter the same problems of lack of understanding on the part of their governments with regard to their working conditions.
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