

Herman Van Rompuy

President
European Council

30 September 2014

**AMNESTY
INTERNATIONAL**



European Institutions Office

Dear President Van Rompuy

Ref: B 1616

EUROPEAN COUNCIL 23/24 OCTOBER: A COMMON RESPONSE TO SEARCH AND RESCUE NEEDS IN THE CENTRAL MEDITERRANEAN SEA

With the European Council of 23 and 24 October approaching, Amnesty International is urging European Union (EU) member state leaders and their governments to give priority to ensuring and implementing effective measures to stop the increasing death toll in the Central Mediterranean Sea. The EU response to migratory flows has continually focused on calls for better surveillance of external borders, fighting smuggling rings, and enhancing cooperation with countries of origin and transit. This approach ignores the factors pushing many people to leave their countries and attempt to enter the EU. These push factors are namely the insecurity, human rights violations, or crippling poverty in their home countries. According to the United Nations Refugee Agency, there are more displaced people today than at any time since the end of the Second World War. Clearly, any intervention aimed at stopping them from reaching Europe without addressing the root causes of their displacement is doomed to fail.

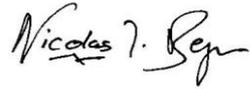
A year has passed since the October 2013 shipwrecks in the central Mediterranean, which cost the lives of over 500 people. Despite public and political outrage following these tragedies, the EU and its member states have to this day failed to take meaningful action. Italy stands alone among member states having taken the most concrete steps to avoid further deaths at sea. Since 18 October 2013, when it started Operation Mare Nostrum (OMN), the Italian Navy has rescued nearly 140,000 people. However, even its best efforts were insufficient to prevent this year's dramatic loss of life in the Mediterranean: 2,500 people are estimated to have died, of which 2,200 in the summer. The real number however will never be known, as many bodies are lost at sea.

Today, Amnesty International is publishing a new report - ***Lives Adrift: Refugees and migrants in peril in the central Mediterranean*** - documenting the realities of these dangerous sea crossings. The report argues that the sharp rise in migrants and refugees prepared to risk the perils of long journeys in rickety, overcrowded boats is not only the product of increased instability in the Middle East and the deterioration of the situation in Libya; it is also a consequence of the progressive sealing of Europe's land borders, and the absence of safe and legal routes for refugees to reach the EU.

For as long as EU policies and practices continue to push those fleeing conflict or poverty to take dangerous sea journeys, the EU must be prepared – collectively – to meet its obligations to save lives. The EU and its member states must ensure that the new Frontex operation, named Triton, which is to provide support to the Italian authorities in managing the migratory flow towards Italy, critically focuses its operations on rescuing people and guaranteeing access to asylum. They must also ensure the effectiveness of the Triton Operation in saving lives at sea by committing both the necessary financial and logistical resources. Increasing safe and legal alternatives to dangerous journeys for those in need of protection and adequate reception arrangements should also be prioritised.

Tackling the network of smugglers and traffickers is necessary but not, in itself, addressing the full picture. We strongly urge you to put the question of how to collectively meet current search and rescue needs in the Mediterranean on the European Council agenda, and also examine how to open up more safe and regular routes for refugees to enter the EU. You will find our detailed recommendations from the report annexed.

Yours sincerely,

A handwritten signature in black ink that reads "Nicolas J. Beger". The signature is written in a cursive style with a large, sweeping flourish at the end.

Dr. Nicolas J. Beger
Director
Amnesty International European Institutions
Office

Recommendations to EU Institutions and Member States

- Offer more safe and regular routes to refugees to access protection, including by:
 - Increasing resettlement and humanitarian admission places for refugees,
 - Facilitating family reunification for refugees who have family members living in the EU,
 - Applying a broad definition of family members to include extended or non-nuclear family, and
 - Applying flexibility as to documentary and other requirements.
- Ensure that refugees who arrive at the EU's external land borders are able to access asylum procedures.
- Strengthen SAR operations in the Aegean and Mediterranean seas, including by committing adequate financial, naval and aerial resources to Frontex to enable it to patrol the Mediterranean and Aegean seas at a level commensurate with the scale of departures from North African coasts.
- Ensure that any Frontex-led operation in the central Mediterranean clearly articulates the delivery of search and rescue activities as a priority and that Frontex assets are deployed in sufficient number throughout both Italy and Malta's SAR zones.
- Ensure that all those rescued in the course of Frontex-led operations are disembarked in the EU and that an agreement on disembarkation which ensures solidarity and responsibility-sharing between participating member states is included in Frontex operational plan.
- Ensure that refugees and migrants requesting assistance from within the Libyan SAR zone, excluding Libyan territorial waters, are rescued and brought to a place of safety, for as long as Libya is not in a position to uphold its SAR obligations and cannot guarantee respect for migrants and asylum-seekers' rights.
- Establish an accountability mechanism to promote and scrutinize compliance with SAR obligations; and commit to carry out impartial and independent inquiries for any failure to protect lives at sea and to cooperate with any such inquiry.
- Take urgent measures to ensure the recording of information on and identification of refugees and migrants who die or are lost at sea, especially through a systematic debriefing of people rescued at sea; and establish a EU centralized database and communication mechanism to provide official information to families.
- Strengthen the capacity of EASO to assist EU coastal states financially and logistically with initial provision of information to migrants and asylum-seekers, referral to appropriate procedures and reception after disembarkation. Use EASO to allocate additional emergency funding, special and emergency support, including the deployment of Asylum Support Teams to member states coping with high number of arrivals.
- Review the implementation of the Dublin Regulation with the aim of ensuring in a consistent manner throughout the EU that family reunification, including for extended family relations, is facilitated, and that travelling to EU member states beyond the country of entry for this purpose is allowed. The purpose should be to provide durable solutions to refugees, by allowing asylum-seekers to enjoy the support of their extended family and community.
- Eliminate obstacles to the free movement of persons granted international protection in the EU, while ensuring the transfer of protection statuses, and establish a system of mutual recognition of positive decisions on international protection. Such measures should be subject to verifiable steps being taken by member states benefitting from them to build capacity for refugee protection and integration.