

Angelino Alfano  
Minister for the Interior

Presidency of the Council of the European Union

30 September 2014

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

Dear Minister,

Ref: B 1617

**JUSTICE AND HOME AFFAIRS COUNCIL ON 9/10 OCTOBER: A COMMON RESPONSE TO SEARCH AND RESCUE NEEDS IN THE CENTRAL MEDITERRANEAN SEA**

On 9 and 10 October, Ministers will meet at the Justice and Home Affairs (JHA) Council to discuss, amongst others, the migratory flows in the Central Mediterranean Sea to Europe. This JHA Council falls around the time of the first anniversary of the October shipwrecks in the central Mediterranean that cost the lives of over 500 people. Despite public and political outrage over these tragedies, the EU and its member states have 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, 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 will however never be known, as many bodies are lost at sea.

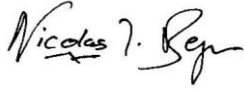
Amnesty International is publishing today a new report - *Lives Adrift: Refugees and migrants in peril in the central Mediterranean* - documenting the realities of these dangerous sea crossings. The report argues that the sharp rise in migrants and refugees prepared to risk the perils of long journeys 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 the EU policies and practices continue to push those fleeing conflict or poverty to take dangerous sea journeys, it 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 the necessary resources, both financial and logistical. In the meantime, Amnesty International urges the Italian government to maintain OMN until it can be safely replaced without protection gaps by another viable operation of comparable scale, with at least the same level of resources. Increasing safe legal alternatives to dangerous journeys for those in need of protection and adequate reception arrangements should also be prioritized.

Tackling the network of smugglers and traffickers is necessary but doesn't, in itself, address the full picture. We strongly urge you to focus your discussions on how you can, collectively, meet current search and rescue needs in the Mediterranean, and open up more safe and regular routes for refugees to enter the EU.

You will find our detailed recommendations to EU Institutions and member states from the report annexed.

Yours sincerely,



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



Gianni Rufini  
Director  
Amnesty International Italy

## 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.