

Catherine Ashton
EU High Representative for Foreign Affairs and Security Policy
Chair of the Foreign Affairs Council

**AMNESTY
INTERNATIONAL**



European Institutions Office

Brussels, 15 October 2014

Ref: B1622

Dear Baroness Ashton,

FOREIGN AFFAIRS COUNCIL OF 20 OCTOBER: HUMAN RIGHTS OF MIGRANTS AND REFUGEES AT THE CORE OF EU RELATIONS WITH NEIGHBOURING COUNTRIES

At the Foreign Affairs Council of 20 October Amnesty International is urging the European Union (EU) Foreign Ministers to give priority to ensuring respect for the human rights of migrants and refugees when discussing the external aspects of migration policies. The EU's response so far to migratory flows has focused on calls for better surveillance of external borders, to fight smuggling rings and enhance cooperation with countries of origin and transit to prevent people arriving irregularly to Europe. This approach ignores the factors pushing many people to leave their countries and attempt to enter the EU. These push factors include insecurity, human rights violations and 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 people from reaching Europe without addressing the root causes of their displacement is doomed to fail. The numbers of those trying to reach Europe are unlikely to go down. With the Syrian conflict raging, and violence spreading in the Middle East and Sub-Saharan Africa on one hand, and the sealing of the land borders into "Fortress Europe", especially via Turkey, Greece and Bulgaria on the other, many refugees and migrants consider that the only route still open to them is a perilous sea crossing towards Italy or Malta. Amnesty International has documented the plight of people forced to make dangerous sea crossings in a recent report ***Lives adrift, refugees and migrants in peril in the central Mediterranean.***

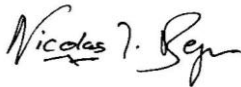
The EU and member states are supporting the migration control systems of neighbouring countries in an effort to stop migrants and refugees before they reach Europe's frontiers. Cooperation arrangements with third countries increasingly seek to turn these countries into buffer zones around EU borders. The cooperation arrangements involve the financing of border surveillance equipment, training of border guards and coastguards, and setting up information sharing networks so that migrants and refugees can be stopped by third countries before they reach Europe.

Amnesty International's report ***The Human Rights of Fortress Europe – Human Rights Violation against migrants and refugees at Europe's borders*** has shown that the demands being placed on third countries to prevent irregular departures to Europe put refugees, asylum-seekers and migrants in those countries at risk of prolonged and arbitrary detention, *refoulement*, and ill-treatment. Additionally, negotiations leading to cooperation agreements with third countries are not transparent and some EU member states do not even make public the agreements they have already entered into. This further hinders the possibility for public scrutiny. To date, there is no mechanism to assess the impact of EU or member states' cooperation with third countries on people's ability to access asylum procedures or to travel onwards.

We urge you to give relevance in your discussions at the Foreign Affairs Council to the role the EU and member states must play in ensuring that human rights are respected in the countries the Union cooperates with. In particular we believe that:

- The EU, its agencies and member states must ensure that the human rights of migrants are central to the negotiation and implementation of any migration cooperation agreement with non-EU states; migration control agreements must fully respect international human rights and refugee law, as well as the law of the sea and include adequate safeguards to protect human rights with implementation mechanisms, which integrate them.
- Greater transparency must be ensured in the negotiation of migration control agreements, including readmission agreements. Any agreements signed should be made public.
- EU institutions, bodies and agencies must assess the human rights impact of entering into cooperation with third countries to pursue migration control related objectives. The Commission should develop monitoring mechanisms, which allow for public scrutiny of third country cooperation including through public reporting.
- The EU and member states must not enter into migration control related cooperation with countries where refugees, asylum-seekers and migrants are at risk of human rights violations and/or do not have access to effective protection.

Yours sincerely,



Dr Nicolas J Beger

Director