



Reference: B1935

Carmen Daniela Dan
Minister of Internal Affairs
Presidency of the Council of the European Union

6 March 2019

Dear Minister Dan,

RE: ACTION PLAN FOR A FAIR AND PREDICTABLE RESCUE SYSTEM IN THE MEDITERRANEAN SEA

I am writing to you to share the proposals put forward by Amnesty International and Human Rights Watch to address the policy crisis in the Mediterranean, following the closure of Italian ports to rescue vessels. The document ***Plan of Action: Twenty steps for a fair and predictable rescue system in the Mediterranean Sea*** proposes collective and workable solutions to save human lives and set up a fair system to share responsibility for examining and processing claims of people seeking protection disembarked in European ports.¹

The scale of continuing incidents and loss of life in the Mediterranean Sea is unacceptable, and member states should be examining both the extent to which their policies contribute to endangering migrants' lives and how they can save lives. Nor is it acceptable to willingly ignore the devastating consequences of enlisting the help of Libyan authorities in preventing arrivals to the EU in order to characterize EU-Libyan cooperation on migration as a success.

Recently, Amnesty International² and Human Rights Watch³ have highlighted yet again how the EU's approach, far from dismantling the business of human smugglers and traffickers, is contributing to a cycle of violence and abuse, as people intercepted by the Libyan Coast Guard – trained, equipped, funded and assisted by EU member states and institutions - are brought back to abysmal conditions in overcrowded and unsanitary detention centres where they are arbitrarily detained and exposed to torture, including rape and beatings sometimes inflicted to extract a ransom from their families. Despite this, the European Union and its member states have failed to reconsider their continuing assistance to the Libyan Coast Guard. Instead, they continue to commit material support, including vessels, to Libya, despite the lack of progress towards ending arbitrary detention and torture of people returned to Libya. As our recent research demonstrates, efforts by international agencies and even the opening by UNHCR of a Gathering and Departure Facility in Tripoli in December, have not resulted in systemic changes on the underlying level of abuses and violence.

¹ These proposals reflect and endorse recommendations previously made by the European Council for Refugees and Exiles (ECRE). See [ECRE's Proposal for a predictable and fair relocation arrangement following disembarkation](#), January 2019.

² Amnesty International, [Cut adrift in the Mediterranean](#), January 2019.

³ Human Rights Watch, [No Escape From Hell](#), January 2019.

At the same time, EU states have criticised the action of non-governmental rescue organisations, as reflected in the June 2018 European Council Conclusions. Some EU governments launched an unprecedented offensive against NGOs operating search and rescue vessels, thus driving them out of the Central Mediterranean and leaving no genuine 'rescue' capacity in place.

For the relatively few people that NGOs, states or commercial vessels have been able to rescue in the past eight months, the EU has offered a dismaying spectacle. The continuous political standoffs between governments forbidding or delaying disembarkation in their countries has left individuals in life-threatening conditions at sea for prolonged periods in a clear dereliction of the legal and moral duty to ensure prompt disembarkation in a place of safety. The fact that some EU governments eventually decided to allow disembarkation or receive those disembarked is certainly a relief. However, standoffs are likely to continue until a predictable and sustainable solution is found that ensures prompt disembarkation of rescued persons, and fair support to countries of first arrival, in compliance with EU asylum standards throughout the reception and relocation process.

At a time of high levels of forced displacement globally, the EU should be open to protect and help those in need and refrain from pursuing approaches that legitimise the views of those who see migrants and refugees arriving to Europe only as a threat. Cracking down on irregular migration, without opening safe and regular routes for refugees and migrants, can only trap people in countries where they are exposed to human rights violations at the hands of unscrupulous authorities which the EU is enlisting as partners as a way of externalizing border controls.⁴

We call on you to act with resolve against port closures and current standoffs which hinder responsibility-sharing arrangements, and to bring the EU's external approach in line with EU law and obligations under international human rights and refugee law.

We enclose a list of actions which should form part of the effective, sustainable and human rights compliant solution we would like you to discuss and agree to.

Your sincerely,



Covadonga de la Campa

Interim head of European Institutions Office
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⁴ See, in this respect, the 2016 EU Global Strategy, [Shared Vision, Common Action: A Stronger Europe](#), p 27-28: "We must stem irregular flows by making returns more effective as well as by ensuring regular channels for human mobility. This means enhancing and implementing existing legal and circular channels for migration."