



For a more humane Europe

Position Paper on the 2024 European elections

Europe decides: deadly deterrence or human rights

At the beginning of June 2024, the citizens of the European Union (EU) will elect the European Parliament in Strasbourg. The election will be decisive in determining whether refugees will continue to be denied their rights in the EU. As societal shifts to the right also starts to affect centrist parties, the rejection of human and refugee rights has become normalised in recent years.

11,047 people have drowned crossing the Mediterranean trying to reach Europe since the last European Parliament elections in 2019.¹ Meanwhile, the EU is cementing its closed-door policy towards refugees through the reform of the Common European Asylum System (CEAS) and cooperation agreements with third countries such as Libya and Tunisia aiming to deter refugees from fleeing. Both refugees and humanitarian aid workers are increasingly being criminalised in the EU and its member states. As a consequence, European migration policy causes thousands of avoidable deaths every year.

In order to put an end to the deaths in the Mediterranean, the EU must now make a clear commitment to humanity and human rights – including at the EU's external borders.

SOS Humanity calls on the candidates in the European elections and the newly elected Parliament to advocate for an urgently needed change of direction

towards a human rights-based migration policy. The basis for such a policy must be the establishment of safe and legal refugee routes as well as the expansion of search and rescue capacities – so no one has to drown while seeking protection.

End the European policy of leaving people to die

Since 2014, the EU and its member states have increasingly withdrawn from maritime rescue operations in the Mediterranean, outsourcing their responsibility to third countries and violating international and EU law. While civil society organisations such as SOS Humanity are trying to fill the humanitarian gap, EU coastal states are systematically failing to fulfil their legal duty to rescue people at sea. European rescue coordination centres and the EU's border protection agency Frontex fail to pass on information and coordinates of people in distress at sea to NGO ships in most cases, as we experience in every rescue operation, and thus delay or prevent life-saving measures.

¹ International Organisation for Migration (IOM) Missing Migrant Project, as of 07.05.2024.

In order to stop the policy of leaving people to die:

- An **effective, state-coordinated search and rescue programme financed by EU member states** is needed, with sufficient ships deployed for the purpose of maritime rescue.
- EU actors must **coordinate effectively in distress cases and pass on information to all nearby ships** to ensure the rapid search and safe rescue of people in distress at sea.

Stop the criminalisation of refugees and those who show solidarity

Both refugees and humanitarian aid workers are being prosecuted in the EU on the charge of facilitating illegalised entry. In this way, both the right to asylum and the scope for humanitarian action are being restricted in many EU member states, including Italy and Germany. In 2024, the EU will decide on the European Commission's proposal to criminalise the facilitation of illegalised entry. The proposal poses considerable risks for the criminalisation of humanitarian aid and refugees. That is why SOS Humanity demands:

- **The protection from prosecution of refugees and humanitarian actors must be guaranteed by relevant legal standards in the EU.**

Take responsibility instead of closing doors

By cooperating with third countries in the field of search and rescue, the EU is complicit in breaches of international law and human rights violations at sea, as well as in Libya and Tunisia.² By financing and supporting the Tunisian and so-called Libyan Coast Guards, people seeking protection are intercepted at sea and brought back to countries where they are exposed to the gravest human rights violations. SOS Humanity demands that the EU fulfil its human rights obligations:

- **All cooperations with third countries such as Libya and Tunisia**, which aim at keeping protection seekers away from Europe and consequently violate human rights, **must be ended**. All training, equipment and funding of the so-called Libyan and the Tunisian Coast Guards **must be stopped**.
- **European rescue coordination centres and the EU's border protection agency Frontex must not be involved in illegal returns to Libya and Tunisia** – not even by passing on information on distress cases.
- **No further agreements should be concluded with third countries** that violate human and refugee rights.

Establish legal and safe refugee routes to the EU

People are forced to board unseaworthy boats and risk their lives because they have no alternative. To put an end to the deaths, violence and exploitation at the EU's external borders, more safe and legal refugee routes to the EU must be created:

- The EU and its member states must at all times act in line with their **international obligations to allow people seeking protection to enter the country** and not turn them back at the border (non-refoulement principle).³
- The EU and its member states must establish **legal and safe refugee routes to the EU** in order to end the deaths in the Mediterranean.

Safeguard the human rights of people seeking protection

The CEAS reform adopted in April 2024 undermines the individual right to asylum in the EU by tightening border procedures and expanding the concept of 'safe third countries', thereby formalising some of the most inhumane practices that EU member states have ever used against those seeking protection.⁴ In order to ensure the protection of refugees and the human right to asylum in the EU, the CEAS reform should not be implemented. Instead, we need a new system based on solidarity and the following premises:

- Safeguarding the **rights and dignity of people seeking protection** must be the basis and goal of the European asylum system.
- **The individual right to asylum must be protected**. This requires standardised asylum procedures based on the rule of law and the individual examination of asylum applications.
- Instead of the principle of first entry, the **principle of free choice of member state by those seeking protection** should be introduced.
- **Humane standards for reception conditions, protection and support services** must apply and be observed equally in all EU member states.

2 SOS Humanity (20/07/2023): Background Tunisia: Not a safe place for refugees; SOS Humanity (06.07.2022): Libyen ist kein sicherer Ort! Ergebnisse der UN-Untersuchungsmission.
3 Convention Relating to the Status of Refugees (1967), Art. 33.
4 SOS Humanity (09.04.2024): Joint statement on the new pact on migration