



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

ETUC

Statement on the occasion of International Refugee Day

20 June 2009

The European Trade Union Confederation (ETUC) is committed to the protection of refugees. It calls on the European Union to make good its promise to ensure the full and inclusive protection of refugees in accordance with international human rights obligations and its own Charter of Fundamental Rights. It calls on all Member States to ensure that any human beings fleeing armed conflict and political violence, or in fear of persecution because of for instance their political convictions, ethnic or religious origin, or their gender or sexual orientation, should receive appropriate protection.

ETUC especially calls on the EU and its Member States to immediately stop the current inhumane practices against any migrants, not allowing them to enter the EU territory to prevent potential asylum seekers to apply for asylum.

Duties of international solidarity

Refugees are among the most vulnerable groups in society and deserve our unfailing support and protection. They are fleeing persecution, torture, inhuman and degrading treatment in their countries of origin. In many cases they are fleeing armed conflict and political violence.

It was to protect these persons who desperately need the solidarity of the international community that several important UN conventions were adopted. In Europe, Council of Europe instruments and the EU Charter of Fundamental Rights protect the right to seek asylum and to enjoy it anywhere in the territory of the Member States.

Europe can and must do better

However, the development of the EU's Common European Asylum System has revealed substantial shortcomings in the delivery of protection to those in need by the EU and Member States. There are three key issues which need to be remedied as a matter of urgency.

- **Access to the EU territory:** Many of the border control measures put into place by Member States with the support of the EU's external border agency, FRONTEX, do not provide mechanisms whereby refugees are able to apply for asylum in the EU. The starkest examples are the actions in the Mediterranean and Atlantic around the Canary Islands where people fleeing are impeded from arriving and (potentially) seeking asylum, as well as the forced return of persons from Italy to Libya. Mechanisms must be developed which permit persons fleeing persecution and torture to seek asylum on encounter with any EU flagged official boat which approaches them. They must not be pushed back into the sea or the hands of states where the human rights record is ambivalent.

- **A full and effective consideration of all asylum applications:** the EU's Asylum Procedures Directive, setting out a common system by which asylum applications made in the EU must be determined, has too many special categories which permit Member States to apply only a truncated assessment of the asylum claim or no consideration at all. For instance, the 'safe third country category' excludes all refugees who passed through a country which is considered to be safe on their way to the EU. But refugees are not able to choose the routes they use to seek protection – these are determined by the opportunities to escape persecution and torture. All the exceptional classes of refugees which are characterised by the exclusion of a full consideration of their asylum claims should be abolished.
- **Recognition of refugees as, above all, human beings entitled to respect for their human rights and dignity of treatment.** The current system operated in the EU does not take into account the legitimate needs and wishes of the asylum seeker who for reasons of community, language and affinity may have preference for seeking asylum in a specific Member State. It also tends to penalise Member States which have substantial external borders towards parts of the world suffering instability and armed conflict, as it requires them to care for and determine the asylum applications of any person arriving on their territory when this is the first EU country they are entering. This system needs to be revisited. It is unsustainable, because negative decisions by one Member State are automatically recognised by all other Member States but positive decisions are not, thus trapping the refugee in the Member State where his or her application was considered. It is unjust as it prevents refugees from being reunited with members of their community, resident in other Member States than the one through which they arrived in the EU. It also places administrative burdens on Member States which are often least able to shoulder them, such as Malta.

Irregular migration is a problem to be solved by proactive migration and social and developmental policies, and not an excuse for violating international obligations on asylum.

The harsh treatment of persons seeking asylum is often defended by Member States as a method to prevent irregular migration. This is in strong contradiction to the obligations under international conventions to treat each asylum seeker as an individual who has the right to have his or her asylum application properly considered. But it is also not a sustainable policy in dealing with the problems of irregular migration, as ETUC has emphasised on many occasions.¹

Therefore, on the occasion of International Refugee Day, ETUC calls on all EU institutions to work together towards more sustainable and humane migration and asylum policies and practices.

¹ See the ETUC position regarding European Commission's proposals on legal and 'illegal' migration, available online at <http://www.etuc.org/a/4415>, as well as the Joint comments of ETUC, PICUM and SOLIDAR on expected Commission proposals to fight 'illegal' employment and exploitative working conditions, available online at <http://www.etuc.org/a/4325>.