



Urgent action needed on European Refugee Crisis

IRC Situational Briefing – 10 March 2016

As a result of chronic conflict, persecution, and human rights abuses in origin countries, in 2016, more than 141,000 men, women and children have travelled treacherous seas to find sanctuary in Europe.¹ Europe has shown itself to be ill-equipped to respond to this crisis. Now, decisions to restrict borders are resulting in severe humanitarian implications in Greece and the Balkans. Due to a lack of a coordinated and humane response in Europe, thousands of refugees fleeing violence and persecution continue to lose their lives and their dignity. This is a desperate situation. Addressing it is not beyond reach, but European states must take urgent action now.

Proposed moves to bring in a new **'one in-one out' system** between Greece and Turkey at the EU Council on 17-18 March has seen the UN raise concerns of its legality², but it also threatens to introduce **more not fewer incentives for refugees, aided by smugglers, to attempt the dangerous journey across the Aegean**. If the number of refugees the EU accepts is based on how many attempt the journey and are returned to Turkey, then Turkey – understandably eager for the EU to take more refugees – is incentivised to let the smuggling continue. We are also concerned about what happens to those people who are returned to Turkey, and then in turn potentially sent back from Turkey to their countries of origin.³ We seek assurances from the Turkish authorities, and from EU authorities, that all asylum seekers and refugees will be protected, and treated in a fair and humane way, and that **no-one will be returned to a place where they are not safe**.⁴

The IRC's humanitarian work in Europe

In addition to working in Syria, Lebanon, Jordan, Turkey, Iraq, and Afghanistan, the IRC has emergency staff working in Greece and Serbia. The IRC is working on the Greek island of Lesbos operating a municipal transit site on the northern coast to provide food, dry clothes, services and safe transportation to arriving refugees. We are delivering clean water and sanitation, providing information to newly arrived refugees, and delivering specialised services to the most vulnerable. Further to recent developments, the IRC is beginning operations in northern Greece and conducting an assessment in Athens. In Serbia, we are supporting local organisations to provide basic aid and critical information on registration and onward travel to desperate refugees on their journey through Europe. Recently we began a partnership with a local organisation to provide gender-based violence response services for women and girls.

Urgent action is needed in five areas:

1. **Stop border restrictions that are fuelling humanitarian crises**
2. **Respond to a growing humanitarian crisis in Greece, including by speeding up relocation**
3. **Provide specialised protection services for the most vulnerable groups**
4. **End discrimination based on nationality to ensure fair and thorough asylum procedures for all nationalities**
5. **Rapidly deliver a new funding mechanism for humanitarian response in Europe**

1. Stop border restrictions that are fuelling humanitarian crises

- (a) The refugee crisis has resulted in a wave of border restrictions and closures. The Greek-Macedonian border has been closed since 7 March.⁵ Croatia and Slovenia have closed their borders to all except refugees who plan to seek asylum in their countries or those who seek entry with clear humanitarian needs.⁶ Serbia has followed suit and has stated it will harmonise its measures with these EU member states.⁷
- (b) Unilateral and arbitrary decisions by states, including those to close or restrict borders, only result in dangerous conditions for people on the move. As long as desperate people continue to be driven from their

¹ As of March 9, <http://data.unhcr.org/mediterranean/regional.php>

² Vincent Cochetel, UNHCR's Regional Refugee Coordinator for the Refugee Crisis in Europe stated that "the collective expulsion of foreigners is prohibited under the European Convention of Human Rights". UNHCR. 8 March 2016. <http://www.unhcr.org/print/56dee1546.html>

³ Turkey still maintains a geographical limitation to its ratification of the 1951 Refugee Convention. Refugees fleeing non-European countries are only given conditional refugee status. UNHCR, <http://www.unhcr.org/pages/49e48e0fa7f.html>

⁴ Amnesty International. 16 December 2015. <https://www.amnesty.org/en/latest/news/2015/12/turkey-eu-refugees-detention-deportation/>

⁵ UNHCR. 9 March 2016. <http://data.unhcr.org/mediterranean/regional.php>

⁶ As of March 9, <http://www.theguardian.com/world/2016/mar/09/slovenia-and-croatia-ban-the-transit-of-refugees>

⁷ As of March 9, <http://uk.reuters.com/article/uk-europe-migrants-balkans-idUKKCN0WA2ED>

homes, even the strictest border control efforts will not stop refugees coming - it will only make journeys even more dangerous and play into the hands of smugglers.

- (c) Border closures are not the answer to the management of refugee flows. Border closures only add to the challenges that must be faced by Europe. The flow of refugees requires multilateral action, coordinated management, and must be facilitated by substantial and effective alternative routes to safety into Europe, including via resettlement, humanitarian admission, and humanitarian visas.
- (d) Border closures risk undermining EU asylum legislation, the EU Charter of Fundamental Rights and international law. In the case of Austria, which has placed caps on the number that can apply for asylum (80 per day), Dimitris Avramopoulos, EU Migration, Home Affairs and Citizenship Commissioner stated that it is "plainly incompatible with Austria's obligations under European and international law".⁸
- (e) As border areas often have insufficient reception capacity for large numbers, sudden restrictions can leave people stranded in inadequate and inhumane conditions, vulnerable to disease, smuggling, family separation, gender-based violence, and other human rights violations. This requires humanitarian response for infrastructure, sufficient staff and supplies, in locations able to host large numbers of vulnerable people.
- (f) NATO and British Navy involvement in the Aegean maritime border must not hinder effective search and rescue operations that stop deaths at sea, nor deny individuals the right to seek asylum in Europe. All agencies involved at sea must have adequate training and support to humanely receive refugees who have made traumatic journeys; this includes taking boats to the nearest safe port. NATO's modus operandi must be in line with the international law.

"We have most problems with large groups that include several women and children. They are terrified of the possibility of not being able to move forward. What they keep saying is 'We should have found a better smuggler.' This perception of a 'need for more efficient smuggling' is omnipresent among the refugee population." IRC programme partner, Serbia

2. Respond to a growing humanitarian crisis in Greece, including by speeding up relocation

- (a) Closure of the Greek-Macedonian border is having severe humanitarian implications for thousands of refugees in Greece. After sudden border closures, up to 14,000 people are now stranded at the Greek border town of Idomeni – 60% of those women and children.⁹ In Lesbos, an IRC-supported municipal transit camp is nearly full with on average 1200 of 1500 places occupied. Dimitris Avramopoulos, EU Migration, Home Affairs and Citizenship Commissioner, is predicting 100,000 people could be stranded in Greece by the end of this month.¹⁰
- (b) Greece is under-supported to meet this unprecedented challenge and the technical expertise for onsite camp management and service provision is missing. The military is being mobilised to build new camps, yet hundreds of thousands of people not only require accommodation, but also access to information and a range of services. IRC has mobilised to send supplies to northern Greece, including raincoats, solar power units, tents, sleeping bags and mats, and to begin water, sanitation and protection operations. We are particularly concerned about sanitation and the protection of vulnerable groups. We are also aware that refugees housed in an urban environment may require different kinds of support, such as cash transfers, to meet their basic needs.
- (c) The Greek government cannot be expected to resettle hundreds of thousands of refugees alone, yet the pace of progress with enacting relocation pledges is very slow. So far only 885 people have been relocated – 536 from Greece and 349 from Italy.¹¹ This is a fraction of the 160,000 that was agreed by EU last year.¹² If relocation continues at the current speed it will take more than 100 years to achieve the planned relocation. Relocation schemes, taking refugees wishes into account, must be urgently made more effective.
- (d) Many EU states can and must accept more refugees. Current EU relocation schemes are grossly inadequate for managing the numbers of refugees. Only 66,400 places have been allocated for relocation from Greece.¹³ This is less than the number of arrivals into Greece in January alone. The future of the many arrivals not accounted for under relocation schemes is unclear. This requires honest, urgent reassessment.

⁸ Deutsche Welle. 18 February 2016. <http://www.dw.com/en/eu-blasts-austrias-refugee-cap-as-unlawful/a-19056704>

⁹ UNHCR. Winter Operations Cell Daily Report 10 March 2016. <http://data.unhcr.org/mediterranean/country.php?id=83>

¹⁰ Reuters. 6 March 2016. <http://www.reuters.com/article/us-greece-migrants-pm-idUSKCN0W80J>

¹¹ Member States' Support to Emergency Relocation Mechanism, as of 8 March 2016. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf

¹² European Commission. 22 September 2015. http://europa.eu/rapid/press-release_STATEMENT-15-5697_en.htm

¹³ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf

3. As increased numbers of women and children arrive, provide specialised protection services and support for the most vulnerable

- (a) There is an urgent need for improved specialised protection services for vulnerable groups such as unaccompanied minors, female-headed households, and those with disabilities, across the migratory route. Women and girls have specific protection needs as they are at risk of experiencing gender-based violence, targeted robberies, harassment and assault, and sexual exploitation and abuse.
- (b) Currently there is a lack of prioritisation, funding, and clear accountability for delivery of vital services – such as safe spaces, designated shelters, and case management – for women and girl refugees. As a result, the capacity and services available to support vulnerable groups, including unaccompanied minors, is inadequate. Across Greece, safe accommodation is only available for 350 unaccompanied minors.¹⁴
- (c) If refugees travelling by sea are taken directly to registration centres or ‘hotspots’, humanitarian response services, including specialised protection services for women and children, must be available at disembarkation points. Our staff in Lesvos have reported increased numbers of arrivals are women travelling alone with children, and elderly people.
- (d) There are indications that increased numbers of women and children include those hoping to reunite with male family members. This outlines the importance of supporting refugees to reunite with relatives via family reunification mechanisms. Extended family reunion offers protection to vulnerable people by providing a lifeline to safe haven.

4. End discrimination based on nationality to ensure fair and thorough refugee status determination procedures for all nationalities

- (a) Discrimination based on nationality is taking place at borders. News that Macedonia will only allow entry to its territory to Syrian refugees that come from cities that are deemed ‘sufficiently war-torn’ is deeply concerning.¹⁵ These latest measures represent a further narrowing of a selective and arbitrary admissions policy in place since late last year, when countries such as Slovenia, Croatia, Serbia and Macedonia denied entry to anyone other than nationals of Syria, Iraq and Afghanistan. On 9 March, no refugees entered Macedonia and only three refugees entered Serbia and 134 entered Austria.¹⁶
- (b) In addition to Austria, Slovenia, Croatia, Serbia and Macedonia’s restrictive identification and registration measures, on 10 March, Austria’s interior minister stated that “the Balkan route is closed”.¹⁷ Resulting in over 36,000 refugees, 91% originating from the world’s top 10 refugee-producing countries, stranded in Greece.¹⁸
- (c) During registration processes in Lesvos, arrivals are separated into Syrian, Afghan and Iraqi; and all other nationalities. This should not result in unequal access to services nor differing refugee status determination procedures.
- (d) Nationality must not be the basis of arbitrary discriminatory decisions. Under international law, all nationalities must be granted their right to a fair and thorough status determination procedure based on their individual circumstances.

5. Rapidly deliver new funding mechanism for humanitarian response in Europe

- (a) On 2 March the European Commission announced €700m Euros of urgently needed funding would be made available for humanitarian response in countries within the EU.¹⁹ This funding should not be drawn from existing or planned external ECHO funding, and must be swiftly disbursed to those most able to meet immediate humanitarian needs. The IRC urges the EU to make full use of the expertise and skill of ECHO and aid agencies on the ground.
- (b) The EU and member states’ recent commitments to provide \$10 billion funding for the Syria response are much needed and should be highly commended. However, commitments cannot be used as an excuse to evade obligations to respond closer to home, nor seen as mechanism to facilitate or insist those states closest to Syria contain refugees. Responsibility for refugees cannot be defined by proximity.

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¹⁴ Child Protection Working Group.

¹⁵ Syrians from Aleppo are allowed to enter Macedonia and Syrians from Damascus are not. VICE News 6 March 2016. <https://news.vice.com/article/macedonia-will-only-take-syrian-refugees-from-cities-it-deems-sufficiently-war-torn>

¹⁶ Ibid.

¹⁷ Al Jazeera. 10 March 2016. <http://www.aljazeera.com/news/2016/03/refugee-crisis-balkan-route-permanently-shut-160310084606203.html>

¹⁸ UNHCR. Winter Operations Cell Daily Report 10 March 2016. <http://data.unhcr.org/mediterranean/country.php?id=83>

¹⁹ The Guardian. 2 March 2016. <http://www.theguardian.com/world/2016/mar/02/refugee-crisis-europe-eu-countries-greece-receive-700m-extra-aid-funds>