NATIONAL SHADOW OBSERVATION ON EU RESPONSE TO REFUGEE CRISIS

*This **National shadow observation** has been prepared by experts for asylum policies, human rights and peace-building policies, gathered in the Initiative "Welcome", which is coordinated by the Centre for Peace Studies.*

Every day, thousands of people from conflict zones risk their lives and the lives of their children to come to the European Union in hopes that they will find a safe haven. Citizens of the European Union are looking for answers from the European Union and member states. The only immediate answer is to provide help to the refugees with dignity.

However, the EU response is not adequate. The rules of the European Union, which in some other contexts have had some positive effects, now represent the problem in providing safe haven for the people fleeing from conflict. Mechanisms and institutes for the acceptance of refugees are crumbling or are not activated in an appropriate way, and by that are showing insufficiency in the fulfilment of judicial and moral obligations which the EU and its member states have regarding international humanitarian laws. Every day, it is getting more obvious that the European Union is not providing an answer to the questions that it is facing and the security of safe haven is getting more uncertain.

In dealing with this question, a radical turn is needed. Management of refugee corridors in a way that they promise relocations and transfer, and the situation where the migration corridors and borders are opened and then closed one by one in the hope that the refugees will stop coming when the trip becomes too dangerous and uncertain, simply cannot be the answer. There is no more doubt that what is going on is an international crisis with which the European Union cannot deal. The fact of the international humanitarian crisis requires the appropriate international law and judicial answers and proactive political action.

We call upon decision makers who will be deciding on the EU response to the refugee crisis to initiate more efficient and humane mechanisms for crisis management on the EU level – mechanisms which are available in the framework of EU acquis and international humanitarian law and human rights instruments.

The EU plan for the reception of refugees must be based on principles which will allow safe passage, humanitarian assistance and protection of basic human rights of all refugees on their way to desired destinations. After reception in refugees' destination countries, the EU has to apply the principle of solidarity in relation to burden sharing, which will result with just reallocation taking into account social and family ties refugees have with particular countries.

In order to secure those goals, the EU has to put into force the following mechanisms:

- **The EU must secure safe and protected corridors for refugees' travel, including sea, land and air travel routes in order to minimise human rights violations, exposure to illegal traffickers and number of accidents resulting in rising death toll of refugees exposed to unsafe means of travel.**

- **The EU has to initiate negotiations with international institutions in order to establish safe corridors leading to the outside borders of EU. The EU has to remind the UN and Security Council of their important role in sustaining peace and initiate activation of all mechanisms available for the proclamation of an international humanitarian crisis. Coordinated action is the only efficient response to mass refugee influx which will not end in the near future, due to the complexity of its causes and the inability of the international community to provide any solution to the Middle East and North Africa conflict crises.**

- **The EU should consider the introduction of other mechanisms for securing safe travel and reception of refugees, such as resettlement programmes, abandoning visa regimes in some cases, issuing humanitarian visas in diplomatic representation offices and, most importantly,**

the introduction of temporary protection mechanisms and lifting of sanctions on transport companies.

- **In order to minimise local humanitarian crises such as those in Macedonia, Serbia, Croatia and along the Hungarian border, EU leaders should agree on abandoning unilateral states' policies regarding border closing and other methods for prevention of refugees entering the EU, which directly result in gross humanitarian crisis in the EU periphery and bordering countries. These types of unilateral actions result in serious violations of *non refoulement* principles and the family unification principle.**

- **Member States should agree on a temporary suspension of the Dublin Regulation, which has proven inadequate for mass refugee crises. The EU should deploy mechanisms which will be based on international humanitarian law, UN human rights treaties and the European Convention on Human Rights and Fundamental Freedoms. The Dublin Regulation is not only endangering the position of refugees, but also common EU asylum policy, the solidarity principle and other basic values on which the EU is founded.**

- **It is obvious that certain Member States do not have the capacity to provide adequate reception of refugees. Equally so, it is neither just not sustainable to convey such a responsibility upon only a few Member States. The proposed measures of relocation and the number of refugees subject to these measures should become binding to all the Member States, whereby the numbers should be significantly increased and expressed in shares rather than absolute numbers, since the influx of refugees will continue until the end of the wars that set it off.**

- **In applying measures of relocation, it is necessary to take into account, to the extent possible, the family and social relationships of individual refugees with their desired destinations, as well as the knowledge of the language and culture, and other factors important for the successful social integration in their new environment.**

- **Furthermore, the EU must invest considerable efforts into the development of asylum procedural and integration systems of Member States that have difficulty with the reception**

of refugees in order to reduce the pressure on these Member States and allow for a dignified and appropriate reception for each individual refugee.

- **In the event of the failure of ad hoc solutions that would include equitable relocation and safe routes for refugees, Croatia should propose to the Commission the activation of the mechanism of temporary protection applicable to all the persons coming from conflict zones, with the purpose of timely protection against violence, trafficking and existential endangerment. The European Union, together with its Member States, bears the responsibility for any failure to regulate such situations of mass influx of refugees with the view of protecting lives and dignity of refugees and implementing the principle of solidarity. EU citizens have the right to know why the existing mechanisms aimed at respecting dignity, human rights and the principle of solidarity have not been used thus far and whether the values on which the EU lies are have become dead letter.**

Finally, let us remember what a Syrian refugee boy said, "Stop the war and we will go back home!". The problem of the war in Syria and the long-term asymmetry in the socio-economic and political development of the entire area of North Africa and the Middle East – the area where a multitude of interests of the great powers, including some EU member states, collide – requires responsible, coordinated and long-term political and developmental action at the EU level, as well as at the international level within the Security Council, whereby some countries should cease making calculations, especially the countries with the greatest power. Endless calculations and avoidance to render effective decisions only led to this situation. **The Republic of Croatia should strongly advocate an urgent unified position at the EU level and a political agreement within the UN on a common approach to ending the war in Syria.** Otherwise, tens of millions of people will never have a home to return to.