

## **FOR A MEDITERRANEAN AND GLOBAL SOUTH WHERE LIFE IS RESPECTED: FOR MIGRATION AND ASYLUM RIGHTS**

### **Civil society manifesto before the VIII Regional Forum of the Union for the Mediterranean**

Thousands of people are forced to migrate, leaving their homes and environment in search of protection and opportunities. The causes behind this migration are diverse and profound: colonial extractivism and the neoliberal agenda historically exercised by the EU and other world powers, conflicts in their countries of origin, the effects of climate change and environmental degradation, human rights violations and the rise of authoritarianism, are some of the main causes.

Currently, the Mediterranean Sea and the route to the Canary Islands have become one of the most dangerous migratory routes in the world. **According to data from Caminando Fronteras, between 2018 and 2022, 11,522 victims were counted at the western Euro-African border, of which 7,865 were via the route to the Canary Islands.** The 2015 arrivals of people in the EU highlighted the shortcomings of European migration and asylum policies. Ever since, the Member States, unable to agree on a system of shared responsibility and intra-European solidarity, bet on the externalization of the control of the "external borders" of the EU with a particular focus on North Africa, South West Asia and the Sahel. For this reason, the so-called European Southern Neighborhood Policy has serious consequences: it impedes migration to the EU in exchange for foreign direct investment or the granting of visas or, even more alarming, the granting of Official Development Assistance (ODA). **This migration management model which, in 2015, was "justified" in the context of the crisis, has become formalized and a structural part of the common European asylum and migration system.**

The **New European Pact on Migration and Asylum** is currently under negotiation. It constitutes a set of legislative proposals that, far from placing the rights and protection of migrants and refugees at the center or reaching a consensus on coordinated action and an equitable distribution of responsibilities, is in favor of **reinforcing borders, criminalizing human mobility, increasing returns and defining a catalog of dangerous and diffuse legal exceptions that jeopardize the right to asylum and constitute a violation of human rights.**

This Pact consolidates the aforementioned externalization of borders, under delegation to private companies and third countries. This strategy further endangers the lives of people trying to reach Europe through the Mediterranean and other routes, forcing them to undertake increasingly dangerous journeys. **Those who manage to reach the EU encounter obstacles in accessing their rights and find themselves immersed in bureaucratic procedures without sufficient guarantees against expulsion.** And those who manage to stay often do so in situations of administrative irregularity, marginalized from society and "without the right to have rights". As in the rest of the Member States, **in Spain there are more than 500,000 foreigners whose rights are not recognized and who are invisible and discriminated against.** Faced with this violation, more than 900 groups and organizations have obtained the support of 700,000 people for the Popular Legislative Initiative (ILP) which, if approved by Royal Decree, would put an end to this situation

suffered by hundreds of thousands of neighbors who have no access to rights and are working and surviving on the informal economy, many of them being minors and women.

Bilateral agreements with third countries, of an informal nature and without democratic control of our institutions, have already proven to be contrary to the right to free mobility of persons and without guarantees of respect for human rights. In this regard, we are deeply concerned that, **following the escalation of violence and indiscriminate attacks on the civilian population of Gaza, the European Union is accelerating negotiations of an agreement to externalize migration control through Egypt**, in relation to the potential arrival of migrants and refugees from the region to Europe (as has already happened in recent months with countries such as Tunisia).

During the Spanish Presidency of the Council of the European Union, it is urgent to promote a change of course in migration and asylum policies that guarantee protection and respect for human rights and do not criminalize migrants and refugees. Spain has a significant experience of several decades implementing reception mechanisms (not only for asylum seekers), as a result of a society that maintains attitudes of solidarity despite the reactionary drifts that are increasingly finding more space in Spanish and European institutions. Recognizing, exporting, complementing and updating this practice, under an agreement that reaches all of Europe and has the host municipalities as allies, is possible and necessary not only to leave a legacy of dignity in the pages of its history but also to tackle one of the roots of the issue; **a colonial and racializing economic and foreign policy that needs to be transformed.**

The more than 28,000 people killed (IOM) in the Mediterranean since 2014 challenge us to question European migration and asylum policies that, from their securitarian, racial and criminalizing approach, generate more violence and insecurity.

For all of the above, we call upon the Spanish authorities to promote, within the framework of the negotiations at EU level:

- **To change the focus of European migration and asylum policies** from securitization and criminalization to the protection of the human rights of migrants, asylum seekers and refugees.
- To stop the drift of the negotiations of the European Pact on Migration and Asylum, putting migrants and refugees and their rights at the center. It must be **a Pact that guarantees access to protection, the respect of the principle of non-refoulement, and makes effective the solidarity and mandatory responsibility shared among all member states.**
- Human mobility management policies cannot and should not be linked to private economic investment interests or the business of borders in the southern Mediterranean. The civil society in these territories has to be a key agent of the development model that they want to promote from their own autonomies and without imposition of European criteria, whether state or private.
- The European Union needs to promote and guarantee the **protection of human rights defenders of migrants and refugees**, and to stop criminalizing their work and commitment.

- **Guaranteeing search and rescue (SAR) operations in the Mediterranean Sea**, as well as ensuring a safe and predictable European disembarkation mechanism. The protection of humanitarian organizations rescuing people in the Mediterranean Sea must be a priority for the European Union.
- **Putting an end to the externalization of responsibilities in the control of the so-called "external borders" of the European Union.** Agreements with third countries should be exempt from migratory conditionalities. It is necessary to de-link ODA from any objective of migratory conditionality. The EU and Member States must report on the implementation of formal, informal and financial agreements with third countries that may have an impact on the rights of migrants and refugees and civil society defending these rights in third countries. Finally, we call for an urgent review of Frontex operations in relation to compliance with fundamental rights, as well as the establishment of effective accountability mechanisms.
- Ensuring **the expansion of legal and safe channels** so that migrants, asylum seekers and refugees are not forced to risk their lives on dangerous journeys across the Mediterranean in search of protection and opportunities. Specifically: ensuring the means to apply for asylum in European embassies and consulates abroad, issuing humanitarian visas, making the requirements for family reunification more flexible, increasing resettlement commitments, as well as facilitating access to labor or training mobility programs in the European Union.
- It is necessary to rethink the European Southern Neighborhood Policy as a multilevel and multisectoral meeting space between States, civil society, organizations of migrants and refugees and defenders of rights, **where the construction of a decolonizing dialogue and guarantor of human rights can be promoted**, where the relations of the south and north of the Mediterranean are in conditions of equality and recognition of diversity and ways of life and without impositions.

#### [ADHERED ORGANISATIONS](#)