

## **Civil society organisations: new EU Commission plans on returns and detention will create more harm and suffering**

**BRUSSELS, 3 March 2017 – Bowing down to political pressure to be “tough” on irregular migration, the European Commission has turned its back on the full implementation of human rights safeguards in its Returns’ Directive and is actively pushing member states to lower the bar.**

Yesterday morning, the European Commission launched a set of recommendations to member states on return and detention. The policy was released without any prior consultation with civil society and local authorities, on the same day they gathered for the EU Migration Forum, the Commission's official annual forum to consult stakeholders. As well as falling short in terms of good governance, the Commission document puts forward an interpretation of human rights that effectively undermines them. It urges member states to detain migrants more quickly and for longer periods of time, and presents increased returns as a key deterrent to migration. The results of such policies are expected to be a weakening of human rights safeguards in the return and the asylum process. The linking of asylum to return, as well as the explicit targeting of specific nationalities of asylum seekers accused of « abusing » the asylum system is shocking.

As just one of the extremely worrying examples, the Commission instructs member states to opt for prolonged detention and to apply the maximum possible detention period, specifically targeting member states that apply shorter periods as “bad examples”. It encourages widespread detention of persons deemed to be at risk of absconding, a notion which the Commission has significantly broadened. It promotes the wide use of entry bans and insists that member states use all of the flexibility foreseen in the legislation to derogate from the full application of the safeguards in the Returns’ Directive.

There is no evidence that immigration detention or forced removal has a deterrent effect, or is sustainable. Detention and forced returns are extremely harmful practices that have long-lasting severe physical and mental health impacts as well as high risks of suicide. Re-emigration rates among returnees are high and forced removal has not been shown to lower the migration aspirations of the communities where people are returned to.

The Commission has set out to dismantle the key tenets of the EU Returns’ Directive by encouraging member states to interpret the directive in a way that would allow for the lowest possible safeguards to be applied, abandoning positive advances made by a number of member states. The Commission has also stated that it stands ready to revise the Returns’ Directive if it transpires that the safeguards presented in the directive will stand in the way of increasing return rates.

As civil society representatives of citizens and migrant communities we would like to be proud of the Europe we live in and continue to support the European project. We cannot do this unless the EU Commission will hold firm to its commitments to human rights and rule of law, promote the implementation of the highest human rights standards in its legislation, consult with civil society and rely on the strength of evidence on how to best manage a complex social and economic phenomenon in the face of pressure to find quick fixes.

### **Contacts:**

Kadri Soova  
PICUM  
[kadri.soova@picum.org](mailto:kadri.soova@picum.org)

Juliana Wahlgren  
ENAR  
[Juliana@enar-eu.org](mailto:Juliana@enar-eu.org)

Fizza Qureshi  
MRN  
[f.qureshi@migrantsrights.org.uk](mailto:f.qureshi@migrantsrights.org.uk)

Marie Martin  
EuroMed-Rights  
[mma@euromedrights.net](mailto:mma@euromedrights.net)

**Signatories:**

ACCEM	European Association for the Education of Adults	Migrant Rights Centre Ireland
Aditus Foundation	European Civic Forum	Migrant Voice UK
Afghan Association in Sweden	European Council on Refugees and Exiles	Migrant Women Association Malta
Algerian Human Rights Association	European Network Against Racism	Migrants' Rights Network UK
Animus Association Foundation	European Network of Migrant Women	Migration Policy Group
APDHA, Asociación Pro Derechos Humanos Andalucía	European Social Action Network (ESAN)	Moroccan Human Rights Association (AMDH)
Association for Integration and Migration Czech Republic	European Trade Union Confederation (ETUC)	OKIA Foundation
Association for Legal Intervention Poland	Fair Work	ORBIT vzw
Association Pro Democratia – Romania	Forum Tunisien pour les Droits Economiques et Sociaux	Organisation for Aid to Refugees Czech Republic
Associazione Studi Giuridici Sull'Immigrazione	French Human Rights League (LDH)	Organisation for Undocumented Workers Belgium
ASTI - Association de Soutien aux Travailleurs Immigrés Luxembourg	Frontiers Ruwad - Lebanon	Plate-forme Mineurs en Exil- Kinderen op de Vlucht
Bayt Al-Thaqfa Foundation	Genvej til Udvikling (Shortcut to Development - Denmark)	Platform for International Cooperation on Undocumented Migrants
CARE International	Global Migration Policy Associates	Red Acoge
CCOO Spain	Greek Forum of Refugees	Réseau Education Sans Frontières
Centre for Legal Aid – Voice in Bulgaria	Immigrant Council of Ireland	RESPECT Network
Centre for Youths Integrated Development Finland	Immigrant Institute Sweden	Romanian-Arab Cultural Centre Timisoara
Chilenos en Polonia	International Catholic Migration Commission-Europe	Social Platform
Churches' Commission for Migrants in Europe	KISA - Action for Equality, Support, Antiracism	Solidar
CIRE	La Cimade	SOS Racismo
Citizens' Assembly in Turkey	La Strada International	Spanish Commission for Refugees (CEAR)
COFACE	La Voix des Femmes	Spanish Justice and Peace Commission
Committee for the Respect of Liberties and Human Rights in Tunisia	LADDER Consortium - the Migration Thematic Path	STATEWATCH
Consortium of Migrants Assisting Organizations in the Czech Republic	Latin American Women's Rights Service	Stichting LOS
Defence for Children International	LEFÖ, Counselling, Support and Education for migrant women, Vienna Austria	Stichting Ros Rotterdam
Detention Action	LEGIS Macedonia	Tamkeen Fields for Aid - Jordan
Detention Forum	Liga voor de Rechten van de Mens – Netherlands	Terre des Hommes
DIESIS	Ligue Algérienne de Défense des Droits Humains (LADDH)	The European Association for the Defence of Human Rights-Bulgaria
Doras Luimni Ireland	Ligue des Droits de l'Homme Belgium	The Salvation Army
Ebony African Organisation	Ligue des Droits de l'Homme France	The Swedish Network of Refugee Support Groups
Eurodiaconia	MAHR - Malta Association of Human Rights	UN NGO Committee on Migration
EuroMed Rights	Maisha e.V.- African Women in Germany	Uphold Europe
European Alternatives	Melissa: Network of Migrant Women in Greece	Visible Outcomes 4U
European Association for the Defence of Human Rights		VolontEurope
		Wezsha
		Youth Included Czech Republic