

## **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.

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Algerian Human Rights Association	European Council on Refugees and Asylum	OKIA Foundation
Animus Association Foundation	European Network Against Racism	ORBIT vzw
APDHA, Asociación Pro Derechos Humanos Andalucía	European Network of Migrant Women	Organisation for Aid to Refugees Czech Republic
Association for Intergration and Migration Czech Republic	European Trade Union Confederation (ETUC)	Organisation for Undocumented Workers Belgium
Association for Legal Intervention Poland	Fair Work	Plate-forme Mineurs en Exil- Kinderen op de Vlucht
Association Pro Democratia – Romania	Forum Tunisien pour les Droits Economiques et Sociaux	Platform for International Cooperation on Undocumented Migrants
Associazione Studi Giuridici Sull'Immigrazione	French Human Rights League (LDH)	Red Acoge
ASTI - Association de Soutien aux Travailleurs Immigrés Luxembourg	Frontiers Ruwad - Lebanon	Réseau Education Sans Frontiers
Bayt Al-Thaqfa Foundation	Genvej til Udvikling (Shortcut to Development - Denmark)	RESPECT Network
CARE International	Global Migration Policy Associates	Romanian-Arab Cultural Centre Timisoara
Centre for Legal Aid – Voice in Bulgaria	Greek Forum of Refugees	Social Platform
Centre for Youths Integrated Development Finland	Immigrant Council of Ireland	Solidar
Chilenos en Polonia	Immigrant Institute Sweden	SOS Racismo
Churches' Commission for Migrants in Europe	International Catholic Migration Commission-Europe	Spanish Commission for Refugees (CEAR)
Citizens' Assembly in Turkey	La Cimade	Spanish Justice and Peace Commission
COFACE	La Strada International	STATEWATCH
Committee for the Respect of Liberties and Human Rights in Tunisia	La Voix des Femmes	Stichting LOS
Defence for Children International	LADDER Consortium - the Migration Thematic Path	Stichting Ros Rotterdam
Detention Action	Latin American Women's Rights Service	Tamkeen Fields for Aid - Jordan
Detention Forum	LEGIS Macedonia	The European Association for the Defence of Human Rights-Bulgaria
DIESIS	Liga voor de Rechten van de Mens – Netherlands	The Swedish Network of Refugee Support Groups
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