

Statement on EU Council conclusions on refugees

Adopted at the Executive Meeting of 13 April 2016

ETUC STATEMENT ON RECENT DECISIONS OF THE EUROPEAN COUNCIL ON REFUGEES

While Europe is responding to the unprecedented flow of asylum seekers, the member states continue to be divided, weakening the leadership that the European Commission has attempted to exercise so far. Divisions are an impediment to implementing sustainable solutions. They weaken the external dimension of the EU on migration and asylum, as the negotiations with Turkey have shown.

The ETUC refuses to accept the image which represents refugees as a 'flow' of irregular migrants to be stemmed. The vast majority of people seeking protection at the EU borders are escaping wars and other severe threats. The narrative imposed by some governments is loathsome and fuelling populism and intolerance. Conclusions of the European Council of the 18-19 February and 17-18 March are a worrying turning point in the EU response to the refugee crisis. The ETUC demands that the EU enhances its humanitarian efforts instead.

The ETUC recalls that the raising of walls at the EU borders – whether they are made of concrete or of legal constraints - is against Article 18 of the European Charter of Fundamental Rights, the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 and article 78 of the TFEU. The ETUC will be vigilant in ensuring that all policies planned or implemented by Member States and the EU abide by these acts and are core values of the EU.

The ETUC reiterates its request to establish a European emergency humanitarian plan and calls for the activation of a larger protection scheme under Directive 2001/55. The refugee crisis will not be resolved by sealing the EU borders and attempting to discharge the responsibility elsewhere. The reality tells a different story. 200.000 new arrivals in the first two months of 2016 means that, by the end of the year, the EU has to protect another million refugees, and member states have to prepare for their integration in the hosting society and organise their smooth transition to the labour market. It requires common efforts from all member states, in the interest of both European citizens and refugees.

The ETUC denounces the political standstill created by governments that respond to xenophobic minorities that keep EU societies stuck in fear and make progress impossible. The trade union movement does not tolerate any form of discrimination or xenophobia that discredits European values in our societies.

The trade unions will be vigilant that labour market inclusion of refugees will not trigger social dumping. The uncontrolled arrival of a large number of asylum seekers and refugees represents a challenge for the labour market in Europe, especially for countries that host them in greater numbers. Full equal treatment in the labour market and equal access to social services for local workers and migrants, and quality job opportunities for all, are the fundamental basis for fair integration and inclusion of refugees. More European funds have to be allocated for these purposes to the countries concerned. At the same time, the position of asylum-seekers and refugees in the labour market is uncertain and vulnerable. Urgent policies are needed to prevent any form of dumping, exploitation and discrimination stemming from mismanagement of unexpected and uncontrolled influxes.

Social cohesion requires more, better and universal public services. Successful management of the refugee crisis implies a reinvigorated effort for social cohesion for the benefit of all. Overcoming the dualism local – migrant workers, as well as universal coverage of welfare systems, should serve the objective of better protecting all people in Europe to eradicate poverty, exclusion and discrimination.

The ETUC is strongly critical of the EU-Turkey agreement on a Joint Action Plan on Refugees. It lacks of any sort of human sympathy and it is against the EU and member states obligations. The agreement contains appalling flaws in its analysis and proposals. Specifically, the ETUC underlines the following points to the EU and its member states:

- Refugees are human beings fleeing from war and seeking international protection;
- Paying Turkey will not remove the danger to which Syrians, Iraqis, Afghans, Pakistanis etc. are exposed to in their own countries;
- The one-to-one scheme (swapping of Syrian refugees) is unacceptable and legally doubtful. It is very likely to lead to the refoulement of people who deserve humanitarian protection to countries where they can face war or persecution;
- The deal will have the sole effect of diverting refugees' routes toward other countries like Bulgaria and Albania, in the absence of any structured form of European cooperation and solidarity.

We are witnessing the first refoulement acts perpetrated as a consequence of the EU-Turkey. EU hotspots profile asylum-seekers in a superficial and sometimes illegal way. Decisions are often taken on the sole basis of the country of origin, resulting in a de-facto impediment to submit request of protection or to see such a request properly and lawfully evaluated. Any cooperation with the Turkish government should require that Turkey opt out from the “geographical limitation” in the application of the 1951 UN Convention and, on the contrary, grant refugees access to public services and work.

The EU should not contemplate paying Turkey to keep refugees in camps without any prospects and there should be no trade-off between keeping refugees out of Europe and accelerated EU-Turkey membership talks. The assessment of the EU-Turkey deal can in no way be construed as a judgement on the Turkish people to help refugees. The Turkish people have proved to be generous and trade unions and civil society organisations have contributed to mitigate the effects of the arrival of millions of refugees, many of which from Syria. However, with the number of journalists in jail, shutting down free media, the lack of trade union rights, the treatment of the Kurds, and its ambiguous role in the Syrian war, there is clearly a long way to go for Turkey to become a member of the EU.

Unity of Europeans is key to re-establish peace in neighbour war areas. The ETUC calls on the international community to mobilise and give shelter to asylum seekers. Despite the heroic efforts of many citizens, the EU and especially the Member States are clearly failing to do so. Solutions proposed so far are excessively Europe-centred, while the external action of the EU suffers from the reluctance of its member states to cooperate. The ETUC has long argued that the international community should invest time and resources to re-establish peace in the Middle East, and EU Member States should work towards the integration of refugees.

In April, the European Commission will launch a plan on regular migration and integration of migrants and on a genuinely integrated European Asylum Policy. Special attention will be paid to asylum seekers and refugees. Unfortunately, the ETUC is afraid that the current political environment is far from enabling a credible plan for integration of migrants and refugees.

The European Commission launched (6 April) an initiative for a Reform of the Common Asylum System and Enhancing Legal Avenues to Europe (COM2016/197final) which envisages possible amendments to the Dublin Regulation. An overall revision of the Dublin rules stands as a long-standing request of the ETUC. The recently published communication deserves further analysis, in order to make sure the actual revision

matches all our expectations for an appropriate EU policy for refugees and their relocation and integration.

Most European governments have disregarded the integration issue up to now. It is clear that Europe is being kept hostage by a handful of member states with evident intentions to feed populism. The ETUC considers the integration of asylum seekers and refugees in the labour market essential. Evidence shows that foreign populations will offset population decline and will make social security systems sustainable. But to reap the benefits of that, refugees have to be quickly integrated in the host societies, also by learning local languages and showing willingness to integrate.

Additionally, the ETUC recognises the Schengen aquis as a major achievement of the EU. It defends the right of European people and workers to circulate freely in the EU and it is engaged in preserving the Schengen area integrity. For that purpose the EU needs a genuine EU asylum policy, which equally commits all members states, including effectively securing EU external borders. Asylum and security have always combined in national laws and practices and have to come together in the EU as well.

A European employment initiative aimed at the integration of refugees into the labour market is necessary. An employment initiative in favour of refugees has to be supported by additional specifically earmarked funding, including the European Social Funds (ESF). The EU and the member states have to endow the ESF with sufficient additional resources earmarked for the labour market inclusion of refugees.

It is crucial to implement the Joint Declaration subscribed to by European social and economic partners (See Statement of the European Economic and Social Partners on the Refugee Crisis at the Tripartite Social Summit 16 March 2016). The Declaration delivers three main messages:

- Schengen must be preserved as one of the most tangible achievements of the benefits of European integration for citizens and companies;
- The inclusion and integration of refugees who are granted permission to remain in the EU, into society, particularly in the labour market, has to be a common goal of all member states;
- The inclusion into work must be on the basis of guaranteeing equality of opportunity and treatment between national and migrant workers, avoiding unfair competition between workers.

ETUC PROPOSAL FOR A EUROPEAN TRADE UNION ACTION FOR REFUGEES

The ETUC Secretariat will submit a Resolution to the Executive Committee during its June meeting. The Resolution will set forth a trade union agenda for integration of migrants and refugees called A EUROPEAN TRADE UNION ACTION FOR MIGRANTS AND REFUGEES.

The ETUC has already planned the following actions:

- Joint Project with the European social partners Labour-INT Labour Market Integration of Migrants. A Multi-Stakeholder Approach (see document 4b). The project will be implemented in 2017 and 2018.
- In cooperation with the ILO (main applicant), the ETUC and UnionMigrantNet will implement the project DIVER-SIFY: a practical toolbox for Trade Unions to promote equality in diversity and facilitate migrants' integration at the workplace. The project will be implemented in 2017 and 2018.
- A specific action is under discussion with the ITUC for a joint project to be submitted to the EU Commission in April. The objective is to intensify our advocacy action to put migration at the core of the international development policies. The expected start of the activities is November 2016.

These actions are dependent on the approval and co-financing of the European Commission. However, we are convinced that more urgent actions are needed now.

The ETUC proposals for immediate action will move along two axes:

- Advocating for fair first-aid and reception structures, the opening of humanitarian channels (also through consulates of Member States), assisting in the relocation and resettlement of asylum-seekers and refugees, improving the integration of refugees, protecting irregular migrants against abuses and exploitation, promoting access to quality services for all;
- Campaigning against xenophobia, racism and populism, and for equal treatment and non-discrimination.

All ETUC affiliates will be invited to mobilise. The ETUC Secretariat remains open to proposals, contributions and ideas from affiliated organisations. The ETUC is ready to include in its plan any initiative that its affiliates plan at national level. The proposal will be deliberated by the Permanent Committee on Mobility, Migration and Inclusion on 10 May.

The ETUC Action may include demonstrations involving the ETUC and its affiliates (or groups of affiliates that intend to participate), as campaigns for sensitisation of institutions, stakeholders, workers and citizens, and enhanced cooperation with international institutions, such as the ILO and UNHCR and civil society organisations.

The ETUC proposal will mobilise UnionMigrantNet contact points. The network has huge potential to be utilised to make the ETUC action successful.

The ETUC action for refugees will be a self-financed activity of the ETUC and its affiliates. The ETUC proposal will include a detailed budget explaining costs for materials and activities necessary to implement the action and a proposal for subscriptions to be submitted to its member organisations.