

Declaration of Paris  
(Project)

Convening in Paris on October 21<sup>st</sup>, 2016

Representatives for member organizations of Medel (European judges for democracy and freedoms)

**Medel refers to:**

- The Universal declaration of human rights, adopted in Paris on December 10<sup>th</sup>, 1948
- The July 28<sup>th</sup>, 1951 convention, pertaining to refugee status, signed and ratified by all European countries.
- The European convention for the preservation of human rights and basic freedoms and its protocols
- The charter of basic rights of the European union
- The Jurisprudence of the European court of human rights and the justice court of the European union, which have outlined a specific framework of obligations the states have towards refugees and asylum seekers, in particular when unaccompanied minors are concerned.

Given the documents Medel adopted, consistent to the normative and jurisprudential framework, in particular:

-Article 2-8 of Medel statutes according to which its members' goals are to ensure :” the consecration and defense of the rights of minorities, people of difference, and more notably the rights of migrants as well as the most deprived for the purpose of empowering the weakest.”

-The appeal sent out by Medel to the European union and its member states on October 7<sup>th</sup>, 2013 for the defining of fair and just immigration politics based not only on security matters but also and first and foremost on humanitarian considerations. (report on the 2016 election meeting)

-The declaration adopted in Athens on May 23d, 2015 for Medel's 30<sup>th</sup> anniversary, which states that :”European politics must actively contribute to the establishment of social and equal justice for all those working and living in Europe, including migrants who aspire to building a better life and peaceful future”.

**We note that:**

-For over 20 years, Europe has carried out politics that are hostile to migrants. It has progressively restricted regular immigration and militarized and outsourced control of its outer borders.

It's has also resorted more and more to turning back migrants to countries that look down on human rights, jailing undocumented people and confining those awaiting protection to massive and undignified camps. As such, they are essentially sequestering entire populations to camps in spite of everyone's right to “leave any country, including their own”, as stated in article 13 of the Universal declaration of human rights.

-These politics have been worsening because of exceptional people mass movements defined as migrants crisis. They were however neither unprecedented nor unpredictable and only represent 0,2% of the entire European population, and only slightly more than 10% of displaced people and refugees worldwide in 2015. Moreover, 80% of migrants in Europe are eligible for international protection.

-Thousands of men, women and children have died in the Mediterranean, at Europe's doorstep, and more and more people are risking their lives attempting to cross over to Europe only to be saved at the last minute in increasingly difficult conditions.

- Ongoing politics of rejection of people forced to exile by poverty and war have led Europe to reach a shameful agreement on March 18<sup>th</sup>, 2016, with a country that openly violates individual and collective freedoms as well as the most basic human rights. Europe paid this country billions of euros to sort and encamp migrants, and subcontracted the fate of the refugees. In doing such, it abandoned its international commitments.

-The application of the successive “Dublin” agreements states that the burden of processing asylum seekers falls on the first EU countries entered. It was first asserted to justify the identification, sorting and confining of migrants risking their lives trying to make it to Europe as legal ways were non- existent. Eventually, to ensure its efficiency, it was used to justify the creation of hot spots comparable to buffer zones where thousands of people in need of protection are abandoned in open

skied prisons.

-Within the EU itself, member states share and vary these egotistical and inhospitable immigration and asylum politics. They accumulate obstacles to prevent migrants' free movement by confining them to administrative and police hubs, such as in Calais or Paris. They are then left without protection or assistance.

- These practices and politics stem from repeated and multiple violations of the freedoms and basic rights of the people concerned and foremost of the right to asylum.

**We are fully aware:**

-Of the mission and specific responsibilities of the judges to ensure and respect those freedoms and fundamental rights.

-Of the lack of open recourse available to people whose rights and freedoms are being denied and violated, whether through state legislation or European institutions. When recourse is open, it is too often ineffective.

**Given the preceding, we appeal to the European Union and its state members:**

-To put an end to the grave violation of migrants' rights, as they are sequestered in hot spots and camps all throughout their itinerary.

-To renounce the application of the agreement reached between the European Union and Turkey as announced on the March 18<sup>th</sup> declaration.

-To rethink the system of liability of a member state of the EU in the reviewing of an asylum application so that it can be reviewed in the country of choice of the applicant.

-To take action to provide migrants with proper means and recourse so that they can appeal to the appropriate jurisdiction in charge of endorsing fundamental rights and punishing their violations.