

Stay Calm, Stay Human

ECRE is highly concerned about the political developments emanating from last week's events in Idlib, Syria and urges calm and measured response, focused on accepting refugees and sharing responsibility across Europe.

ECRE condemns acts of violence against refugees seeking protection at Europe's borders and further condemns efforts to deny the right to asylum or to expel people. It is not illegal to cross borders to seek protection. Refugees are at risk in Turkey: even before the escalation of the violence in Idlib, Turkey was [threatening](#) to forcibly return refugees to Syria.

Europe: stay calm and stay human

- ECRE has been [warning](#) for over six months about the risks of escalation in Idlib and the likely consequences. Europe has the means for collective emergency responses that remain humane: there is no excuse for panic and panic is no excuse for repression at borders. Refugees seeking protection should not be treated as a security threat, with heavy-handed military tactics and language. We are alarmed at the hysterical and inappropriate language of political leaders: this is not a war; this is not an invasion.
- Misinterpretation and manipulation of [recent court judgments](#) should be avoided; in particular, they should not be misused to imprison or otherwise criminalise people seeking protection.
- ECRE urges European policy-makers to stay calm and stay human. European countries need to refrain from actions that contravene international and EU law, including violence against people at borders. All [violence](#) against people seeking protection, and border controls that are non-compliant with EU and international law, should be condemned and punished rather than supported by EU institutions and agencies, including by the European Commission and the Member States meeting in the Justice and Home Affairs Council.
- Inflammatory and military language from EU and national policy-makers contributes to the risk of violence against people seeking protection and against the organisations and individuals who provide support and show solidarity. ECRE is concerned about the rapidly worsening environment in this regard in both Greece and Turkey.
- All people should have access to an asylum procedure, as it is a right under EU law. There [is no basis](#) in EU or international refugee law for suspension of acceptance of asylum applications. ECRE thus condemns the publication in the Official Gazette of Greece of the legislative act of the Greek Government concerning suspension of the registration of asylum applications in Greece for one month, and immediate return to country of origin or transit of those "illegally" entering Greece. ECRE denounces this act which constituted an unjustifiable derogation from the Geneva Convention and from EU asylum law and calls for a strong condemnation from political leaders and the European Commission.
- Article 78(3) Treaty on the Functioning of the European Union (TFEU) provides for the Council to "adopt provisional measures" in case of an emergency due to a "sudden inflow". If it is invoked, the provisions must comply with EU law, including the Charter of Fundamental Rights; it cannot thus provide a legal base for the suspension of the right to asylum or for expulsions that contravene the principle of *non-refoulement*. The

TFEU also stipulates that the European Parliament must be consulted and the Parliament should be prepared to promote positive alternatives when this happens.

- European countries need to mount a collective emergency response, providing humanitarian assistance, decent reception conditions, and access to asylum for people arriving. This should be via a coalition of all the countries willing to work together to support border countries. There is no need to wait for those unwilling to assist.
- If the situation continues, emergency and humanitarian provisions that allow for collective responses should be invoked, including the Temporary Protection Directive, the relevant provisions of the Dublin Regulation, and humanitarian programming.
- Relocation of people out of EU countries facing disproportionate pressure is an essential solidarity measure, as civil society has repeatedly argued, but should happen within EU legal frameworks, and when the countries themselves abide by EU and international law. Suspending transfers back to Greece under the [Dublin Regulation](#) would also demonstrate solidarity and free up resources for Greece and other Member States.
- All emergency measures taken at EU-level, including through invocation of Article 78(3) TFEU, should be based on managing arrivals through sharing responsibility and allowing rapid access to asylum and protection for all people on the move.

Civil society: ready to act

- Civil society is ready to scale up its response to support the hosting of refugees in Europe and rapid access to asylum, as it has done throughout recent years.
- Civil society is also exploring litigation against any action that contravenes EU law or international law, including the European Convention on Human Rights. ECRE strongly supports the [initiatives](#) to demonstrate against a “fortress Europe” response that are springing up across Europe and urges continued action and solidarity with those on the move and the organisations directly affected by recent developments.

Turkey: don't use refugees as pawns

- The current situation shows the risk of outsourcing protection and relying on Turkey, instead of finding collective European responses and fixing European asylum systems.
- The EU-Turkey deal gave [power to President Erdogan](#) and allows him to use refugees as pawns as he attempts to extract concessions from the rest of Europe. President Erdogan's demands as usual are related to Turkey's interests in Syria and not about the money. The Deal is also one of the reasons for reinforcement of the Turkish border which traps hundreds of thousands of refugees in Syria.
- However, it should always be noted that Turkey is hosting 3.6 million Syrian refugees, more than any other country in the world and more than twice as many as the rest of Europe combined. It is time for the rest of Europe to do its fair share.
- Wider European solidarity with Turkey is necessary, along with acknowledgement of the role Turkey is playing. Solidarity should go beyond financial support.
- A “fortress Europe” response is likely to exacerbate the already challenging situation in Turkey, including contributing to the ongoing deterioration in asylum policies and practices and further complicating the work of civil society involved in the defence of refugee rights.

- A hardline response from the EU will also be counter-productive because it may contribute to anti-Syrian and anti-refugee sentiment in Turkey, with this week's developments unleashing new attacks and anti-refugee rhetoric, making Turkey less safe for refugees.

Syria: pressure to end violence

- The real crisis is in Syria where repression and violence have led to unprecedented suffering, including massive displacement. The battle for territory before a potential settlement and the involvement of external actors fighting proxy wars for their own interests, means that the conflicts generate ever-more violence.
- The priority has to be responding to the situation in Syria, where Europe should do everything in its power to press all conflict parties, internal and external, to de-escalate and put in place ceasefires. Humanitarian access is essential, along with a proportionate humanitarian response.
- The distraction of another unnecessary European political crisis on refugee arrivals has to be avoided.

Over 12 million people have been displaced by repression and violence in Syria; their lives should be priority. Only a small percentage will make it the EU which should respond in a calm and humane way, taking on its fair share of responsibility and using the legal and financial measures at its disposal to manage the situation.