

Europe is radically changing its philosophy of dealing with migration and partnerships with other countries—and that’s dangerous for religious freedom

discover the **EU Compacts** (aka “Partnership Framework Agreements”)

After the peak of the so-called refugee crisis in 2015, the European Commission was asked by Member States to come up with a new strategic approach to migration. Under political pressure from public opinions increasingly negative with regard to migration, the Commission under its President Jean-Claude Juncker (voted in only a year earlier) came up with an encompassing concept of Partnership Framework Agreements, often called “Compacts.” (By the way, the UN also came up with a Global Compact for a comprehensive refugee response in 2016, but it is different in scope.)

EU Compacts seek to reach bundles of large-scale agreements with third countries which go beyond migration and readmission. The agreements link migration and development policies with economic, cultural, educational measures. In the Commission’s own words: “Positive and negative incentives should be integrated in the EU’s development policy, rewarding those countries that fulfil their international obligation to readmit their own nationals, and those that cooperate in managing the flows of irregular migrants from third countries, as well as those taking action to adequately host persons fleeing conflict and persecution.”¹ There are three short-term objectives of the Compacts:

- ① **save lives in the Mediterranean**
- ② **Increase the rate of returns to countries of origin and transit**
- ③ **enable migrants and refugees to stay close to home (avoid dangerous journeys)**

This is precisely the problem. The main goal remains to increase the number of returns and readmissions. The example for these new kinds of agreements is the EU–Turkey Deal signed in March 2016. What the EU calls “a new results-oriented concept of cooperation” means that among many Human Rights concerns, people persecuted for their religion or belief, or may have changed religion or belief as migrants in Europe could be stuck or sent back to places known for their poor human rights records, and particularly dangerous when it comes to freedom of religion or belief.

11 out of these 16 priority countries are in the Open Doors persecution index, especially 6 of them which are ranked in the top 10 countries with extreme persecution of Christians:

16 PRIORITY COUNTRIES CURRENTLY UNDER CONSIDERATION FOR EU COMPACTS					
Open Doors World Watch List 2017's top 50 scores for persecution index			Poor human rights record (not on WWL's top 50)		
HIGH	VERY HIGH	EXTREME			
Algeria	Bangladesh	Afghanistan	Ghana		
Mali	Nigeria	Ethiopia	Ivory Coast		
	Tunisia	Eritrea	Morocco		
		Pakistan	Niger		
		Somalia	Senegal		
		Sudan			

¹ COM(2016) 385, 7 June 2016.

Analysis and dark spots:

- **Legal basis:** as the EU compacts are bilateral/multilateral agreements, they remain the competence of the Member States (EEAS), some part of the agreements would fall under the EU's Common Security and Defence Policy. We know certain deals were discussed by MS with an EU mandate.
- **Procedure:**
 - The Compacts aren't legal agreements, but rather *an approach* which leads to a number of specific agreements. They are drafted by the European Commission and communicated to the European Parliament, the Member States and the Council through Communications and Joint Communications. The Commission communications are then to be agreed by the European Council but that is not usually subject to debate. The worrying trend is to witness at the European level, the much more frequent use of these kinds of agreements, bypassing the European Parliament, instead of classical legislative tools. This also means that, in the process of negotiations, it is impossible to know the content of these.
 - Compacts do not necessarily go through the European Parliament or national parliaments. Also, they are more a "process" than one specific agreement concluded after a circle of negotiations: they are a bundle of agreements and negotiations.
- There is very little transparency on the content of agreements: it is very difficult to access final the content where there is a written version, and almost impossible to know the content of negotiations before they are finalised.
- We are concerned about forced returns when there's a Compact with a third country which includes "voluntary returns." Several agreements have been or are in the process of being implemented in Finland or the Netherlands: countries like Afghanistan were declassified from the list of dangerous countries by the Member States themselves; as a consequence asylum seekers lost their international protection and are being sent back. This is especially problematic for Christian converts from Muslim background who are "volunteering" to go back, see Stichting Gave.
- The underlying narrative is highly problematic as it ties development aid and projects to the successes in reaching migration reduction objectives, a very short-term approach.
- Shifts in EU funding: development NGOs, including Christian friends, are currently gathering evidence that EU funding dossiers are now shifted to organisations, projects and strategies focusing on migration' prevention and security, therefore diverting aid budgets from development policies: this is already the case with the EU Trust Fund for Africa, a part of Overall Development Aid will be allocated to migration control projects through the Trust funds and compacts.

Responding:

- Most pressure will need to take place at national level, but it will need to be pan-European.
 - In the Legislative branch in parliaments: petitions, awareness-raising about FoRB and forced returns
 - In the Executive branch by engaging governments
 - In the Judiciary branch by attacking the constitutional basis of agreements with third countries
 - Working alongside other human-rights organisations
 - Raising awareness in churches, especially those working with newcomers who have come from countries in the EU priority list