



Committee on Political Affairs, Security and Human Rights

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14.02.2019

**Recommendation on migration and the status of refugees in the Mediterranean
as adopted on 14 February 2019¹**

The Parliamentary Assembly of the Union for the Mediterranean,

1. Points out that in today's world we are seeing an unprecedented level of human mobility and that one of the most urgent steps that the international community has to take, without delay, is to provide a stronger common response to address the challenges and opportunities entailed in this phenomenon; maintains that this response must be founded on the principle of solidarity and legality, and, instead of being confined solely to a security-focused approach, should be oriented towards a wider structural approach to foster stability and address root causes, while assuring full protection of the human rights, fundamental freedoms and dignity of everyone forced by whatever circumstance to leave their home to seek a better life; maintains that any response should pay particular heed to those who are most vulnerable and cover assistance provided in countries of origin; underlines that, although their treatment is governed by separate legal frameworks, refugees and migrants have the same universal human rights and fundamental freedoms, and these need to be safeguarded regardless of legal status; stresses that migration management must follow a comprehensive, balanced, integrated and inclusive approach; stresses that it must be carried out in the spirit of co-responsibility, co-ownership and partnership, with respect for national sovereignty and societal values;
2. Stresses that this high level of human mobility stems from numerous interlinked complex causes requiring evidence-based decisions in order to pinpoint the factors involved and develop targeted policy responses; points to the need for the UfM and EU Member States to recognise reality as it now stands and work out together a new multilateral approach to the movement of persons which, while taking actual figures into account, should be based on solidarity, burden sharing and universally valid humanitarian and democratic

principles; stresses that the human dimension must be at the centre of the legal and operational framework, with channels being opened for legal migration, and that voluntary returns must always be given priority and be accompanied by reintegration grants;

3. Deeply deplores, and expresses its heartfelt condolences for, the tragic loss of life in the Mediterranean region; urges the UfM member states, as well as the EU, to do their utmost to avert further losses of life at sea or on land;
4. Expresses solidarity with the many refugees and migrants who fall victim to conflict, serious human rights and fundamental freedoms, violations, manifest discrimination, and often brutal repression, not least while travelling to other countries;
5. Maintains that international migration, if properly managed, can contribute to the socio-economic development of host countries, as has been historically demonstrated, and that it has to go hand in hand with positive ways of thinking to promote unbiased real understanding of the phenomenon itself along with objective, evidence based and clear information about the benefits and costs of migration, aiming to dispel misleading narratives that generate negative perceptions of refugees and migrants in order to counter phenomena like xenophobia, populism, nationalism, radicalisation and the spread of criminal networks; notes that, according to several projections, the current population dynamics, assuming that there are no contributions provided by immigration, will lead European countries to a situation in which, in 2070, the ratio between over-65s and people of working age will stand at 54%; considers, therefore, that a supply of people from outside could perform a valuable role in both developing and supporting economies;
6. Points to the need to adopt policies at global, regional, European, national, and local level focusing on the medium and long term, as opposed emergency driven responses; maintains that those policies must be coherent, meaningful, inclusive, and flexible in order to regulate migration as an ordinary human phenomenon and address legitimate concerns about border management, social protection for vulnerable groups, and the social inclusion of refugees and migrants;
7. Strongly supports the aims of the New York Declaration for Refugees and Migrants and the corresponding process for developing a global Compact on Refugees and a Global Compact for Orderly, Safe and regular Migration, adopted in Marrakesh, with a view to enhancing coordination on international migration, human mobility, large refugee movements, and protracted refugee situations and to putting in place lasting sustainable solutions and approaches spelling out the importance of protecting the human rights and fundamental freedoms of refugees and migrants;
8. Underlines that the main international human rights agreements recognise the rights of all human beings, including migrants and refugees, regardless of their legal status, and impose an obligation on states to uphold those rights, including the fundamental principle of non-refoulement; calls for particular attention to be given to people in vulnerable situations and in need of special medical or psychological support, not least because they have suffered physical violence or torture or inhuman and degrading treatments serving

as an outlet for sexual, religious, or gender prejudices or any other form of discrimination; welcomes the specific measures to address the needs and vulnerabilities included in the global compacts and calls for their implementation; points out in addition that vulnerability arises from circumstances in countries of origin or transit, or host or destination countries, on account not only of a person's identity, but also of policy choices, inequalities, and structural and societal dynamics;

9. Expresses disquiet at the fact that migrants and refugees are subjected to arbitrary detention and inhuman and degrading treatments, and points out that detention should be limited to cases of absolute necessity and that, in any event, appropriate safeguards must be ensured, not least by guaranteeing access to proper judicial procedures; stresses that the detention of minors should always be prohibited and calls on the UfM member states to accommodate all children and families with children in local accommodation facilities, where they are not deprived of their liberty, while their immigration status is being examined, and offer and open to them in that time the national education system such as kindergarten, schools and universities;
10. Points out that refugees and beneficiaries of subsidiary protection have a right not to be sent back to a country where they are in danger of being ill-treated or tortured or to countries that are not parties to the Geneva Convention; underlines that collective expulsions and refoulement are prohibited by international law; expresses concern at the treatment of refugees and beneficiaries of subsidiary protection who are forcibly returned to their own countries or elsewhere, without any proper follow-up of their situation, and calls, whatever the circumstances, for the difficulties facing them on their return to be taken into consideration;
11. Notes that most of the world's refugees and migrants are being hosted by developing countries; acknowledges the efforts that non-member countries have made to receive migrants and refugees; points out that those countries' support systems are having to face critical challenges that might cause severe threats to the protection of a growing displaced population; underlines the legitimate concerns of Northern African countries which now face the same challenges as Northern Mediterranean countries; calls, therefore, for greater cooperation and exchange of practices of the members of the UfM in the area of reception and integration of refugees and migrants; and calls on the EU to significantly increase its aid to these countries on the southern shore of the Mediterranean, calls on the EU to coordinate these efforts with NGOs and other international experts working on the ground and the UNHCR;
12. Calls on the PA UfM countries to properly invest in developing their asylum systems in line with the international standards and step up their obligations under international law regarding asylum and migration and to pass the national laws necessary to meet those obligations effectively, not least by allowing for the possibility of seeking international protection; calls for the relevant laws to allow for the degree and nature of persecution and discrimination that migrants suffer;
13. Calls on the PA UfM member states to make a stand-alone commitment to protecting underage children in migration, with specific reference to unaccompanied minors; stresses that all underage children, irrespective of their migration or refugee status, are first and foremost unaccompanied children, who are entitled to all the rights enshrined in the UN

Convention on the Rights of the Child, and that their best interests must be the primary consideration in all decisions and actions concerning them;

14. Considers the global compacts to be an opportunity to strengthen benchmarks for the protection of children affected by migration and forced displacement; welcomes the fact that the global compacts contains clear commitments on specific pressing issues, such as the call to put an end to child detention, improving action concerning missing migrants, strong support for family reunification and other regular pathways, preventing childhood statelessness, and including refugee and asylum-seeking children in national child protection, education, and health systems;
15. Maintains that negotiations on migration must be transparent and inclusive so as to ensure that all stakeholders, including local and regional authorities as well as institutions and civil society, including organisations working in the field of migration, are involved as far as possible, taking into account the intergovernmental nature of the negotiations;
16. Reiterates that the PA UfM national parliaments should play a central role both at the policy-making stage and as regards the adoption of laws and regulations on migration and the treatment of refugees;
17. Stresses the importance of monitoring and of compiling accurate migration and refugee statistics, together with migrant-specific indicators based on factual data and not on false perceptions, while guaranteeing fundamental rights, including the right to privacy, and data protection standards and preventing data subjects from being exposed to serious human rights and fundamental freedoms violations; notes that such statistics are vitally important from the point of view both of framing proper evidence-based policies in the field of migration and of ensuring that the public at large are properly informed;
18. Calls on the EU and its Member States to amend the existing Dublin Regulation in a way that reflects greater solidarity vis-a-vis frontline EU member states and equitable burden sharing across the EU, so as to delete the criterion of first illegal entry as the main criterion to determine responsibility; incorporate a permanent and binding mechanism for relocating asylum seekers among the 28 Member States in order to ease the burden on Member States of first entry, using a fair balanced and mandatory allocation formula, while taking into account the integration prospects, needs, and specific circumstances of asylum seekers themselves; urges Member States not to consider secondary movements of irregular migrants within the Union as a threat that justify the reintroduction of border controls within the Schengen area;
19. Urges the international community to contribute to sustainable political and economic development in the countries of origin; calls on the governments of the UfM member states in particular, to strengthen their conflict resolution role and, specifically, help find sustainable political solutions in regions in conflict or in crisis, such as Syria, Libya, Yemen as well as in the wider MENA region and Sub-Saharan Africa, and to intensify political dialogue, including with regional organisations, encompassing all human rights and fundamental freedom elements, in order to support democratic inclusive institutions

and ensure the rule of law, build the resilience of local communities, and foster social and democratic development in countries of origin and among their peoples; calls for greater cooperation with countries in the region within the Arab League and the African Union and the Organization of Islamic Cooperation for the purpose of managing and resettling persons in need of protection and granting them asylum;

20. Points out that migration is a complex global historical phenomenon requiring a long-term structural and sustainable approach to address its root causes, such as poverty, inequality, injustice, instability, insecurity, climate change, corruption, ill-governance, and armed conflict; urges the governments of the UfM member countries to tackle those root causes; points to the need for a comprehensive Mediterranean-wide approach to strengthen the coherence of internal and external immigration and asylum policies while making for better effectiveness;
21. Recalls the urgent need to offer employment opportunities to young people in the states on the southern shores of the Mediterranean; calls, therefore, for the social integration and employability of young people to be improved, as these are two major challenges for the region and vectors for stabilisation, prosperity and security; calls, moreover, on the European Union and the UfM member states on the northern shore of the Mediterranean to continue their commitment to their partners on the southern shore of the Mediterranean to support economic, social and political reforms aimed at promoting a prosperous and inclusive society;
22. Considers it essential to strengthen cooperation on the protection of migrants' human rights with the appropriate international organisations and other institutions and organisations active in migration management, especially in the countries most affected, so as to help them receive migrants decently and without infringing their rights;
23. Stresses the urgent need to strengthen bilateral and international cooperation in the fight against smugglers and criminal networks and in the prevention and fight against interconnections between these transnational organised crime networks and terrorist groups in the West African region, and in the Sahel in particular;
24. Maintains that development aid programmes are necessary to combat the root causes of migration and their focus should not, therefore, be shifted towards the sole purposes of emergency migration management and border management; calls for development projects for migrants and asylum seekers to lay emphasis on developing proper asylum systems, facilitating the integration process by providing access to basic social services, especially health, education, and creating job opportunities, and giving particular attention to vulnerable persons and groups, such as women, children, young people, minorities, and people with disabilities;
25. Calls on the EU and the UfM member states to establish policies for the return of migrants to countries where they can be received safely and without being endangered, in a manner entirely consistent with their fundamental and procedural rights; stresses the need to help countries of origin to strengthen their capacities to manage reintegration of returning migrants in a sustainable manner, for example through EU readmission agreements with candidate or third countries to be observed and implemented in relation to all EU member states; points to the need for readmission agreements to include safeguard and review

clauses to ensure that migrants returning to their home countries are not subjected to violations of their human rights or the risk of persecution; stresses the need to favour voluntary rather than forced returns;

26. Calls for measures to eradicate smuggling networks and halt trafficking in human beings; considers secure legal channels to be established, for instance by using humanitarian corridors, for persons entitled to international protection; considers compulsory permanent resettlement programmes to be put in place and for humanitarian visas to be granted, not least to provide the possibility of entering non-member countries in order to lodge an asylum request there; considers more legal channels to be set up and general rules laid down to govern entry and residence so as to allow migrants to work and look for a job;
27. Recognises that, in the long term, greater impetus must be brought to bear in order to resolve the geopolitical issues affecting the root causes of migration, given that, for as long as there is war, poverty, corruption, hunger, and a lack of opportunities, people will still feel compelled to flee their countries, unless the international community and the countries concerned decide to help eliminate the causes of the exodus; notes that what this implies is that the Commission and the Member States must provide financial, political, and diplomatic resources to help build capacity in non-member countries, for example by facilitating investment and education and vocational and entrepreneurship training, developing and implementing asylum systems, helping to manage borders more efficiently, and strengthening the legal order and judicial systems in those countries; stresses the need to create long-term strategies aimed at stimulating social and economic growth, vocational and educational training, as well as employment, with a major focus on the needs of the local communities and on the development of micro, small and medium size enterprises, thus tackling the brain drain phenomenon and stimulating new opportunities for long term investment; notes that development projects and programmes should aim not only to increase assets, but also to create concrete opportunities that can serve as a viable alternative to migration;
28. Calls on the UfM and the governments of its member states to set themselves clear priorities and measurable goals regarding migration in the Mediterranean region; maintains that the parliaments making up the PA UfM should be involved in determining those goals; believes that action on migration in the Mediterranean has to be based on a common approach, since that is the only way to produce a stronger and more effective policy;
29. Calls on the governments of the UfM member states to engage in dialogue with NGOs and with experts working in asylum seekers' countries of origin with a view to determining the best possible ways to help persons and social groups in the most vulnerable position; calls on the governments of the UfM member states to involve NGOs and experts in asylum seekers' countries of origin with a view to determining what would be the most effective ways and means of prevention and control;

30. Maintains that a coherent Mediterranean-wide policy towards sub-Saharan Africa is one of the key factors for stability and development on the continent in the coming years and decades; reiterates the need to work towards stabilisation of the countries in the Sahel region and the Horn of Africa, as well as the areas of instability to the north and south; points out that development, security, and migration policies are interlinked and calls for closer cooperation on conflict prevention and management, as well as in tackling the root causes of destabilisation, forced displacement, and irregular migration by promoting resilience, economic prospects, and equal opportunities and preventing abuses and violations of human rights and fundamental freedoms; points out that if Libya were stabilised, this would stem the flow of refugees into the Mediterranean region while ensuring better protection of the human rights and fundamental freedoms both of Libyans who have been forced to leave their homes and of foreign refugees and migrants;
31. Points out that the problem of sub-Saharan migration makes it essential to establish a stronger partnership with Africa aimed at bringing about a radical socio-economic transformation of the African continent based on the principles and goals charted by African countries in the African Union's Agenda and 2030 Sustainable Development Goals, those that require sustained support from international organizations and developed countries, especially to the benefit of least developed countries of the African continent;
32. Reiterates the need, as regards the central Mediterranean route, to intensify the efforts to stamp out the activities of traffickers and smugglers from Libya or other countries; notes that all vessels operating in the Mediterranean have to comply with the existing international conventions;

¹ Reservations expressed by delegations to the Recommendation on "migration and the status of refugees in the Mediterranean" adopted by the PA UfM plenary on 14 February 2019.

- The Italian and Austrian delegations expressed reservations on para. 7.

- The Polish delegation expressed reservations on paras. 7, 8, 18 and 26.

- The Hungarian delegation expressed its reservations on the whole recommendation.

- The Turkish delegation made it clear that the recommendation "*should in no way be construed as implying any form of recognition of the Greek Cypriot Administration's pretention to represent the "Republic of Cyprus", nor as implying any obligations on the part of Turkey to enter into any dealing with authorities or institutions of the so-called "Republic of Cyprus" within the framework of the Union for the Mediterranean*" with reference to para. 25.