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*Plenary sitting*

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**B9-0028/2019**

16.7.2019

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on the situation at the USA-Mexican border  
(2019/2733(RSP))

**Miguel Urbán Crespo, Idoia Villanueva Ruiz, Eugenia Rodríguez Palop, Marisa Matias, Pernando Barrena Arza, José Gusmão, Luke Ming Flanagan, Younous Omarjee, Manuel Bompard, Giorgos Georgiou, Niyazi Kizilyürek, Leila Chaibi, Malin Björk, Manon Aubry, Konstantinos Arvanitis, Özlem Demirel, Sira Rego, Stelios Kouloglou, Anne-Sophie Pelletier**

on behalf of the GUE/NGL Group

**European Parliament resolution on the situation at the USA-Mexican border  
(2019/2733(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- having regard to Geneva Conventions and the additional Protocols,
- having regard to the Convention Relating to the Status of Refugees (1951 Convention) and the Protocol Relating to the Status of Refugees of 1967,
- having regard to the Convention on the Rights of the Child, 1989
- having regard to the statement by UN High Commissioner for Human Rights Michelle Bachelet, 8 July 2019,
- having regard to the current US administration's policy initiatives related to migration and asylum and the 'Migrant Protection Protocol' (MPP),
- having regard to the statements made by members of US congress after visiting detention centres in July 2019,
- having regard to Rule 144 of its Rules of Procedure,

A. whereas the border between the US and Mexico continues to experience large numbers of people trying to reach safety in US soil; whereas most of these people come from the northern triangle of Central America (Guatemala, Honduras and El Salvador), one of the most dangerous regions of the world where the presence of organized crime and gangs, state violence, corruption, impunity, institutional weakness, lack of socioeconomic opportunities, and drug trafficking, have as consequences a high social fracture, murders, feminicide, unemployment, lack of opportunities, and poverty, among others;

B. whereas the president of the United States, Donald Trump, since the beginning of his electoral campaign, has turned the fight against migration into a centrepiece of his presidency; whereas he promised to build a wall along the entire border with Mexico to stop the arrival of migrants, has ordered the militarization of the border on several occasions, and has adopted a policy of separating minors from their families when they cross the border; whereas his policies also have reduced the ability of migrants to apply for asylum in the United States limiting the number of people who can be

processed as asylum seekers daily which is causing long lines of migrants waiting in Mexican shelters; whereas the project of building a US-Mexican walled border has started to be implemented under the Bush Administration and taken forth by the Obama administration.

- C. whereas with the policy of "zero tolerance" anyone who cross the border on an irregular manner, including families with children seeking asylum on humanitarian grounds, could be arrested; whereas agents of the Immigration and Customs Enforcement Service (ICE) have been encouraged to arrest and deport anyone who is living in the country without legal status, whether they have a criminal record or not; whereas in April, the acting director of ICE and the secretary of National Security, were dismissed from their positions after raising doubts to implement this plan that would expel and detain thousands of migrants, and would involve the separation of relatives and minors;
- D. whereas a report by the Department of Homeland Security (DHS) denounced that the overcrowding and prolonged detention of unaccompanied migrant children, families and single adults in five centres in Texas represent "an immediate risk to the health and safety" of the migrants and violate laws on how they should be treated; whereas previously several members of Congress visited the facilities of several centres and denounced the conditions of overcrowding and unhealthiest; whereas in May, the inspection of the Borders Department had warned of a "dangerous overpopulation" in a migrant detention centre in El Paso where they found 900 immigrants in a place designed for 125 people;
- E. whereas in June, a group of lawyers denounced prison, inhumane and unhealthy conditions in which more than 300 children were crammed into the detention centre in Clint (Texas); whereas days later the authorities confirmed that 249 of the minors had been transferred to other centres in Texas but finally 100 were returned to Clint; whereas nobody knows for sure how many children are still there or if they have improved the conditions of the centre;
- F. whereas from October 2014 to July 2018, the Office for the Refugee Resettlement (ORR) received 4,556 reports of sexual abuse or harassment of migrant children who were in custody in state-funded detention centres; whereas there was an increase in complaints during the family separation policy; whereas at least 7 children have died in immigration custody since last year;
- G. whereas according to data disclosed by the US agency for Customs and Border Protection (CBP) to Amnesty International, between 2017 and August 2018, approximately 8,000 family units were separated after crossing the border; whereas these estimates exclude many other cases of separation such as those between children and their older siblings, aunts and uncles, grand-parents and other non-immediate family members; whereas although a change in policy was announced, the Administration continues to separate families; whereas according to Human Right Watch, United States officials are separating migrant children from adult relatives other than parents at the border; whereas there are at least 200 children in the custody of the border police and many of them have exceeded the legal limit established for their release; whereas legally, minors must be in safe and healthy conditions and must

be delivered to social services as soon as possible, normally in 72 hours, to go with host families or with their relatives in the US;

- H. whereas the US House of Representatives Committee on Oversight and Reform will hold hearings on the government's family separation policy on July 12, 2019;
- I. whereas the Executive Director of UNICEF, Henrietta Fore, assures that the stress of detention centres causes irreparable damage to minor's health and development; that the United Nations High Commissioner for Human Rights, Michelle Bachelet, stated that the detention of migrant children is cruel, inhuman or degrading treatment that is prohibited by international law;
- J. whereas US Congress approved a \$4.5 billion package of resources for border management; whereas it is not known if this money will be used to improve the humanitarian conditions of the detainees, or to reinforce the security forces and the detention facilities;
- K. whereas Trump announced the suspension of aid to the governments of El Salvador, Guatemala and Honduras for not being able to stop the migratory flows; whereas in May, Trump threatened Mexico, with imposing generalized tariffs on all products coming from the country if it did not take strong measures to stop the migratory flows;
- L. whereas, although the president of Mexico, Andrés Manuel López Obrador, announced, an immigration policy of open doors has finally accepted most of Washington's demands to restrict the arrival of migrants; whereas until June 24, the Mexican government had deployed more than twenty thousand members of the security forces and the newly created National Guard to the southern and northern borders to try to prevent the passage of migrants to the United States; that the National Commission for Human Rights (CNDH) warned that these forces will act in migratory tasks without training and knowledge in human rights;
- M. whereas Mexico also accepted to receive persons requesting asylum in the United States, during the time that their petition is resolved and that during that time the Mexican authorities undertake to offer them employment and medical attention;
- N. whereas the persecution against migrants by Mexican authorities has been increasing since the end of March, and the humanitarian situation worsened after the recent migratory and commercial agreement with the United States; whereas according to the National Institute of Migration, in June after the agreement, Mexico has tripled the number of arrests of migrants over the same period last year; whereas 21,912 were deported, representing an increase of 183% over the same month of the previous year;
- O. whereas the intensification of these operations is saturating detention centres for migrants; whereas there are reports of overcrowding, shortages of food, water and medicines and lack of access to legal counsel;

- P. whereas on both borders people are being deported without adequately explaining their right to seek asylum; whereas the mass deportation of migrants and asylum seekers without an individualized prior assessment violates international law;
- Q. whereas the increase in arrests and deportations, forces migrants to take greater risks and more dangerous routes and exposes them more to the networks of human traffickers;
- R. whereas according to IOM data, 197 people have died so far in 2019 trying to cross from Mexico to the US, at least 13 of them children; whereas the number of deaths has been constantly on the rise during the last 5 years, with more than 1,900 deaths from 2014 to 2018;
- S. whereas Donald Trump is stigmatizing people and fostering hatred with aggressive rhetoric regarding the supposed origin of progressive congresswomen, up to inciting them to leave the United States;
- T. whereas according to Amnesty International, since 2018 there have been increased campaigns of intimidation, defamation, threats, harassment and criminal investigations against people who defend the human rights of migrants, refugees and asylum seekers on the border between Mexico and the US; whereas Human rights defenders in Mexico and in the United States have been detained, harassed and criminalised for the provision of humanitarian aid, including distributing food, water and medical supplies, and operating emergency shelters for migrant families;
- U. whereas in the first half of 2019, nine members of the volunteer staff of the No More Deaths organization were prosecuted for minor offenses or misdemeanours for offering humanitarian aid, such as water and food, in desert areas; whereas the second trial against Scott Warren accused of harbouring migrants, is scheduled for November 12; whereas in May the journalist and woman human rights defender Ana Adlerstein was detained, criminalised and harassed by immigration officers at US border;
- V. whereas in February 2019, seven people supporting Centro American migrants crossing the Mexican territory were attacked: Irvin Mondragón, an LGBTI activist, was detained and beaten by the police, four of them, Denis Omar Contreras, Cristóbal Sánchez Sánchez, Olvin Inocente Interiano Mejía and Joel Bernabel Rivera were arbitrarily detained in Mexico DF, Andrea Margarita Núñez Chaim, was beaten by the police in Mexico DF when defending another defender against the detention, and Paulo Luis Ballesteros Flores, was arbitrarily detained and subsequently deported; whereas on 5 June 2019, the human rights defenders Cristobal Sánchez Sánchez (the founder of the migrants' supporting group "Cultura Migrante") and Irineo Mujica (the director of the immigration rights group "Pueblo sin Fronteras") were detained without a warrant and held on charges of human smuggling, that on 12 June 2019 were released due to lack of evidence;
- W. whereas according to the Special Rapporteur on Human Rights of Migrants of the United Nations, Felipe González Morales, the causes behind migrations must be addressed because "the factors that lead migrants to escape of their countries must be taken into account";

- X. whereas this dramatic situation has among its causes the interference of Western countries, led by the United States and by the European Union, which impose relations of economic and political domination that promote underdevelopment, inequality, social injustice, and dependence on third countries;
- Y. whereas since 2014, more than 32,000 migrants have died or disappeared in their attempt to migrate around the world; whereas the global response is the militarization and fortification of borders, which is pushing migrants to take more dangerous routes and additional risks;
1. Is deeply concerned about the situation of migrants and asylum seekers, especially minors, at the US - Mexico border;
  2. Regrets the lives lost on the migration routes; strongly condemns the militarization and fortification of borders which is pushing migrants to take more dangerous routes and additional risks;
  3. Reiterates that the origin of the migrations answers to a context of violence, insecurity and generalized poverty where the minimum conditions of dignified life and respect for human rights have not been guaranteed, which is obligating thousands of people to move forcibly; whereas the foreign intervention over sovereign countries is one of the main reasons for the root causes of massive migration;
  4. Calls for ensuring rights and a safe passage to migrants and to facilitate access to asylum and ensure human rights to all migrants;
  5. Reminds the recommendations made by OHCHR and urges the authorities to find non-custodial alternatives for migrant and refugee children and adults; rejects in this sense any inhuman or degrading treatment of migrants;
  6. Is appalled by the conditions in which migrants and refugees, particularly children, are held in US immigration detention centres, that lack of adequate healthcare, food and proper sanitation conditions; calls on the relevant authorities in the US to guarantee immediately that all detainees have access to basic rights, such as water, food, health and shelter;
  7. Deeply regrets the deaths in recent months of seven migrant minors who were under the custody of the US Department of Homeland Security and supports all efforts by the US Congress and Administration to provide oversight, investigation, transparency and accountability concerning the circumstances of these deaths;
  8. Demands the transfer of the children to their families and the immediately transfer, during the transition period, to smaller facilities managed by non-profit organizations;
  9. Deplores the use of family separation, which can cause the systematic traumatization of children, as a tool of immigration policy aimed at deterring people seeking safety;

10. Calls on the US to revise all current migration policies and practices that might be at variance with US asylum law and international human rights obligations;
11. Criticises the financial support for policies whose aim it is to externalise border controls without changing the current situation of the people in need in those countries;
12. Stresses that attempts to externalize borders to prevent migrants from leaving a country, be it their country of origin or a transit country, may amount to a lack of assistance to people in danger and a breach of international law;
13. Stresses the obligation to grant international protection and not to return anyone to a country where there are serious reasons to believe that there is a risk of torture, inhuman treatment or any other form contrary to the Geneva Convention; demands in this regard that it be guaranteed that under international law there will be no mass returns and that asylum applications will be examined case-by-case;
14. Reminds Bachelet's recommendations that border management measures must comply with the state's human rights obligations and should not be based on stricter policies aimed at detecting, arresting and deporting irregular migrants in an expeditious manner;
15. Rejects any defamation against migrants; believes that treating migratory flows from a repressive or criminalizing approach favours xenophobia, hatred and violence;
16. Reminds that the provision of assistance to save lives is a human rights imperative that must be respected at all times and for all people in need; in this regard, pays tribute to individuals and civil society organisations that have been providing migrants with the most basic of rights, such as the rights to water, food, health, adequate shelter and other such assistance at both sides of the border and throughout the region; reiterates its call for the non-criminalisation of humanitarian assistance;
17. Strongly condemn the unjust criminalisation and harassment of Scott Warren, Ana Adlerstein, Cristobal Sánchez Sánchez, Irineo Mujica, Irvin Mondragón, Denis Omar Contreras, Olvin Inocente Interiano Mejía, Joel Bernabel Rivera, Andrea Margarita Núñez Chaim, and Paulo Luis Ballesteros Flores, as well as of other human rights defenders working on migration rights; calls on immediately drop all charges against NGOs and migrants;
18. Demands that all human rights defenders are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment;
19. Recognizes the efforts made by the Mexican government to address the current situation, however, also is concerned about complaints of human rights violations committed by Mexican authorities;
20. Stresses further that development aid must not be made conditional on cooperation in migration matters such as border management or readmission agreements;

21. Condemns the economic, social and political interference that is applied in third countries through the structural adjustment plans of the World Bank and the IMF, and of free trade agreements; stresses that these policies have led to the grabbing of land and natural resources, and economic, social, political and humanitarian crises; urges to create new types of cooperation with third countries on the basis of mutual development and mutually advantageous relations that respond in first hand to the interest of the peoples;
22. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Special Representative for Human Rights, the President, Government and Parliament of Mexico, US President Donald Trump and the Administration and Congress of United States, and the UN Human Rights Council.