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MOTION FOR A RESOLUTION

tabled for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115(5) of the Rules of Procedure

by Sarah Ludford, Alexander Alvaro and Lapo Pistelli

on behalf of the ALDE Group

on the situation in Lampedusa

PE 357.282

European parliament resolution on the situation in Lampedusa

The European parliament,

- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 6 TEU, and the EU Charter of Fundamental Rights;
 - having regard to the 1951 UN Geneva Refugee Convention which requires proper scrutiny of individual cases and bans refoulement, to the re-statement in both the Tampere and Hague programmes of the EU's commitment to its 'full and inclusive application, and to Article 63 TEC;
 - having regard to its written questions (E- 2616/04 and of E-0545/05);
1. Expresses serious concern that, despite the Commission's assurances, readmission to Libya of those returned from Lampedusa has not been carried out in conformity with EU legislation and relevant international law, since Italy repeatedly violates the principles of *non-refoulement*, practises collective expulsion, and subjects asylum seekers to inhumane and degrading treatment;
 2. Deeply concerned about the fate of hundreds of asylum seekers returned to Libya since that country is not a signatory to the Geneva Refugee Convention, has no functioning asylum system, offers no effective guarantee of refugee rights and practises arbitrary arrest, detention and expulsion;
 3. Reiterates its deep reservations about the lowest common denominator approach in the draft Council Directive on asylum procedures and calls on Member States to ensure a prompt transposition of the refugee qualification and status Directive (2004/83/EC)
 4. Calls for the development of a proper EU return policy that fully respects international standards of human rights and refugee law and which takes into account the rights of migrants at all stages of the migration process and provides for adequate resources;
 5. Calls on the Member States to refrain from expelling asylum seekers and 'irregular migrants' to Libya, since such removals are likely to breach their obligations under international and EU law, and to conduct all other removals only in accordance with such law;
 6. Calls on the Member States to ensure (eg at the JHA Council of 14 April 2005) that the EU's engagement and cooperation with Libya is based firmly on the Barcelona process, and that any regional cooperation mechanisms with countries generating migrants and refugees incorporates appropriate legal safeguards and receives proper parliamentary scrutiny;
 7. Calls on the Commission to conduct a transparent dialogue on this subject including making publicly available the outcome of its November/December 2004 technical mission to Libya on illegal immigration;

8. Calls on the Commission to ensure respect for the right to seek asylum in the EU and to have that claim properly assessed, and to initiate proceedings in the European Court of Justice against any Member State which refuses to stop illegal expulsions to Libya or any other country;
9. Calls on Libya to allow access to international monitors, to stop arbitrary arrest, routine detention and expulsion, to respect its obligation of *non-refoulement*, to ratify the Geneva Convention and recognize the mandate of the UNHCR;
10. Instructs its President to forward this resolution to the Council, the Commission, the Libyan government and the governments of the Member States.