

**Statement by Mrs Jonker (EPP / CD, Netherlands)  
Chairperson of the Committee on Migration, Refugees and Population  
of the Parliamentary Assembly of the Council of Europe**

**Joint Parliamentary meeting : “Building a citizen’s Europe” 16-17  
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I would like to thank both the European Parliament and the Swedish Riksdag for having invited a delegation of the Parliamentary Assembly of the Council of Europe to take part in this meeting and therefore contribute to the finalisation of the Stockholm Programme.

The impact of the Stockholm programme will be felt not only in the 27 member states of the European Union but will, like a stone thrown into a pond, have a ripple effect reaching to the edges of all 47 member states of the Council of Europe.

The Stockholm Programme is ambitious. It takes forward many of the key issues that the Council of Europe has been working on. It is therefore essential that full account is taken of this work and that this work is not duplicated.

The Secretary General of the Council of Europe put forward on 14 July 2009 a contribution to the “Stockholm Programme” which is posted on the documentation site of this Joint Meeting and highlights the unique contribution of the Council of Europe to many of the priority areas of the draft Programme.

I am pleased to note that the draft Programme before us notes some of the work of the Council of Europe and its potential contribution. However, much more explicit recognition of the role of the Council of Europe, including its standard- setting, monitoring, co-operation and political work should be made. Furthermore, the role of the Parliamentary Assembly of the Council of Europe needs to be recognised in the context of co-operation between the European Parliament and national parliaments.

To this end, and in order to be concrete, I have put forward in a separate paper a number of proposed amendments to the draft Stockholm Programme. These are supplemented by a number of amendments put forward by the Council of Europe’s Directorate General of Human Rights and Legal Affairs. All these documents are posted on the documentation site.

The amendments that I am putting forward can be grouped roughly into 3 categories.

The first category are amendments seeking to ensure that the Council of Europe’s work and standards are adequately reflected, giving particular emphasis to the jewel in the crown of European human rights protection, the ECHR.

The second category of amendments seek to ensure that the work and legal instruments of the Council of Europe in trafficking in human beings and sexual exploitation of children and child pornography are taken fully into account.

In particular, concern is raised about the establishment of an EU Trafficking Coordinator (para. 4.4.2 of the draft Stockholm Programme) and the need to ensure that the Coordinator does not overlap with work under the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and GRETA the monitoring mechanism set up under this Convention. Furthermore the EU should consider accession to this Convention.

Also the suggestion is put forward that the EU Council should encourage member states to sign and ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

The third category of amendments relate to migration and asylum issues.

As a general point I would raise the concern that an emphasis is placed in the Stockholm Programme on the **processes** of migration and asylum with too little focus on the **people**, i.e. the migrants and the asylum seekers and the refugees themselves. **Processes** should not ignore **people**.

The Stockholm Programme takes up many of the issue that our Committee has been working on for many years now, including, *inter alia*, voluntary return programmes, forced returns, readmission agreements, transit and processing centres and regularisation programmes for irregular migrants.

On this last issue I would like to make a specific point. Not all irregular migrants can be forced to return or will return voluntarily. It is therefore essential that the Stockholm Programme takes into account that measures will have to be taken in relation to those irregular migrants who remain. The 27 member states of the European Union are never going to send back all the 4, 5, 6 million or more irregular migrants within their borders and the Stockholm Programme has to examine what is to be done concerning those who will not, or cannot be sent back. This is a rule of law issue as well as a human rights issue.

I would like to thank Mr Busek President of the European Parliament and Mr Westerberg, Speaker of the Riksdag, for inviting our Delegation from the Parliamentary Assembly, and I trust that the documents, including this statement, will be taken into account in finalising the Stockholm Programme.

16 November 2009