

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 101.984/15/fin.

## RESOLUTION<sup>1</sup>

### **on migration, human rights and humanitarian refugees**

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Brussels (Belgium) from 7-9 December 2015,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to its previous resolutions,
- having regard to the revised Cotonou Agreement, and especially Article 13 thereof, on the basis of which the ACP-EU migration dialogue takes place,
- having regard to the African (Banjul) Charter on Human and Peoples' Rights, adopted by the Organisation of African Unity Assembly on 27 June 1981,
- having regard to the June 2010 ACP-EU Council Joint Declaration on migration and development,
- having regard to the report on the 2011-2012 dialogue on migration and development endorsed by the ACP-EU Council of Ministers at its 37th session, held in Port Vila on 14 June 2012,
- having regard to the creation of the ACP Observatory on Migration,
- having regard to the Joint EU-Africa Strategy,
- having regard to the key political declaration and the roadmap for 2014-2017 on migration and mobility endorsed by the Heads of State and Government at the 4th EU-Africa Summit, held in April 2014,
- having regard to the Rome Declaration and Programme for 2015-2017 adopted at the fourth Euro-African Ministerial Conference on Migration and Development, held in November 2014,
- having regard to the EU-Horn of Africa Migration Route Initiative, launched on 28 November 2014,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 9 December 2015 in Brussels (Belgium).

- having regard to the Sahel Regional Action Plan 2015-2020, adopted by the Council on 20 April 2015,
- having regard to the EU-Africa Summit on Migration of 11-12 November 2015 and the adoption of a Joint Declaration and Action Plan,
- having regard to the UN High-Level Dialogue on International Migration and Development of 3 October 2013, and the Joint Declaration of the EU and its Member States and the ACP countries on the same subject,
- having regard to UN Security Council Resolution 2240 relating to combating the recent proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking of persons on the high seas in the Mediterranean,
- having regard to the annual reports drawn up by the UN Special Rapporteur on the human rights of migrants, in particular those published in April 2013 on the management of the external borders of the EU and its impact on the human rights of migrants and in April 2014 on the exploitation of migrant workers,
- having regard to the UNHCR Central Mediterranean Sea initiative and to the UNHCR proposals to address current and future arrivals of asylum seekers, refugees and migrants in Europe,
- having regard to the Council Conclusions on the EU's Gender Action Plan 2016-2020 of 26 October 2015,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Geneva Convention of 1951 and the additional protocol thereto,
- having regard to the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948,
- having regard to the European Parliament resolutions on the situation of migration, refugees and asylum seekers, particularly those of 17 December 2014, 29 April 2015 and 10 September 2015,
- having regard to the communication from the Commission to the European Parliament, the European Council and the Council of 29 September 2015 entitled 'Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration',
- having regard to the communication from the Commission to the European Parliament, the European Council and the Council of 14 October 2015 entitled 'Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration',
- having regard to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the UN General Assembly on 21 December 1965,

- having regard to the International Covenant on Civil and Political Rights, adopted by the UN General Assembly on 16 December 1966,
  - having regard to the Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989, and to its Optional Protocols,
  - having regard to the International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly on 16 December 1966,
  - having regard to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly on 10 December 2008,
  - having regard to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979,
  - having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000,
  - having regard to Council Decisions (EU) 2015/1601 of 22 September 2015 and (EU) 2015/1523 of 14 September 2015, both establishing provisional measures in the area of international protection for the benefit of Italy and Greece,
- A. whereas political, social and economic instability, economic downturn, poor governance, lack of security, human rights violations, political repression, humanitarian crises and natural disasters, and growing disparities in living conditions are the major driving forces behind migration;
  - B. whereas of the estimated 232 million international migrants, approximately three quarters are citizens of non-OECD countries, and about a third reside in low- or middle-income countries; whereas over 10 million refugees find themselves in protracted situations in developing countries;
  - C. whereas regional instability, violation of human rights and persistent conflicts are giving rise to an unprecedented humanitarian crisis which led to the displacement of 60 million persons in 2014;
  - D. whereas well-managed migration can be of benefit to both the EU and ACP countries, helping to meet existing and future labour needs and contributing to the development of all the countries concerned; whereas many governments continue to maintain an illusion of stopping migration flows by means of ill-treatment, cumbersome procedures, fences and even outright human rights violations;
  - E. whereas the World Humanitarian Summit to be held in May 2016 should address humanitarian crises in a holistic manner;
  - F. whereas the ACP-EU Council agreed in May 2011 that the dialogue on the mobility of skilled people, legal migration, readmission, visas, smuggling of migrants and trafficking in human beings, migrants' rights and remittances should be continued; whereas the ACP

and EU countries have made commitments to uphold respect for the human rights of migrants regardless of their immigration status;

- G. whereas according to the International Organisation for Migration, between 2000 and 2015 at least 22 000 people have died while crossing the Mediterranean between North Africa and Europe; whereas according to UNHCR data 2 800 women, men and children have been reported dead or missing in 2015 in their attempts to reach safety in Europe; whereas climate change will lead to millions of people becoming migrants and the EU and ACP countries have to be ready to address the consequences;
  - H. whereas it is estimated that Africa loses in excess of 70 000 skilled professionals annually to emigration, resulting in a huge human capacity deficit on that continent;
  - I. whereas South-South migration is still much more widespread than South-North migration, as it accounts for approximately two-thirds of all migration; whereas according to the UNHCR there are 60 million displaced persons and refugees in the world, 80% of whom come from 10 countries affected by destabilisation and war; whereas the UNHCR has projected a number of 15 million people concerned by displacements in Africa in 2015; whereas 85% of refugees from developing countries seek refuge in their own region and whereas despite these huge figures, the right to seek and enjoy asylum in Africa is largely respected;
  - J. whereas discrimination and violence particularly target migrants, refugees and asylum seekers, with noticeably increasing xenophobia, anti-migrant sentiment, hate speech and hate crimes becoming an area of deep concern for the EU and ACP countries; whereas the conditions in many refugee camps in the Middle East and Africa are deteriorating and the security of refugees is often not guaranteed;
  - K. considering the special situation of vulnerability of women and girl refugees who are victims of human trafficking, forced marriages, sexual exploitation and gender violence; whereas the EU, in its Gender Action Plan 2016-2020, has fully committed to gender equality and women's empowerment throughout its external relations;
1. Expresses its deep regret and sorrow at the loss of lives of migrants and people seeking asylum in the EU; urges the EU and the Member States to do everything possible to prevent further loss of life, at sea or on land; calls on the EU, Frontex and the Member States to ensure that assistance to migrants in distress is part of the main priorities in the framework of the implementation of the Eurosur Regulation;
  2. Highlights the need for a common EU-ACP approach to migration; recalls that according to Article 13 of the ACP-EU Partnership Agreement signed in Cotonou in June 2000, 'the issue of migration shall be the subject of in-depth dialogue';
  3. Notes the outcome of the Valletta Summit on Migration that took place on 11-12 November 2015; believes that the summit should serve as a starting point for the development of a far-reaching EU-Africa strategy responding to the human, social and political challenges of migratory flows between Africa and the EU and focussing on the root causes;
  4. Calls on all state and non-state actors involved in conflicts to cease all attacks against civilians, to comply with international humanitarian law and to ensure that civilians are

protected, have unhindered access to medical facilities and humanitarian assistance, and are able to leave areas affected by violence safely and with dignity;

5. Calls on the international community to show itself equal to the scale of the current crises and to fund the humanitarian effort of the UNHCR and other bodies according to the identified needs;
6. Believes that a genuine response to migration crises in the EU and in Africa will come from tackling, with a long-term approach, their root causes, namely poverty, instability, inequality, organised crime, armed conflict, trafficking, persecution, violations of human rights, climate change and natural disasters;
7. Calls on the EU to continue its efforts to sustain development and democratisation in the countries of origin; urges the EU and the ACP countries to help find sustainable political solutions in countries in conflict and to strengthen the political dialogue encompassing all human rights elements, in order to support inclusive and democratic institutions, to build the resilience of local communities, and to foster social and democratic development in the countries of origin and among their peoples;
8. Calls on the EU and the ACP countries to undertake concrete actions to boost economic development and employment, in order to significantly reduce the existing widespread poverty and income inequalities; deplores the fact that many EU Member States have not met the target of earmarking 0.7% of their gross national income for development aid and that some are cutting their development aid budgets;
9. Notes the establishment of the EU's 'Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa' ('Trust Fund'), including a provision of EUR 1.8 billion from EU funds and EUR 81 million from European countries; insists that the resources under this fund should be devoted to supporting relevant aid projects, especially those focused on supporting and promoting most vulnerable people, such as women and children, and that development cooperation has to respect aid effectiveness principles, including ownership and alignment with priorities defined by beneficiaries rather than those of the donors; stresses that the Trust Fund should not be used for cooperation on border management and return; notes that some EU Member States decided to contribute substantially to this fund while others made very limited contributions; invites the Commission to fully ensure political accountability and financial transparency of the Trust Fund;
10. Recalls that the right to leave any country, including one's own, is enshrined in Article 13 of the UN Universal Declaration of Human Rights; stresses that, while this is a liberty and a fundamental right that should benefit everyone, only citizens of the 'global North' and the wealthiest citizens of the 'global South' are able currently to exercise this right;
11. Calls for the permanent resettlement mechanism to be consolidated and for the Member States to make available, as a matter of urgency, numbers of resettlement places commensurate with the scale of the current humanitarian disaster; calls for a substantial increase in EU funding for reception arrangements for asylum seekers and refugees; emphasises that priority should be given to integrating migrants, in particular in the areas

of education, employment, housing, health and social security, in order to guarantee equal rights for all citizens;

12. Highlights the importance of respecting international obligations when it comes to welcoming refugees and protecting their rights; welcomes, in this context, the resolve shown by the European Commission in opening numerous infringement cases;
13. Calls for the rapid and full transposition and effective implementation of the Common European Asylum System by all participating Member States, in order to ensure common European standards as a minimum, including on reception conditions for asylum seekers and respect for fundamental rights, as envisaged under existing legislation;
14. Condemns all instances of human rights violations in EU Member States affecting the lives and dignity of migrants and refugees; recalls that all human beings must have their rights respected in accordance with international law and EU law; calls on EU Member States to respect the principle of non-refoulement and to put an immediate end to any improper and extended detention practices; urges the improvement of the living conditions and the capacities of refugee camps; strongly reaffirms that human rights must be respected at all times and that special attention must be given to the most vulnerable individuals such as unaccompanied minors, the elderly and isolated women; rejects any attempt to link development aid to cooperation on return policies or cooperation on border management;
15. Considers the violation of human rights and problems faced by women and girl migrants and refugees in the migration process and the impact of this process on women's empowerment and human rights to be of major importance; stresses that an explicit gender perspective should be included in migration and refugee crisis policies and that all services should be made accessible, including sexual and reproductive health services; calls in particular for gender discrimination and gender violence to be eliminated in relation to migration;
16. Stresses the need to strengthen the existing mechanisms for the protection of children from abuse and exploitation at all times, including through the provision of essential services such as medical care, psychological support, quality education and specific measures for their progressive integration in the various Member States; calls for special attention to be paid to the needs of separated families and those left behind, facilitating family reunification;
17. Considers the issues and problems faced by women, children and vulnerable groups (such as the elderly, people with special needs, disabled people, LGBTBI people, minorities and others) in the migration process within the EU and their impact on their empowerment and human rights to be of major importance; stresses that an inclusive perspective in migration policies that takes account of the specific features of each vulnerable group is vital, and calls for such a perspective to be included in all policies relating to migrants;
18. Deplores the tendency to prioritise the fight against 'irregular' migration, while giving insufficient attention to legal routes for those on the move and migrating by reaping the mutual benefits of circular migration; calls for a better framework for legal migration and mobility – including circular and temporary migration schemes – and for better information, protection, and pre-departure training, and the establishment of further safe

and legal migration channels and humanitarian corridors by issuing more visas, in particular humanitarian visas, to migrants from countries beset by conflicts or humanitarian crises, and by facilitating family reunification and legal migration channels for workers; urges the EU to enable the filing of asylum applications from outside its territory, thus supporting safe and legal entry into the EU;

19. Calls for joint concrete actions focused on improving the fight against smuggling and trafficking in human beings; stresses that they should include institutional and administrative capacity-building, improvement of the regulatory framework, and joint operational measures accompanied by risk analysis and the exchange of information; recalls that smuggling ends with the migrants' arrival at their destination, while trafficking involves the ongoing exploitation and control of victims;
20. Underlines that both EU Member States and ACP countries should lay down strong criminal sanctions against human trafficking and smuggling, and also against individuals or groups exploiting vulnerable migrants in the EU; stresses the need for wide-ranging information campaigns to raise awareness of the kinds of risks faced by those who put their lives into the hands of smugglers or are victims of human trafficking; strongly condemns the criminal networks which organise human trafficking and smuggling with complete disregard for human lives, and calls for urgent action to combat such networks; therefore supports the ACP-EU Council recommendations of June 2015;
21. Calls for better cross-border police cooperation and intelligence sharing that will help fight organised criminal operations;
22. Calls on the Member States to make a greater contribution to existing resettlement programmes and support for the integration of long-term refugees and displaced persons in host communities, especially in the case of those EU Member States which have not contributed anything; calls on the EU to increase its support;
23. Calls on the Member States to enforce the decisions of the Council for the relocation in their territory of 160 000 people who are in clear need of international protection;
24. Stresses that any attempt by Member States to 'push back' migrants who have not been given the opportunity to present asylum claims runs contrary to EU and international law; points out that collective expulsions which fail to take account of individuals' circumstances constitute a breach of international law;
25. Recalls that the return of migrants should be carried out safely, preferably voluntarily, and only after an appropriate individual examination of their application in full compliance with the fundamental and procedural rights of the migrant in question;
26. Recalls that arms exports and the limited efforts to fight illicit capital flows from developing countries have negative effects on economic and social development, as well as on peace, security and human rights in developing countries, thus contributing to instability and migration flows; also insists that Policy Coherence for Development, notably when defining EU trade, fisheries and agriculture policies, is crucial to avoid such effects;

27. Calls on the EU and its Member States and ACP States to review their arms trade regulations in line with the principles of Policy Coherence for Development and to reinforce measures against grey market and illegal arms trade;
28. Calls for the issue of climate refugees to be addressed by extending existing legal instruments or principles which would allow a coherent and binding solution; calls in this respect on the EU to provide the funds for climate financing that it has promised in the past, in order to fulfil the common objective of mobilising climate finance additionally to traditional development assistance targeted at poverty eradication;
29. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the EU Member States, the member states and institutions of the African Union, the Secretary-General of the United Nations, the General Assembly of the United Nations, the President of the Pan-African Parliament, the governments and parliaments of the countries of the Middle East and the countries covered by the European Neighbourhood Policy, and the Secretary-General of the Union for the Mediterranean.