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*Plenary sitting*

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**B9-0027/2019**

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))

on behalf of the S&D 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 Article 24 of the Charter of Fundamental Rights of the European Union which stipulates that the interests of the child must be a primary consideration and that every child has the right to maintain a personal relationship and direct contact with both of his or her parents;
  - having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
  - having regard to the statements made by members of US Congress after visiting detention centres in July 2019,
  - 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 UN Convention on the Rights of the Child of 1989,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - 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 statement by UN High Commissioner for Human Rights Michelle Bachelet, 8 July 2019,
  - having regard to the Global Compact on Migration, adopted by the General Assembly on 19 December 2018;
  - having regard to Rule 144 of its Rules of Procedure,
- A. whereas both the USA and the EU consider human rights an inalienable fundamental right inherent in all human beings;
- B. whereas the border between the US and Mexico continues to experience a high migratory pressure due to large numbers of migrants and asylum seekers trying to reach safety in US soil;

- C. whereas any sovereign state must comply with all relevant international human rights obligations;
- D. whereas UN human rights offices in Mexico and Central America have documented numerous violations and abuses against migrants and refugees in transit, including the excessive use of force, family separation, denial of services and arbitrary expulsions;
- E. whereas the USA has adopted strict measures against migrants and refugees crossing the border into the USA in pursuit life, liberty and happiness;
- F. whereas there is a human emergency at the US- Mexico border where migrants and refugees are held in detention camps in the US after crossing the border; whereas the situation of children is particularly alarming and condemnable as hundreds of them are languishing in tent cities on the border or locked behind bars in detention centres that do not meet minimum human rights standards, as they are overcrowded and lack adequate healthcare, food and proper sanitation conditions;
- G. whereas detention of migrant children constitute a cruel, inhuman or degrading treatment; whereas any deprivation of liberty of adult migrants and refugees should be a measure of last resort and, if it happens, it should be for the shortest period of time, with due process safeguards and in conditions that fully meet all relevant international human rights standards;
- H. 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;
- I. whereas a federal judge in San Diego ordered the administration to halt separation in June 2018; whereas, nevertheless, separations have continued to be enforced by CBP according to the data provided to the federal judge with up to 245 children having been removed from their families after June 2018, in many cases with no clear documentation to help track the children's whereabouts;
- J. whereas by December 2018 the US Department of Health and Human Services had identified 2.737 separated children while recognizing that thousands more might have been also separated since 2017 without the Administration being able to identify them so far due to the lack of an efficient tracking system;
- K. whereas the act of separation and indefinite detention constitutes ill-treatment; whereas children living in institutions away from their families are highly vulnerable to emotional, physical and psychological abuse, which can lead to lasting developmental problems, injuries and deep trauma, as well as severe negative social consequences;

- L. whereas at least seven children are known to have died in immigration custody since last year, after almost a decade in which no child reportedly died while in the custody of U.S. Customs and Border Protection;
- M. 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;
- N. whereas US Migrant Protection Protocols (MPP) have had serious rights consequences for returned asylum seekers;
- O. whereas mass illegal pushbacks of asylum-seekers, systematic illegal family separations and arbitrary and indefinite detentions of asylum-seekers without parole constitute cruel policies and flagrant violations of US asylum law and international law;
- P. whereas the UN Human Rights Office's presences in Mexico and Central America have also documented numerous human rights violations and abuses against migrants and refugees in transit, including the excessive use of force, arbitrary deprivation of liberty, family separation, denial of access to services, refoulement, and arbitrary expulsions;
- Q. whereas 195 parties have signed and ratified the United Nations Convention on the Rights of the Child; whereas the United States is the only Member of the United Nations that has not ratified the Convention on the Rights of the Child;
1. Is deeply concerned about the situation of migrants and asylum seekers, at the US - Mexico border, especially about the situation of migrant children;
  2. 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; 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;
  3. 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;

4. Emphasises that family separation or immigration detention are never in the best interest of a child;
5. 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;
6. 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. Urges the authorities to immediately find non-custodial alternatives for migrants and refugee children and adults;
8. Calls on the government of the USA to end the separation of families;
9. Expresses serious concern regarding the latest Immigration and Customs Enforcement (ICE) raids targeting undocumented migrant, parents and their children, primarily from Central America, and their criminalisation.
10. Calls on the countries of origin, transit and destination to work together to address the root causes of these migration flows through a comprehensive approach; reiterates in this sense its full support to the development and implementation of the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration which provide a significant opportunity to improve the governance of migration and address the challenges associated with it;
11. 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;
12. 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 EU Special Representative for Human Rights, US President Donald Trump and the Administration and Congress of United States.