

# Human rights and migration in third countries

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The Committee on Foreign Affairs adopted the own-initiative report by Marie-Christine VERGIAT (GUE/NGL, FR) on human rights and migration in third countries.

Members recalled that **migration is a global, multidimensional, multifaceted and cross-cutting phenomenon** caused by a wide variety of factors, such as economic conditions (including changes in wealth distribution and regional and global economic integration), social and political conditions, labour conditions, violence and security conditions, as well as the gradual degradation of the environment and the growing virulence of natural disasters.

This phenomenon must be addressed in a humane, coherent, comprehensive and balanced manner, including its positive aspect, lying in its impact on demographic trends and economic development.

**Challenges and risks in respecting the rights of migrants:** Members recalled that the majority of the world's refugees and migrants are being hosted by developing countries. In order to address the human rights protection gap which migrants face, Members urged national governments and parliaments to abolish punitive legal schemes which criminalise migration. They requested the implementation of short, medium and long-term solutions to ensure safe conditions for migrants.

Noting that the growing number of refugees around the world, Member recalled that this is overshadowed by the even greater number of **internally displaced persons**. Members expressed concern about the arbitrary detention and ill-treatment of migrants and refugees. They recalled that migrants have the right not to be sent back to a country where they are at **risk of ill-treatment and torture**.

The report called, irrespective of the circumstances, for migrants who need international protection to have their applications considered, while they should enjoy the appropriate guarantees with regard to non-refoulement and have access to a complaints procedure.

Members recalled that unaccompanied women and girls, women heads of household, pregnant women, people with disabilities and the elderly are particularly vulnerable, as well as migrant children, notably if they are unaccompanied. They urged the European Union to cooperate closely with UNICEF, the UNHCR and all the international institutions and organisations responsible to do everything possible to increase capacities for protecting migrant children and their families. The report also brought attention to the specific types of violence and the particular forms of persecution to which LGBTI migrants are subjected.

Members reiterated that the right to education and the right to work help to make refugees self-sufficient and further their integration. They pointed out that learning the language of their host country can significantly improve migrants' quality of life.

More specifically as regards education, Members called for the recognition of qualifications obtained by migrants in their countries of origin as a means of facilitating their independence and social inclusion in various aspects of society.

**On foreign policy,** Members stressed the need for the EU to step up its foreign policies so as to bring peace and stability to those areas where war and conflict trigger enormous migration flows to the European Union. They called for humanitarian conditions in countries of origin and transit to be improved

in order to allow the local population and refugees to live in safer areas and urged warring parties to cease their attacks on civilians, to protect them and allow them to leave areas affected by violence safely or receive assistance from humanitarian organisations.

Members highlighted the impact of ISIS and its evolution on the mass influx of legitimate asylum seekers and irregular migrants.

**On resettlement:** Members stated that resettlement under the auspices of the UNHCR is a useful tool for managing the orderly reception of persons in need of international protection. If resettlement is impossible, all States should be encouraged to establish and implement humanitarian admission programmes or at the very least to create conditions enabling refugees to remain close to their country of origin.

**On humanitarian aid,** Members noted the growing needs for financing and the persistent financing gap with regard to humanitarian aid provided to countries near Syria. They called on members of the United Nations and on the European Union and its Member States, at the minimum, to honour their financial pledges.

The report noted that migration has root causes (in particular of an economic, political, social and environmental nature) and considered that **development aid should address those root causes** which are linked to an increase in conflicts and wars, human rights violations and a lack of good governance.

**A human rights-based approach:** Members urged all actors involved in policy development and decision-making regarding asylum and migration **not to allow a merging of the definitions of migrants and refugees.** They recalled the need to devote particular attention to refugees who are fleeing conflicts or persecution, and who therefore have the right to asylum so long as they cannot return to their country of origin.

In order to improve migrants' rights, Members called on states to ratify all international treaties and conventions and to apply the standards applicable to migrants' rights which may be found in a variety of legal instruments, including the UN Convention Relating to the Status of Refugees of 1951 and its protocols.

They recalled that the establishment of **safe and legal migration channels** is the best way of combating human trafficking and that development strategies should recognise migration and mobility as motors for development in both the host country and the country of origin, through remittances and investments.

Members called on the EU and the most highly developed third countries to work together to open up **legal channels for migration.**

**Guidelines for migrants' rights:** Members called on the Union to adopt specific guidelines on the rights of migrants to complement its guidelines on human rights. They advocated close cooperation, to defend migrants' rights, with the appropriate international organisations and other institutions.

They called for the **European Parliament to be more involved in setting up a cross-cutting approach to human rights in migration policies** and for these issues to be covered in the EU's annual reports on human rights and democracy in the world.

Member States are urged to honour their pledge to earmark 0.7% of their gross national income (GNI) to development aid. This aid should not be made conditional on cooperation with regard to migration and the EU and its **Member States should not make funding for the reception of refugees part of development aid.**

Development assistance programmes should not be used for purely migration and border management purposes.

Lastly, Members called for: (i) debt relief of impoverished countries; (ii) safer return policies; (iii) priority to be given to voluntary, not forced, returns; (iv) actions to target smuggling networks; (v) the improvement of the functioning of 'hot spots' and entry points at the EU's external borders.