Human rights and migration in third countries

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The European Parliament adopted by 339 votes to 333 with 25 abstentions, a resolution on human rights and migration in third countries.

Parliament recalled that **migration is a global, multidimensional, multifaceted and cross-cutting phenomenon** caused by a wide variety of factors, such as economic 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: Parliament stressed that the EU and its Member States **must lead by example** in promoting and protecting the human rights of migrants, in particular within their own borders, in order to be credible when discussing migration and human rights in third countries. It 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, Parliament 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. It asked Member States to ensure that their national laws take into account the degree and the nature of the persecution and discrimination that migrants have suffered.

Migrants who need international protection should have their applications considered, should enjoy the appropriate guarantees with regard to non-refoulement and have access to a complaints procedure.

Parliament 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. It 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. It also brought attention to the specific types of violence and the particular forms of persecution to which LGBTI migrants are subjected. Members called for support for the establishment of specific socio-legal protection arrangements for LGBTI migrants and asylum seekers.

Parliament reiterated that the right to education and the right to work help to make refugees self-sufficient and further their integration. It pointed out that **learning the language of their host country** could significantly improve migrants' quality of life, and their economic and cultural independence. Members considered that the authorities of the host country should ensure that teaching is provided. All workers should receive a contract in a language they understand.

More specifically as regards education, parliament 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, Parliament 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. It 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. It called on the EU to continue its concerted diplomatic efforts with the US and other international partners to actively collaborate with third countries to address the urgent need for a **common strategy to meet the current global migration challenge.**

Members highlighted the impact of ISIS and its evolution on the mass influx of legitimate asylum seekers and irregular migrants. They acknowledged the crucial role of security and counter-terrorism policies in tackling the root causes of migration.

On resettlement, Parliament 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.

Parliament called for the EU and the international community to identify specific measures that governments can take to **increase the potential of legal migration** as a development enabler. It stressed that **political leadership and strong advocacy** are required, especially in destination countries, to combat xenophobia and to facilitate the social integration of migrants.

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

Parliament 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.

Regarding 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, Parliament 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.

It recalled that the opening of safe and legal migration channels is the best way of combating human trafficking and smuggling. Development strategies should recognise migration and mobility as motors for development, through remittances and investments, in both the host country and the country of origin. Parliament 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. Parliament wished to see the rights of migrants and refugees included as a separate item on the agenda for dialogues between the EU and the relevant third countries.

Civil society: **Parliament** acknowledged the role of civil society in and its contribution to political dialogue. It stressed the need to increase the involvement of women's organisations in conflict resolution at decision-making levels and the need for refugee, displaced and migrant women to be appropriately involved in decisions that affect them. It urged host countries to assign greater importance to migrant associations, which should be directly involved in community development programmes.

Members 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 were 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. Parliament underlined that agreements with third countries must focus support on resolving the social, economic and political crises that lead to migration.

Parliament called for: (i) debt relief of impoverished countries; (ii) safer return policies; (iii) priority to be given to voluntary, not forced, returns; (iv) action to **target smuggling networks** and stop trafficking in human beings, and for safe and legal routes, including **through humanitarian corridors, to be established for people seeking international protection;** (v) action to improve the functioning of 'hot spots' and entry points at the EU's external borders; (vi) ways of strengthening border policy and security and of improving the future role of Frontex and EASO. In this context, Parliament **called for solidarity** and commitment to be shown in the form of sufficient contributions to these agencies' budgets and operations.

Lastly, Parliament called on the Union to participate actively in the debate on the term 'climate refugee'.