



## **Adopted resolution on defending refugees' human rights**

### **Implementing concepts for a coherent refugee and immigration policy now**

The terrible refugee tragedy being played out in the Spanish exclaves of Melilla and Ceuta and the deportation of the refugees to Morocco have once again dramatically underlined the fact that instruments currently available to the European Union to secure its borders and fight the underlying causes of people fleeing are inappropriate and inadequate to prevent human suffering and ensure humane treatment of those in need.

Poverty, population growth, environmental destruction, armed conflict, arbitrary rule and violence are at the root of refugee movements and migration. In too many African regions and states the people have no perspectives for the future; they emigrate or are forced to flee. In the neighbouring receiving states, the refugees are in competition with the indigenous population and social tensions mount. For many displaced persons, Europe is the last chance of earning a living. That is why people, especially mobile young men, wishing to provide for their families, embark on this hazardous journey. They know that there are jobs available for them in some European countries, even if they are forced to live illegally and suffer exploitation. These refugees refuse to be deterred even by the deadly risks of the border fences.

The European Union has committed itself in its Treaties to abide by and promote international law. If some EU states, do not feel unreservedly bound by this, then this represents a problem for the EU as a whole. Part of our shared responsibility is to ensure that refugees and illegal immigrants are treated humanely.

Undoubtedly, Spain, like Italy and Malta, is particularly affected by illegal migration and refugees due to its geographical situation. It is precisely for this reason that Europe must ensure that the burden is shouldered more equitably by all – this too, is part of what political union means.

### **Defending refugees' human rights**

EUROPEAN GREENS expect a clear commitment from both the EU and the Member States that Europe will stick to its principles of upholding human rights, democracy and the rule of law. In concrete terms, this means that:

- In the context of measures to combat illegal immigration taken by a lot of governments, it should be remembered that there may be some amongst the refugees who are fleeing persecution and must have access to fair asylum proceedings allowing their reasons for fleeing to be examined fully on a case-by-case basis. The non-refoulement principle anchored in the Geneva Refugee Convention continues to apply even in mass refugee situations. Before someone is deported, all possible obstacles to deportation must be examined adequately – if necessary with participation from the UNHCR.
- Neither seeking refuge nor illegally entering a country justify the violation of a person's human rights. The deadly shots fired in Ceuta and Melilla must be fully investigated. Any misconduct by those who fired the shots must be sanctioned. Likewise, the accusations of mistreatment of refugees in the Italian holding centre on Lampedusa must be thoroughly investigated and those responsible held to account.

- EUROPEAN GREENS express its condemnation of deported refugees - like those currently in Morocco – being simply abandoned in the desert where they risk dying of hunger or thirst. This practice cannot be accepted under any circumstances. The European Union must exert its influence to halt this practice immediately. At the same time, however, this practice highlights glaring weaknesses in the policy in place so far regarding “readmission agreements”. Through these agreements, Europe has shifted the burden of fortifying its borders onto its neighbouring states in a wholly one-sided manner. The capacity of these states to ensure that the thousands of people deported there could be provided for in material and humanitarian terms was not taken into account sufficiently. Nor did the EU deal with the problem as to how these non-EU countries deal with the refugees who had been deported back to them. For years, human rights have been highlighting grave infringements of international refugee law.

Request a European Fact Finding Mission to investigate the human rights situation of Sub-Saharan immigrants in Morocco

### **Implementing concepts for a coherent refugee and immigration policy now**

Despite the many deaths on Europe’s external borders over the last few years, the EU lacks a coherent refugee and immigration policy concept.

In this context, EUROPEAN GREENS actively support an approach interlinking several instruments and also combating the root causes of refugee movements:

- We want a European immigration and refugee policy based on the European Convention on Human Rights, the European Charter of Fundamental Rights and the Geneva Refugee Convention. We too believe that we must work together to secure the EU’s outer borders. However, EUROPEAN GREENS– along with the UNHCR and amnesty international – point out that any measures to slow the flood of illegal migration by reinforcing controls on the EU’s outer borders also always reduces the options for refugees to flee to Europe. The unlimited and comprehensive protection of refugees to which the EU has always been committed encompasses an obligation on the EU states to ensure that those people who need this protection can actually gain access to the EU.
- In this context, we support suggestions for complementary measures for the active reception of refugees by the EU. These include, for instance, a protected admissions system (by means of refugee recognition procedures carried out by offices of the Member States’ asylum authorities set up in their embassies), but also voluntary reception of refugees already recognised by the UNHCR as refugees in third countries (“resettlement procedure”).
- The credibility of European policy will also be measured by the extent to which a partnership with third countries is formed which is truly based on equality and aimed at tackling the underlying causes. Around three-quarters of all refugees worldwide remain in their home region once they have fled. The countries affected – which are generally the poorer countries - thus take in far more people proportionally speaking than the states of Western Europe. EUROPEAN GREENS therefore support long-term programmes to reinforce capacities for reception of refugees at local level.
- If the underlying causes of refugee movements are to be addressed, a coherent European policy on Africa is also needed, a policy which combats corruption, war industries and armaments exports and offers development partnerships and better market access to reform-minded African states. This requires a significant boost in resources allocated for development cooperation and strong active support from the European Union for greater equity in international trade relations. At the upcoming WTO summit in Hong Kong, the European Union must clearly demonstrate that it is

really working to bring about a development round. This includes the rapid dismantlement of agricultural export subsidies, which are also particularly damaging for African countries, as well as an end to tariff escalation. At the same time, the developing countries must be allowed to protect vulnerable areas of their agriculture and the newly developing industry and service sector. In order for the African Union to be able to fulfil its task of ending existing civil wars and preventing new ones, it must receive greater support than has been the case so far from the European Union to reinforce its capacities in conflict mediation and crisis prevention.

### **Sharing responsibility**

EUROPEAN GREENS actively support an equitable division across Europe of responsibility for receiving refugees. This is not only in the interests of the Member States, but also of the asylum seekers.

- This affects, amongst others, the new EU states. Like the UNHCR, EUROPEAN GREENS are calling for a policy of restraint: We must not place too heavy a burden on the new Member States, who have so far been dealing with refugees on the scale of hundreds or a few thousand.
- EUROPEAN GREENS also recommend considerably boosting resources for the European Refugee Fund and concentrating resources on the fields of refugee reception and integration.
- In addition, we need a better distribution of asylum seekers within the EU. A more even spread of asylum seekers across the EU would be an act of active solidarity. At the same time, however, humanitarian principles must be complied with here too and factors favourable to integration taken into account (such as the protection of minors or the family unit).

### **Creating legal opportunities for immigration**

Furthermore, the European Union needs legal forms of immigration. This is true in the medium and long term for demographic reasons, but in the short term too, both (highly-) skilled workers and lower-skilled workers (in Southern Europe, for example) will also be needed. In the so-called global “competition for the best brains”, the EU Member States are in reality still competing with one another. In order to curb this competition, proposals like those made by the European Commission to harmonise the requirements and procedures for legal immigration into the EU are sensible.

The EU must finally make the paradigm shift and create adequate opportunities for managed migration of workers in line with demand – this should not only apply to highly-skilled workers. The Member States’ practise of blocking relevant proposals in the European Council is proving not only counterproductive in the area of immigration, but also with regard to economic and employment policy. In this context, what is needed now is not a seemingly never-ending “sounding out” by the Council, but rather a fundamental shift in policy – both at EU level and at the level of the Member States themselves. This also applies to Germany, since, precisely on the subject of labour migration, the Immigration Act is already in need of retrospective improvements.

The EUROPEAN GREENS mandate the EGP, the GGEP and the Spanish Green Party to send a delegation to Mellila and Ceuta including the visit of refugee camps in the desert