Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1467 (2000)[1]

Clandestine immigration and the fight against traffickers

Parliamentary Assembly

1. The Parliamentary Assembly voices its shock at the tragic death in horrifying circumstances of fifty-eight illegal immigrants of Chinese origin, discovered in the back of a lorry during a border check at the port of Dover. Their death ends what is certain to have been several harrowing months spent in transit along human trafficking routes through a number of European countries.

2. The Parliamentary Assembly is deeply concerned at the increasing number of migrants who lose their lives while attempting to enter the territory of the member states illegally or who often live in extremely dangerous and inhuman conditions before, during and after their illegal entry into Europe.

3. The tragedy in Dover is only the tip of the iceberg of human trafficking. It is estimated that 30 million people are smuggled across international frontiers every year, while between 400 000 and 500 000 illegal migrants annually enter the European Union. Some 3 million persons are believed to reside illegally in Europe, especially in southern Europe (Italy, Greece, Portugal, Spain) and Germany.

4. The Parliamentary Assembly strongly condemns human trafficking, which is a violation of fundamental human rights.

5. The Parliamentary Assembly recalls and reaffirms its Recommendation 1211 (1993) on clandestine migration: traffickers and employers of clandestine migrants, Recommendation 1325 (1997) on the traffic in women and forced prostitution in Council of Europe member states, and Recommendation 1449 (2000) on clandestine migration from the south of the Mediterranean into Europe, which underlines that emigration is a fundamental human right. The Assembly draws attention to the contradiction that no such right exists for immigration.

6. The Assembly strongly emphasises that those escaping persecution and seeking international protection must in no circumstances be turned back at the border, even if they are not in possession of the required documents, in accordance with the provisions of the 1951 Geneva Convention relating to the Status of Refugees.

7. Recommendation 1449 points out that draconian restrictions on lawful immigration introduced by European countries increase the likelihood of people illegally entering Europe since they encourage recourse to the services of unscrupulous traffickers of human beings, using increasingly sophisticated and inhuman means to make money out of clandestine migration. The Assembly stresses that European countries cannot at the same time increase their restrictions on immigration and reduce their overseas development assistance. They should raise their official development assistance to the internationally recognised target level of 0.7% of their gross national product.

8. The Assembly is convinced that, besides stepping up security measures and control mechanisms at the European borders to apprehend clandestine immigrants, member states should increase their co-operation to effectively combat human trafficking, and do their utmost to find ways to stop this modern slavery on their territory. They also should take more seriously the root causes of clandestine migration and co-operate more with the countries of origin of clandestine immigrants.

---

1. Assembly debate on 29 June 2000 (23rd Sitting) (see Doc. 8782, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Gross). Text adopted by the Assembly on 29 June 2000 (23rdSitting).

9. The Assembly underlines that greater opportunities for lawful immigration have to be created in order to reduce the pressure for illegal immigration, and to find adequate alternatives to clandestine migration. The possibilities of offering fixed-term or seasonal schemes for work purposes have to be reconsidered in the light of the growing demand in Europe for migrant labour.

10. The Assembly welcomes the commitment to step up co-operation in the fight against human trafficking expressed in the statements on the Dover tragedy and the need to jointly combat human trafficking made by the European Council, the European Parliament, the Organisation for Security and Co-operation in Europe (OSCE) and the International Organisation for Migration (IOM), and stresses the need for close interparliamentary co-operation with the European Parliament and the OSCE Parliamentary Assembly in this respect.

11. The Assembly therefore recommends that the Committee of Ministers:

11.1. initiate effective co-operation between the member states with a view to reducing illegal immigration and combating human trafficking by:

a. analysing, in co-operation with relevant organisations, the causes and consequences of illegal migration into Europe;

b. sharing information and producing accurate data on every aspect of illegal migration and trafficking;

c. increasing training and support programmes for those who are in direct contact with illegal immigrants;

d. formulating guidelines for a more harmonised and global policy and legislation on illegal migration into Europe;

e. drawing up a convention designed to combat clandestine immigration in all its forms, with provisions for protection of illegal immigrants as well as for penalties for traffickers and employers of illegal immigrants, and drawing upon the provisions of Resolution 1983/30 of the United Nations Economic and Social Council on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and Resolution 1991/35 on the suppression of the traffic in persons;

11.2. condemn the contradiction whereby the member states are increasing their restrictions on immigration while allowing their official development assistance to stagnate or diminish;

11.3. initiate, without delay, effective co-operation with the European Union in the aforementioned fields, with the aim of elaborating and implementing a pan-European strategy in the fight against clandestine immigration and trafficking in human beings;

11.4. urge the member states:

a. to fulfil their commitments under the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol in all circumstances and, in particular, to respect its Article 31 on refugees unlawfully in the country of refuge and Article 33 on the prohibition of expulsion or return (“non-refoulement”);

b. to step up their financial and technical resources devoted to combating human trafficking;

c. in co-operation with the International Organisation for Migration, to step up resources devoted to information and education programmes on the reality likely to be experienced by clandestine migrants in transit and on reaching the target country;

d. to step up their official development assistance to the internationally agreed target of 0.7% of gross national product, if this has not yet been reached;

e. to review their own immigration and asylum policies with a view to preserving access to their territory and to their asylum procedures for those persons seeking international protection.