



Resolution 1805 (2011)¹

The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores

Parliamentary Assembly

1. The uprisings in Tunisia, Egypt and Libya during the course of this year have brought about important and brave political changes on Europe's southernmost borders. These changes have, however, created a new wave of desperate people taking desperate measures to cross the Mediterranean to flee danger or economic hardship.
2. So far this year, over 23 000 people have arrived from Tunisia in precarious vessels on the small Italian island of Lampedusa, which has a winter population of only 5 000 inhabitants. The vast majority of these arrivals have been irregular migrants fleeing for economic reasons.
3. In the last two weeks, the first boats have started to arrive from Libya. Over 1 000 people reached Malta and almost 900 landed in Italy. Without wanting to be alarmist, it is clear that many more could follow, considering that 460 000 people have already fled Libya and sought refuge, mainly in Tunisia (228 000 people) and Egypt (182 000 people).
4. Thousands continue to flee Libya each day. For the moment, these people are not Libyans; they are primarily individuals who originally came from countries where there are ongoing conflicts, and who then got caught up in the Libyan conflict before being able to flee. Many of these people cannot be repatriated to their countries of origin and Europe will need to address their asylum or other international protection needs. The situation will become even more complex if a mass exodus of Libyans, with prima facie protection needs, either due to the increasing terror of Colonel Gaddafi or the emergence of a civil war, start to flee the country, or if Colonel Gaddafi follows up on his threat of using irregular migration as a weapon against Europe.
5. In the meantime, the death toll from overcrowded, unseaworthy boats failing in their attempts to reach Europe's shores continues to climb, with boats carrying as many as 335 people reported missing at sea.
6. The Parliamentary Assembly recognises that one of the first priorities is to respond to the humanitarian and international protection needs of those who have arrived on Europe's shores, primarily in Italy and Malta. Member states of the Council of Europe, the European Union, international organisations, civil society and others all have a contribution to make and need to show solidarity with the front-line states. This solidarity and willingness to share responsibility needs to extend to the coast of North Africa and the many thousands of refugees and displaced people still seeking ways to return home after fleeing from Libya. It should also extend to those migrants and refugees who are trapped in Libya awaiting the chance to flee.
7. The Assembly notes that while there has been a wave of arrivals, there has not yet been the feared deluge. This distinction is important because it has not always been clearly made by politicians, the media and others, leading to heightened fear and misunderstanding among the general public and calls for disproportionate responses.

1. Assembly debate on 14 April 2011 (16th Sitting) (see [Doc. 12581](#), report of the Committee on Migration, Refugees and Population, rapporteur: Ms Strik). Text adopted by the Assembly on 14 April 2011 (16th Sitting). See also [Recommendation 1967 \(2011\)](#).



8. The Assembly recognises the pressure that the front-line countries of the Council of Europe are under; it welcomes their efforts to provide humanitarian assistance in line with international obligations and encourages them to continue with these efforts. The Assembly reminds states of their international obligations not to push back boats which are carrying people with international protection needs.

9. The Assembly notes that the inability of the Italian authorities to return Tunisian irregular migrants has led them to provide these people with temporary six-month residency permits. It also notes that this risks creating further tension between France and Italy, bearing in mind that France has intercepted and returned many Tunisians who have crossed the border from Italy.

10. The Assembly considers that it is never too soon to start dealing with the root causes of this wave of boat people. Some of these causes can be dealt with relatively rapidly, others are more complicated and will require more time. Tackling these causes will, however, require political will, a readiness to compromise and also the mobilisation of funds. The causes are clear; conflicts, difficult economic situations, the lack of democratically legitimised governments, political stability or authority, and a population explosion in the southern Mediterranean basin.

11. Europe will need to invest heavily in these countries, both economically and democratically. Furthermore, negotiation will be necessary on sensitive issues such as the return of nationals and opportunities for legal avenues of migration. If Europe does too little, it risks having neighbour countries in North Africa with populations living in conflict and poverty and with a lack of prospects for youth, which will have major consequences in terms of irregular migration.

12. The Assembly, recognising that events in North Africa are of concern to all member states of the Council of Europe, therefore calls on member states to:

12.1. acknowledge that the arrival of a large number of irregular immigrants on the southern shores of Europe is the responsibility of all European states and requires a solution which envisages the need to share this responsibility collectively; the Assembly reminds member states of the repeated appeals of the Council of Europe Commissioner for Human Rights for the need for effective sharing of responsibility sharing;

12.2. provide urgent humanitarian aid and assistance to all those people arriving on Europe's southern shores and other borders, including through the provision of adequate accommodation, reception and health care, as highlighted previously in Assembly [Resolution 1637 \(2008\)](#) on Europe's boat people: mixed migration flows by sea into southern Europe;

12.3. refrain from automatic detention, which should only be used when there is no other reasonable alternative, and ensure that conditions comply with minimum human rights standards as outlined in Assembly [Resolution 1707 \(2010\)](#) on detention of asylum seekers and irregular migrants in Europe;

12.4. ensure that vulnerable people, including women and children, victims of torture, victims of trafficking, and the elderly, are not detained and receive appropriate care and assistance;

12.5. guarantee the right of asylum and *non-refoulement* through, *inter alia*:

12.5.1. ensuring that states give access to their territory to people in need of international protection;

12.5.2. ensuring the quality and consistency of asylum decisions in line with Assembly [Resolution 1695 \(2009\)](#) on improving the quality and consistency of asylum decisions in the Council of Europe member states;

12.6. ensure that the screening of those arriving and the processing of asylum applications is carried out without delay, but that speed is not given preference over fairness;

12.7. provide full support to the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC) and other international and national organisations providing humanitarian and other assistance, both in North Africa and in the European countries of arrival, and generously take part in resettlement programmes for refugees stranded in North African countries;

12.8. show solidarity in the challenges faced, which includes sharing responsibility with front-line states, in particular by:

12.8.1. giving further support to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the newly established European Asylum Support Office (EASO), and encouraging further use of European Union funding available through the External Borders Fund, the Return Fund, the European Refugee Fund and the Integration Fund;

12.8.2. looking into the possibility of taking on commitments for resettlement of those with international protection needs who have arrived in European countries and the possibility of suspending the application of the Dublin Regulations or considering other forms of responsibility sharing, through the use of existing mechanisms included in the Dublin Regulation, such as the solidarity clause in Article 3(2) and the humanitarian clause in Article 15;

12.8.3. working together, in particular with the European Union, on the issue of voluntary and forced returns, taking into account necessary human rights safeguards when relying on readmission agreements in line with Assembly [Resolution 1741 \(2010\)](#) on readmission agreements: a mechanism for returning irregular migrants;

12.8.4. acknowledging the particularly difficult situation in which Malta finds itself, in view of the size of its territory, its high population density and limited human and material resources, in committing to the resettlement of those with international protection needs.

13. The Assembly, taking into account that it is necessary to tackle the root causes of these large-scale arrivals of irregular migrants, asylum seekers and refugees as soon as possible, urges member states to:

13.1. provide support for economic, social, democratic and legal reform and development in Tunisia and Egypt, and as appropriate in Libya;

13.2. provide legal avenues for migration (for example through seasonal work, circular migration and other forms of migration) for people coming from the affected countries, in order to reduce the pressure of irregular migration and provide support for the countries concerned;

13.3. be ready to provide substantial assistance to Libya to stabilise the country as soon as the current conflict has ended.

14. If a mass exodus of Libyan refugees occurs because of increasing terror by Colonel Gaddafi or the start of a civil war, the Assembly encourages the European Union member states to consider applying the temporary protection directive (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof). It is important to ensure that no states are considering returning Libyans at this stage and that they are offered at least some form of temporary protection.

15. The Assembly reminds member states of the financing possibilities offered by the Council of Europe Development Bank and encourages them to present projects asking for loans to contribute to the creation of adequate reception facilities and infrastructure to help meet the needs of these vulnerable people.