Parliamentary Assembly
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Resolution 2305 (2019)[1]

Saving lives in the Mediterranean: the need for an urgent response

Parliamentary Assembly

1. The Parliamentary Assembly has been drawing attention to the tragedy playing out in the Mediterranean Sea since its Resolution 1872 (2012) "Lives lost in the Mediterranean Sea: who is responsible?". Other texts followed, in particular Resolution 1999 (2014) "The left-to-die boat: actions and reactions", Resolution 2000 (2014) on the large-scale arrival of mixed migratory flows on Italian shores, Resolution 2050 (2015) "The human tragedy in the Mediterranean: immediate action needed" and Resolution 2088 (2016) "The Mediterranean Sea: a front door to irregular migration". The Assembly held an urgent debate entitled "International obligations of Council of Europe member States: to protect life at sea" on 27 June 2018 and has adopted several other texts which refer to the situation in the Mediterranean Sea and the need to find remedies.

2. The Assembly's great dismay at the high number of lives lost in the Mediterranean Sea by migrants who are trying desperately to reach Europe on makeshift boats persists. It calls on member States to respect their international obligations and co-ordinate their efforts to protect lives at sea. Although migratory flows have now decreased to a fraction of the numbers recorded in 2015, the situation can still be described as an emergency. In the case of Greece, for instance, the number of migrants has increased by 150% over the past few months. Over the past six years, almost 20 000 persons have perished during their perilous journey across the Mediterranean. This situation is untenable and should be remedied without further delay. The Assembly welcomes the emerging agreement of some European Union member States on the relocation of people rescued at sea by non-governmental organisations (NGOs) and others, and urges more countries to join this agreement. Likewise, it calls on each European Union country to accept its responsibility, and welcomes the readiness of the Mediterranean States to co-operate.

3. The European Union's successive Triton and Sophia sea and (now only) air operations, resulted in a reduction of nearly 32% of arrivals on the Italian coasts between November 2016 and November 2017 and have saved over 200 000 lives since 2014. However, the European Union's continued priority given to border control and its tendency to promote the externalisation of asylum claim processing to countries and regions outside its frontiers have not yielded convincing results, and may be said to have increased the risks to which refugees and asylum seekers are exposed and indeed, to which they are ready to expose themselves, in their efforts to reach safety.

4. The Assembly welcomes the commitment of non-governmental organisations but insists that it is the duty of States not to let people drown in the Mediterranean. In the light of the continued denial of the basic human rights of migrants in the Mediterranean, in an effort to avoid further tragic deaths and to provide the right of access to international protection and asylum procedures, the Assembly urges member States to:

4.1. place the rescue of men, women and children in the Mediterranean above political and other considerations and recognise this action as being an imperative for guaranteeing the implementation of the universal principles underlying respect for human life and assistance to people in mortal danger;

1. *Assembly debate* on 3 October 2019 (33rd Sitting) (see Doc. 14971, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Domagoj Hajduković). *Text adopted by the Assembly* on 3 October 2019 (33rd Sitting).

4.2. recalling Resolution 2299 (2019) on pushback policies and practice in Council of Europe member States, refrain from any action leading to pushbacks or collective expulsions, for these acts constitute a violation of rights of international asylum law: the right to asylum, the right to be protected against *refoulement* and the right to access an asylum procedure;

4.3. devote special attention to assistance for vulnerable refugees and migrants such as children, people from LGBT+ communities, women, disabled persons and those in need of particular medical or psychological support;

4.4. launch a new European Union rescue mission;

4.5. in line with the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), take united action to stop trafficking in human beings, and combat people smuggling in co-operation with other international organisations;

4.6. respect the terms of international conventions, in particular the International Convention on Maritime Search and Rescue and the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime;

4.7. ensure respect for the principle of *non-refoulement*, in particular in the context of joint rescue operations, where the prohibition of *refoulement* cannot be collectively evaded under the obligations stemming from refugee law and the European Convention on Human Rights (ETS No. 5);

4.8. for those countries concerned, contribute to the implementation of the United Nations Global Compact for Safe, Orderly and Regular Migration and Global Compact on Refugees;

4.9. support all proposals aimed at implementing more efficient relocation and thus share responsibility for migration management on the basis of reliable and efficient solidarity;

4.10. welcome the agreement reached in Malta by the Interior Ministers of Finland, France, Germany Italy and Malta on 23 September 2019, strongly hoping that as many EU member States as possible will join it;

4.11. ensure that these initiatives are taken with full respect for the principles set out by the Assembly in its previous resolutions and recommendations, as well as those of other Council of Europe entities, in particular the Commissioner for Human Rights in her recommendation “Bridging the protection gap for refugees and migrants in the Mediterranean” of June 2019;

4.12. further ensure that any action taken is in line with the standards and principles proposed by international partners, such as the joint United Nations High Commission for Refugees/International Organization for Migration 2018 proposal for a regional disembarkation mechanism;

4.13. as stated in previous Assembly texts, allow non-governmental organisations to carry out their life-saving missions in the Mediterranean, recognising their capacities to organise rapid-reaction rescues, and refrain from stigmatising the work of NGOs;

4.14. in particular, ensure that captains of all vessels rescuing migrants and refugees in the Mediterranean are able to disembark them in the nearest port of safety (as provided for by international maritime law), and that once rescued at sea, migrants are brought to safe places of reception where their basic needs are provided for through adequate living conditions, appropriate conditions to uphold the right to apply for asylum, and for asylum procedures to be dealt with efficiently. Specific attention should be given to the care and conditions of children, and the provision of child-friendly support and information;

4.15. increase regular and legal routes to Europe through resettlement programmes, humanitarian visa and swifter family reunification procedures, *inter alia*, so that people may apply for these rather than embarking on the irregular and deadly journey across the Mediterranean;

4.16. reconsider the training, financing, equipment and logistical support provided to the Libyan Coast Guard by the European Union and its member States. A pre-condition for co-operation should be the full implementation of human rights standards set forth by the Council of Europe and other European and international institutions, and full respect for the Geneva Refugee Convention and related United Nations treaties.

5. The Assembly also urges the European Union to accelerate its work on revising the Dublin Regulation, on agreement and standards for safe third countries, without undue concentration on the externalisation of asylum processing. It recommends that future European Union presidencies give greater priority to putting an

end to avoidable deaths in the Mediterranean Sea and build on current positive debate among member States willing to share the responsibility for reception and integration of refugees and asylum seekers, so as to ensure equal sharing of responsibility among member States.