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Humanitarian action for refugees and migrants in countries in North Africa and the Middle East

Committee Opinion[1]
Committee on Social Affairs, Health and Sustainable Development
Rapporteur: Ms Jennifer DE TEMMERMAN, France, Alliance of Liberals and Democrats for Europe

A. Conclusions of the Committee

1. The Committee on Social Affairs, Health and Sustainable Development welcomes the report prepared by Lord Alexander Dundee (United Kingdom, EC/DA) for the Committee on Migration, Refugees and Displaced Persons and supports his approach. It agrees entirely that the member States must make an increased political commitment to the response to the humanitarian plight of refugees and migrants in North Africa and the Middle East. Political commitment is needed to agree on a shared vision. These persons are vulnerable and prone to major infringements of their rights. They demand due respect for their human dignity and deserve our empathy, solidarity and assistance.

2. Looking back to the initial years of the Council of Europe, the Committee recalls that humanitarian support for migrants was central to its remit at that time. As the rapporteur rightly points out, our institution no longer has the budget to contribute to humanitarian activities, and its capacity to act in the southern Mediterranean countries is limited. Although this Assembly's opinions are not binding, it still has a major influence. It is our responsibility as parliamentarians to help to change mentalities and shift the lines on sensitive issues. It is our role both to remedy long-standing problems and to react to emergencies following sudden peaks in migration.

3. With this in mind, the Committee would like to propose some amendments to clarify the text.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

In paragraph 1, after the words "in North Africa and the Middle East" add the following sentence:

> *"They are prone to violence and victims of exploitation and human trafficking."*

Amendment B (to the draft resolution)

In paragraph 5, replace the last sentence with the following sentence:

> *"It is in the shared interest of the member States and the neighbouring countries to continue to create a common legal area comprising Europe and the southern Mediterranean through the promotion both of Council of Europe conventions, particularly the following: the European Convention on Mutual*

1. Reference to committee: Doc. 14654, Reference 4419 of 21 January 2019. Reporting committee: Committee on Migration, Refugees and Displaced Persons. See Doc. 15284. Opinion approved by the committee on 15 April 2021.

Assistance in Criminal Matters (ETS No. 30), the Convention on Action against Trafficking in Human Beings (CETS No. 197) and the Convention on preventing and combating violence against women and domestic violence (CETS No. 210), as well as of partial agreements, and through the effective implementation of European and international standards (such as the Paris Agreement, the Sustainable Development Goals and the International Convention on the Rights of the Child).”

Amendment C (to the draft resolution)

At the end of paragraph 7, add the following sentence:

“Accompanied and unaccompanied children account for a disproportionately high number of these vulnerable persons and require special attention so as to protect their best interests and their right to family reunion.”

Amendment D (to the draft resolution)

In paragraph 10, replace the words “voluntary return” by the following words:

“so-called voluntary return”

Amendment E (to the draft resolution)

At the end of paragraph 12, add the following sentence:

“Referring to Resolution 2361 (2021) “Covid-19 vaccines: ethical, legal and practical considerations”, the Assembly reiterates its support for the COVAX Facility co-managed by the World Health Organization, which covers several countries in the region and is intended to promote fair access to Covid-19 vaccines between countries. It encourages all the member States and neighbouring countries to join COVAX.”

Amendment F (to the draft resolution)

At the end of paragraph 13.3, add the following sentence:

“The Assembly refers to Resolution 2321 (2020) “International obligations concerning the repatriation of children from war and conflict zones” and its deep concern regarding the worrying situation of children in Syria and in Iraq whose parents, believed to be affiliated with Daesh, are citizens of Council of Europe member States. As in January 2020, faced with the failure to act, the Assembly calls for these children to be repatriated as soon as possible.”

Amendment G (to the draft resolution)

In paragraph 13.4, replace the words “voluntary return” by the following words:

“so-called voluntary return”

Amendment H (to the draft resolution)

After paragraph 13, insert the following paragraph:

“The Assembly refers to Resolution 1524 (2006) “The need for greater transparency in the arms trade” so as to reach “the highest possible level of … accountability”. The Assembly calls on member States to take serious action against arms trafficking and to restrict the sales of arms, which have lastingly destabilised several countries in Europe’s southern neighbourhood.”

C. Explanatory memorandum by Ms Jennifer De Temmermann, rapporteur for opinion

1. I would like to begin by congratulating Lord Alexander Dundee (United Kingdom, EC/DA) for the report which he has prepared for the Committee on Migration, Refugees and Displaced Persons. I agree with him that the humanitarian situation in the Mediterranean, North Africa and the Middle East is disastrous. I also share his view that there is a need for long-term solutions and effective responses to a situation which is set to last.

2. I acknowledge how difficult it is for member States to agree on the subject of migration. Our countries have had contrasting histories. They take differing approaches to this issue, preventing the emergence of a shared vision on which to base any long-term solutions. The relative prosperity Europe has achieved despite the health crisis seems insignificant when compared to past events. Migrants are vulnerable people because their rights are constantly being put to the test. The migrant crisis has shaken our institutions. Their resilience has enabled us to withstand the blows while showing due regard for human rights, democracy and the rule of law. However, I am ashamed of the image that our countries are projecting of themselves in their response to the alarming situation of migrants in the region.

3. Humanitarian action is a harrowing task. Whether these people are displaced persons, refugees or economic migrants, they took the terrible decision one day to risk their lives in exchange for the hope of a better life. We regret that the discussions on the reform of the European Union's migration policy have been deadlocked for so very long. According to civil society, the situation of migrants reached its paroxysm during the summer of 2020 but was greeted with indifference. For some weeks, no more rescue boats were chartered by the European Union, the national authorities or civil society to go to the assistance of people in distress at sea. This perilous situation is reported to have been caused by the preliminary agreement reached in Valletta, Malta, in September 2019, which was supposed to have arranged for the distribution of migrants.[2] Many unaccompanied children and minors are boarding these boats to attempt increasingly dangerous crossings. The pattern is well established and has endured for far too long. It is not acceptable to let them go to their deaths. Their best interests are being spurned and it is our responsibility to call our governments to account in our parliaments and find an honourable exit for the European Union's migration policy. We owe it to past victims at least to set up a durable European rescue system.

4. I agree with the rapporteur when he regrets European States' lack of political commitment. The refusal to deal with the situation of migrants and refugees has shown our countries in an appalling light, revealing an intention only to deter or to slow down migration. We are all aware that these responses are not providing any long-term solutions, while our neighbours on the southern shore of the Mediterranean are having to cope with yet more difficult, not to say disastrous situations, even when their institutions have been swept by successive crises. We must reconnect with the founding spirit of our institution and break free from our national self-interests and, above all, our indifference. This was also the message of the recent call for emergency action by Dunja Mijatović, the Council of Europe Commissioner for Human Rights, following up on her recommendation of June 2019 entitled "Lives saved. Lives protected".[3] There are no easy solutions. Members of civil society organisations who rescue people in distress at sea are not smugglers. The Assembly mainly provides a platform for dialogue, where frank discussions can be held against a complex political backdrop. It regularly receives members of parliament from neighbouring countries and can be a home for constructive debate.

5. In addition to the detailed information given in the initial report, I would like to point out that our member States are supposed to have made clear and firm commitments in relation to the United Nations Sustainable Development Goals (SDGs). For instance, one of the indicators for SDG target 8.8 is whether or not migrants have access to labour rights. With regard to SDG target 10.7, whose aim is to "facilitate orderly, safe, regular and responsible migration", I call on the member States to implement clear and transparent migration policies designed to combat inequalities.

6. I am glad that the Convention on Action against Trafficking in Human Beings (CETS No. 197) already serves as the basis for co-operation projects in Morocco and Tunisia and would like to thank the national authorities for their confidence. The amendments proposed are in keeping with the terms of reference of our committee. They ensure that the social and economic rights of refugees and migrants are respected and they are intended to guarantee full protection for the most vulnerable people, particularly women and children. I have also taken the liberty of referring to recent resolutions and recommendations by our Assembly.

7. (Amendments A, B and C) – The aim of these amendments, in line with the committee's terms of reference, is to draw attention to the framework provided by major Council of Europe conventions which protect the most fragile populations among migrants and asylum seekers, namely women and children. These are the Convention on Action against Trafficking in Human Beings (CETS No. 197), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and the Convention on preventing and combating violence against women and domestic violence (CETS No. 210).

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2. Debate on "Qui doit sauver les migrants?" ("Who should be rescuing migrants?") on the French radio programme *Le Temps du débat,* on France Culture, 12 August 2020, www.franceculture.fr/emissions/le-temps-du-debat/le-temps-du-debat-emission-du-mercredi-12-aout-2020.

3. https://rm.coe.int/a-distress-call-for-human-rights-the-widening-gap-in-migrant-protectio/1680a1abcd.

8. (Amendments D and G) – The lack of any political commitment to seeking a solution in North Africa and the Middle East is even evident in the terminology used to describe situations. Not so long ago we drew a distinction between refugees and economic migrants, as if it was possible to differentiate between their respective plights. The expression “voluntary return” is widely used although it does not match what the people concerned actually want. I propose therefore that we should add “so-called” before the expression every time it is used.

9. (Amendment E) – As Lord Dundee points out, the Covid-19 pandemic has further complicated the situation in these countries when some of them were already lastingly destabilised. The member States’ vaccine strategy should not stop at national or European borders. International co-operation is a key factor in the action to combat coronavirus. It is to be feared that the illness will also affect these countries. This could also have negative repercussions in Europe because of the increased risk of new variants of the virus emerging. The Assembly has already given its support to the COVAX Facility; it would be worth reiterating this with regard to its implementation in the countries of the Middle East and North Africa.

10. (Amendment F) – At its meeting of 16 March 2021 our Committee adopted a declaration deploring the disastrous situation of these children once again. We cannot put up with ad hoc solutions. It is the member States’ responsibility to ensure that these children’s best interests are protected. Their situation is a source of concern. The member States must repatriate their children as soon as possible.

11. (Amendment H) – Arms trading has played a considerable part in destabilising the institutions of the North African and Middle Eastern countries, together with the countries in their immediate vicinity. The Assembly already alerted the member States to the risks in 2006.