



**Doc. 13106 – Compendium of written amendments**

**(Final version)**

## **Migration and asylum: mounting tensions in the Eastern Mediterranean**

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## A. Draft Resolution

1. The Parliamentary Assembly believes that firm and urgent measures are needed to tackle the mounting pressure and tension over asylum and irregular migration into Greece, Turkey and other Mediterranean countries.
2. This is not the first time that the Assembly raises the alarm with regard to what is an unworkable and unfair situation in Europe. While the numbers of irregular migrants, asylum seekers and refugees arriving in Europe's Mediterranean countries should not pose an insurmountable problem, it has now become so. The problem requires a major overhaul of strategies and responsibilities for what should be recognised as a European problem and not one confined to a single or a few European States.
3. The Assembly is particularly concerned about Greece, which has become the main entry point for flows of irregular migration into the European Union. It is the country that suffers most from the current economic crisis, and still lacks an efficient and functioning asylum and migration management system capable of dealing with the large number of arrivals. Human rights of migrants, asylum seekers and refugees are being violated, due to the system of automatic detention in substandard conditions, and lack of access to asylum and basic provisions. This situation affects the human dignity of these people, but also increases the risk of refoulement.
4. While important measures are announced to improve its asylum mechanisms and detention conditions, as highlighted in the Greek Action Plan on Asylum and Migration Management, these steps need to be implemented. Furthermore, they are far from sufficient to deal with the significant number of asylum claims in a proper way and do not tackle the over reliance on detention. The Assembly welcomes in this context indications from the Greek authorities to the Assembly President that sub-standard detention centres will be closed in the course of 2013 and that women and children will no longer be detained, as soon as open reception facilities are established. The Assembly urges the Greek authorities to ensure that these measures are applied as swiftly as possible. The Assembly intends to monitor the follow-up given to these promises by the Greek authorities.
5. Turkey is similarly under great pressure. It has to deal with over 150 000 refugees from the Syria crisis, a number which is mounting, and it has become the main country of transit for mixed flows of irregular migrants, asylum seekers and refugees seeking to enter the European Union. As a country of transit, the main flow from Turkey is in the direction of Greece. The two countries are thus bound together in a problem which neither of them have the power to solve without greater solidarity and assistance from the European Union and other member States of the Council of Europe. Furthermore there needs to be greater bi-lateral co-operation between the two countries to deal with the situation they face.

### **Amendment 2**

**Tabled by Sir Christopher CHOPE, Lord Alexander DUNDEE, Dame Angela WATKINSON, Mr David DAVIES, Mr James CLAPPISON**

*In the draft resolution, paragraph 2, delete the words "irregular migrants,".*

6. In order to tackle these mixed migration flows, Greece has, with assistance from the European Union, enhanced border controls. It has also adopted a policy of systematic detention of irregular migrants and asylum seekers.
7. While these policies have helped reduce considerably the flow of arrivals across the Evros border with Turkey, they have transferred the problem to the Greek islands and have not helped significantly in dealing with the situation of irregular migrants, asylum seekers and refugees already in Greece. The building of a greater number of detention centres has not helped significantly either.
8. One of the consequences of Greece's inability to deal with these flows and the attendant migration management challenges that they bring, is the rise of xenophobia and racism in Greece. Migrants, asylum seekers and refugees have become scapegoats and the target of an alarming growth in violent attacks by individuals and vigilante groups. The situation has been exploited and made worse by the increasing political influence of The People's Association–Golden Dawn, a right wing extremist party with a clear xenophobic agenda.
9. While the European Union has shown great determination when it comes to saving its banking systems, it needs to demonstrate, along with non-European Union member States of the Council of Europe, similar levels of solidarity in the field of migration and asylum, where economic, social and humanitarian considerations collide. It is necessary, in this context to recognise that persons caught up in these mixed migratory flows are not intending to stay in Turkey or in Greece when they arrive; they are primarily looking to reach European Union member States other than Greece. Without sufficient support for this humanitarian crisis, there is a great risk of political destabilisation in the country.
10. The Assembly recognises the efforts made by Greece, Turkey and other countries in the region. It considers, however, that an honest and open evaluation would come to the conclusion that Greece currently does not have the capacity, the expertise, the resources or the political and social stability to deal with the scale of problems it is facing. Other countries in the region, such as Malta, face some of the same problems. Turkey is shouldering over 150 000 Syrian refugees, and could face even greater challenges in the year ahead.
11. The process of European unity and the Common European Asylum System is based on solidarity and mutual support. Without this the process is void of meaning and cannot succeed. Current European Union policies and what is expected of Greece, Turkey and other countries in the region are unrealistic. A major re-evaluation is therefore required, taking into account that the problem is a European Union problem requiring a European Union response with support from its member States.
12. In this context, the Assembly calls on member States of the Council of Europe to substantially increase their assistance to Greece, Turkey and other front-line countries to ensure that they have a realistic possibility of

achieving what it expected of them. Member States are more particularly invited to:

- 12.1. support further assistance by the European Union to these countries;
  - 12.2. provide bi-lateral assistance, including by exploring new approaches to resettlement and intra-Europe relocation of refugees and asylum seekers, favouring for example children and families, in particular where family reunification is possible;
  - 12.3. share responsibility for Syrian refugees and asylum seekers via intra European Union relocation and refrain from sending these persons back to Syria or third countries;
  - 12.4. maintain a moratorium on returns to Greece of asylum seekers under the Dublin Regulation;
  - 12.5. support civil society projects in favour of Greece, such as the "safe houses" project of the Soros Foundation, which support Greek civil society and alleviate the consequences of poverty faced by Greeks as well as migrants, asylum seekers and refugees.
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13. Taking into account the responsibility of the European Union, the Assembly calls on it to make a quantum leap on responsibility sharing for countries in the region. In this respect, the European Union is invited to:
    - 13.1. step up further and simplify the terms of its co-operation and funding of initiatives, whether these be with governments, civil society or with international organisations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM);
    - 13.2. develop further its approach to resettlement, especially for Syrian refugees from neighbouring countries of Syria, in particular where children and families are concerned;
    - 13.3. use funding innovatively to build up local solidarity that benefits the population as a whole, as well as providing a humanitarian response to the needs of asylum seekers, refugees and irregular migrants. This could be done, for example, by funding initiatives run by the local population but geared towards the most deprived;
    - 13.4. consider further measures in favour of those fleeing Syria. In this the European Union should provide greater support for Turkey and the UNHCR in their funding and resettlement appeals and pay particular attention to the educational needs of the young generation, including at a higher level where the possibility of providing scholarships should be explored;
    - 13.5. revise and implement the Dublin Regulation in a way that provides a fairer response to the challenges that the European Union is facing in terms of mixed migration flows.

**Amendment 11**

**Tabled by Ms Tineke STRIK, Ms Viola von CRAMON-TAUBADEL, Mr Vilmos SZABÓ, Mr Christoph STRÄSSER, Mr Valeriy SUDARENKOV**

*In the draft resolution, paragraph 12.5, delete the words "of the Soros Foundation".*

14. The Assembly recognises the pressure that Greece is under, but considers that it is failing badly to respect the human rights and dignity of migrants, asylum seekers and refugees. It therefore calls on Greece to ensure that the goals it has set are realistic and can be achieved and to make it clear to its European partners what Greece can and cannot do. In setting these goals, the Assembly calls on Greece to:

14.1. review its policies in relation to detention of irregular migrants and asylum seekers, in particular by:

14.1.1. refraining from automatic recourse to detention and exploring alternatives to detention, including through the greater use of open reception facilities in line with the European Union Reception Directive;

14.1.2. significantly reducing periods of detention and distinguishing between asylum seekers and irregular migrants;

14.1.3. ensuring that unaccompanied children are never detained and that other children, women and other vulnerable groups are detained only in exceptional circumstances;

14.1.4. ensuring that unsuitable detention facilities are closed and conditions of detention are significantly improved as soon as possible;

14.1.5. considerably improve their access to medical care, communication and translation facilities and proper information on their rights;

14.2. ensure access to a fair and effective asylum procedure by:

14.2.1. implementing swiftly the reforms underway, allocating the necessary financial and human resources and training those involved;

14.2.2. ensuring that asylum seekers have the unhindered possibility of lodging their claims for asylum, both in and out of detention;

14.2.3. offering procedural safeguards in line with the Asylum Procedures Directive;

14.2.4. taking steps to deal with the backlog of cases, calling for additional assistance from Europe, so that realistic

**Amendment 3**

**Tabled by Sir Christopher CHOPE, Lord Alexander DUNDEE, Dame Angela WATKINSON, Mr David DAVIES, Mr James CLAPPISON**

*In the draft resolution, paragraph 14.1, delete the words "irregular migrants and".*

**Amendment 4**

**Tabled by Sir Christopher CHOPE, Mr David DAVIES, Dame Angela WATKINSON, Lord Alexander DUNDEE, Dame Cheryl GILLAN, Mr James CLAPPISON, Mr Miloš ALIGRUDIĆ, Lady Diana ECCLES, Mr Jonathan EVANS**

*In the draft resolution, paragraph 14.1.2, replace the words "and distinguishing between asylum seekers and irregular migrants" with following words: "of asylum seekers".*

solutions can be found to deal with this backlog in a timely, efficient and careful manner;

- 14.3. combat the rise in racism and xenophobia in society and in political discourse, ensuring that:
  - 14.3.1. all alleged racist and xenophobic acts and violence, whether by individuals, vigilante groups or by law enforcement officers, are investigated and as appropriate prosecuted;
  - 14.3.2. politicians, journalists and other opinion leaders take responsibility and speak out against manifestations of racism and xenophobia;
- 14.4. review its co-operation with the European Union and the assistance it receives to ensure that it can:
  - 14.4.1. implement the projects for which it receives funding and fully use the funds available, including through administrative reforms;
  - 14.4.2. provide a more balanced humanitarian and migration management response to the challenges it faces.
15. The Assembly also recognises the pressure that Turkey is facing as a country of transit and of destination of irregular migrants, asylum seekers and refugees. Taking this into account it calls on Turkey to:
  - 15.1. keep its borders open to Syrian refugees and continue its generous response, for which it should be praised, in providing protection, assistance, food, shelter and education to this group of persons;
  - 15.2. take steps to improve the conditions of detention of irregular migrants and asylum seekers;
  - 15.3. complete its work on reform of the asylum system, which includes the approval of a draft Law on Foreigners and International Protection currently before the Grand National Assembly of Turkey;
  - 15.4. remove the geographic reservation restricting its obligations under the 1951 United Nations Convention relating to the status of refugees only to people uprooted by events in Europe.

**Amendment 5**

**Tabled by Sir Christopher CHOPE, Mr David DAVIES, Dame Angela WATKINSON, Lord Alexander DUNDEE, Dame Cheryl GILLAN, Mr James CLAPPISON, Mr Miloš ALIGRUDIĆ, Lady Diana ECCLES, Mr Jonathan EVANS**

*In the draft resolution, after paragraph 15.1, insert the following paragraph:*

*"reintroduce a visa requirement for those travelling to Turkey from the Magreb;"*

**Amendment 1**

**Tabled by Ms Pelin GÜNDEŞ BAKIR, Mr Burhan KAYATÜRK, Mr Şaban DİŞLİ, Ms Tülin ERKAL KARA, Mr Ahmet Kutalmış TÜRKEŞ**

*In the draft resolution, delete paragraph 15.4.*

**Amendment 6**

**Tabled by Sir Christopher CHOPE, Mr David DAVIES, Dame Angela WATKINSON, Lord Alexander DUNDEE, Dame Cheryl GILLAN,**

**Mr James CLAPPISON, Mr Miloš ALIGRUDIĆ,  
Lady Diana ECCLES, Mr Jonathan EVANS**

*In the draft resolution, after paragraph 15.4,  
insert the following paragraph:*

*"honour its agreement with Greece for the return  
of migrants who have entered Greece without  
authority from Turkey."*

## B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2013) on asylum and migration: mounting tensions in the Eastern Mediterranean.
2. The Assembly considers that the Council of Europe has a role to play in assisting member States in the Mediterranean facing challenges due to the large-scale flow of irregular migrants, asylum seekers and refugees. It is clear that Greece, Turkey and other Mediterranean countries, notwithstanding the steps that they have taken, are unable to deal with the current challenges they face. If they are realistically expected to deal with these challenges, for the benefit of all of Europe, while fully respecting Council of Europe standards, then they will need much greater assistance and support.
3. The Assembly is aware that the European Union has a particular responsibility in this matter, but the Council of Europe should also play a role in the spirit and practice of solidarity.
4. The Assembly therefore recommends that the Committee of Ministers:
  - 4.1. encourage member States to continue the moratorium on returning asylum seekers to Greece, under the Dublin Regulation, in the light of the judgment of the European Court of Human Rights in the case of *M.S.S. v. Belgium and Greece*;
  - 4.2. hold a round table discussion on the issue of resettlement and relocation, in order to propose ideas and solutions, taking into account experiences of countries such as Malta which have been active on the issue and have an experience to share. In this discussion, particular attention could be paid to proposals the Council of Europe could put forward for resettlement and relocation of unaccompanied minors, women and other vulnerable persons;
  - 4.3. examine how member States can assist Greece or other countries in dealing with large backlogs of asylum cases, taking into account the Council of Europe's expertise in the field of administration of justice;
  - 4.4. explore whether innovative pilot projects could be put forward by the Council of Europe for Greece in order to help alleviate the growing racism and xenophobia towards migrants, refugees and asylum seekers, using, inter alia, the European Commission against Racism and Intolerance (ECRI) and the European Youth Centres,

### **Amendment 7**

**Tabled by Sir Christopher CHOPE, Mr David DAVIES, Dame Angela WATKINSON, Lord Alexander DUNDEE, Dame Cheryl GILLAN, Mr James CLAPPISON, Mr Miloš ALIGRUDIĆ, Lady Diana ECCLES, Mr Jonathan EVANS**

*In the draft recommendation, before paragraph 4.1, insert the following paragraph:*

*"encourage member States to congratulate Greece on its recent successes in intercepting, detaining and punishing those engaging in the vile trade of people trafficking;"*

### **Amendment 8**

**Tabled by Sir Christopher CHOPE, Ms Liana KANELLI, Dame Angela WATKINSON, Lord Alexander DUNDEE, Mr James CLAPPISON,**

possibly in co-operation with the Council of Europe's Development Bank.

**Dame Cheryl GILLAN, Lady Diana ECCLES,  
Mr Jonathan EVANS**

*In the draft recommendation, after paragraph 4.4, insert the following paragraph:*

*"examine how member states of the Council of Europe can assist Greece in its important work of disrupting people smuggling networks and detaining people traffickers;"*

**Amendment 9**

**Tabled by Sir Christopher CHOPE, Dame Angela WATKINSON, Lord Alexander DUNDEE, Mr James CLAPPISON, Dame Cheryl GILLAN, Lady Diana ECCLES**

*In the draft recommendation, after paragraph 4.4, insert the following paragraph:*

*"facilitate urgently a discussion in the Committee of Ministers on what further measures can be taken to prevent and deter unauthorised entry into member states of the Council of Europe by economic migrants who are not refugees, asylum seekers or in need of international protection;"*

**Amendment 10**

**Tabled by Sir Christopher CHOPE, Lord Alexander DUNDEE, Dame Angela WATKINSON, Mr James CLAPPISON, Dame Cheryl GILLAN, Lady Diana ECCLES, Mr Jonathan EVANS**

*In the draft recommendation, after paragraph 4.4, insert the following paragraph:*

*"encourage member states of the Council of Europe and the European Union to consider making financial aid to countries such as Afghanistan, Pakistan and Bangladesh conditional upon those countries being willing to accept the return of their nationals who have entered Greece without legal authority and are not asylum seekers or refugees;"*