



Doc. 13531 – Compendium of written amendments

(Final version)

The large-scale arrival of mixed migratory flows on Italian shores

Contents	Page
A. Draft Resolution	2
B. Draft Recommendation	6

A. Draft Resolution

1. The increased arrival of mixed migratory flows to Italian shores has put the migration policies of Europe in general, and of Italy in particular, under considerable pressure. Comprehensive approaches to the evolving trends are still required for the international protection and human rights of many children, women and men.
2. In 2013, 42 925 irregular migrants, around 27 800 of them asylum seekers, arrived in Italy via the Mediterranean Sea. Hundreds of others perished at sea. In 2014, by 12 May, 36 627 had already arrived.
3. On 3 October 2013, the unprecedented loss of 368 migrants' lives in a single shipwreck off the coast of Lampedusa caused a global shock wave and served as a turning point for change.
4. The Parliamentary Assembly commends the improved efforts by the Italian authorities to respond to the emergencies, in particular through the Mare Nostrum operation, but there is still a dire need of structural challenges to make the Italian and European systems fit for purpose. On the one hand, adequate reception capacities, proper identification and subsequent control of movement of the identified people, and swift and transparent processing of mixed migration flows are requirements that need to be fully met by the Italian authorities. On the other hand, the European authorities have to redefine their immigration policies and regulations and to support them with adequate financial and operational means.
5. Many migrants do not want to stay in Italy because they want to join their relatives or look for better job opportunities in other European countries. This causes irregular movements to other parts of Europe which undermine confidence in the European legal order and highlight the need for a review of the Dublin Regulation and its implementation.
6. The Assembly recalls its Resolution 1820 (2011) "Asylum seekers and refugees: sharing responsibilities in Europe", and stresses that all Council of Europe member States and the European Union should display more solidarity with Italy and other European front-line countries currently faced with arrivals of migrants from the southern Mediterranean. In return, Italy and the other European front-line countries need to assure their European partners that they will take all necessary measures to ensure that people who enter the country irregularly do not continue their journey into other member States of the Council of Europe. The same Resolution 1820 (2011) called on the European Union to "modify the Dublin system, ... both to ensure fair treatment and appropriate guarantees for asylum seekers and beneficiaries of international protection and also to assist individual member States to face possible situations of exceptional pressure".

Amendment 1

Tabled by Ms Luise AMTSBERG, Ms Tineke STRIK, Ms Marit MAIJ, Mr Michael MCNAMARA, Mr Klaas de VRIES, Mr Boriss CILEVIČS

In the draft resolution, paragraph 4, replace the words "subsequent control of movement of the identified people, and swift and transparent processing of mixed migration flows" with the following words: "a fair and efficient asylum procedure".

Amendment 2

Tabled by Ms Luise AMTSBERG, Mr Boriss CILEVIČS, Ms Tineke STRIK, Ms Marit MAIJ, Mr Klaas de VRIES

In the draft resolution, paragraph 6, replace the words "people who enter the country irregularly do not continue their journey into other member States of the Council of Europe" with the following words: "refugees and asylum seekers have access to fair and efficient asylum procedures and adequate reception facilities in compliance with European Union standards".

7. The Assembly therefore calls on the Italian authorities to implement a comprehensive series of measures to deal with mixed migratory arrivals in Italy, including:
 - 7.1. with regard to managing the arrival of mixed migratory flows, to:
 - 7.1.1. continue to carry out its supportive search and rescue operations, in close co-operation with other member States' operations and joint operations of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex);
 - 7.1.2. step up its efforts to arrest traffickers and smugglers and ensure that those arrested are brought to justice; well publicised deterrent sentences for those convicted should follow;
 - 7.1.3. secure a reliable, fair and transparent system to identify migrants immediately after their arrival on the shores and to establish swiftly who is entitled to asylum and international protection, in order to protect genuine refugees and asylum seekers;
 - 7.1.4. ensure the respect of principles and provisions of the Dublin Regulation as regards the responsibilities of the country of first arrival;
 - 7.2. with regard to reception and detention capacities, to:
 - 7.2.1. ensure adequate reception conditions and medical assistance in accordance with relevant human rights and humanitarian standards;
 - 7.2.2. set up an independent monitoring body to check that conditions and standards in reception and detention facilities are in compliance with international standards;
 - 7.2.3. reduce the 18-month maximum period of time allowed to detain foreign nationals without any legal permit to stay;
 - 7.2.4. step up the exchange of best practices in terms of governance, and provide training courses for operating staff in the field of migration;
 - 7.2.5. facilitate the access to the centres by international organisations and non-governmental organisations (NGOs);
 - 7.2.6. properly inform irregular migrants, asylum seekers, and refugees of their rights and obligations.
8. The Assembly welcomes the announcement by the Italian authorities of the priority to be given to the development of a common European response to arrivals of mixed migratory flows on Europe's southern shores during the

Amendment 3

Tabled by Ms Tineke STRIK, Ms Luise AMTSBERG, Ms Marit MAIJ, Mr Michael MCNAMARA, Mr Klaas de VRIES, Mr Boriss CILEVIČS

In the draft resolution, replace paragraph 7.1.4 with the following paragraph:

"ensure that the Dublin Regulation is applied in a way that allows refugees to access durable solutions and avoids irregular onward movements;"

upcoming Italian Presidency of the Council of the European Union (July-December 2014), and calls for concrete solutions.

9. The Assembly calls on Council of Europe member States to:

9.1. provide financial and operational assistance to the Mare Nostrum operation in order to ensure its continuing success;

9.2. promote changes in the Eurodac regulations to facilitate the identification of migrants and asylum seekers through the use of DNA records in addition to fingerprints;

9.3. implement measures to make border controls more effective;

9.4. respond positively to the suggestion of the Italian Minister of the Interior and others that camps should be set up in North African countries to process applications for asylum and international protection, and that the aim should be to intercept migrants before they set sail; consideration should be given to establishing centres to which the United Nations High Commissioner for Refugees would have access so that human rights can be protected;

9.5. take action to identify, arrest and bring to justice those engaged in trafficking;

9.6. respond positively to the request of the Libyan coastguard for financial and other support from the European Union to strengthen the capacity of the coastguard.

Amendment 4

Tabled by Ms Luise AMTSBERG, Mr Boriss CILEVIČS, Ms Tineke STRIK, Mr Andrej HUNKO, Mr Tiny KOX

In the draft resolution, delete paragraph 9.2.

Amendment 5

Tabled by Ms Tineke STRIK, Ms Luise AMTSBERG, Ms Marit MAIJ, Mr Michael MCNAMARA, Mr Klaas de VRIES, Mr Boriss CILEVIČS

In the draft resolution, paragraph 9.3, after the word "effective", insert the following words: "and include effective human rights safeguards".

Amendment 6

Tabled by Ms Luise AMTSBERG, Ms Tineke STRIK, Ms Marit MAIJ, Mr Michael MCNAMARA, Mr Klaas de VRIES, Mr Boriss CILEVIČS

In the draft resolution, replace paragraph 9.4 with the following paragraph:

"respond positively to suggestions for the exploration of further possibilities for protected entry into Europe and to open legal channels for migrants to reach the territory in a regular manner;"

Amendment 11

Tabled by Mr Vincenzo SANTANGELO, Ms Maria Edera SPADONI, Ms Cristina DE PIETRO, Mr Manlio DI STEFANO, Ms Nunzia CATALFO

In the draft resolution, paragraph 9.4, replace the word "camps" with the word "centres".

Amendment 12

Tabled by Mr Vincenzo SANTANGELO, Ms Maria Edera SPADONI, Ms Cristina DE

PIETRO, Mr Manlio DI STEFANO, Ms Nunzia CATALFO

In the draft resolution, paragraph 9.6, replace the words "Libyan coastguard" with the following words: "North African countries".

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2014) on the large-scale arrival of mixed migratory flows on Italian shores.
2. It considers that the Council of Europe has an important role to play in assisting Italy and other member States in dealing with the human rights challenges of mixed migration flows across the Mediterranean, including the respect of non-refoulement, as has been highlighted by the Assembly recently in Recommendation 2010 (2013) on migration and asylum: mounting tensions in the eastern Mediterranean.
3. The recent tragic events off the coast of Lampedusa in October 2013, and in particular one incident in which well over 350 people drowned within sight of land, as well as in April-May 2014, have underscored the urgent need for increased efforts to counteract humanitarian tragedies.
4. The Assembly therefore recommends that the Committee of Ministers make use of the expertise of the Council of Europe to help tackle the human rights challenges arising from these mixed migration flows. It recommends in particular that the Committee of Ministers:
 - 4.1. launch a reflection on how best to introduce a new international crime, whether or not defined as a crime against humanity, when a person receives a financial benefit directly or indirectly for transporting people in a vessel which is unsafe for the purpose and which may endanger life or cause death or injury at sea;
 - 4.2. open negotiations to ensure that migrants who are intercepted within the territorial waters of a non-European Union country can be returned automatically to that country;
 - 4.3. encourage the authorities of the countries concerned to open negotiations on the modalities and conditions of return to countries of embarkation of migrants intercepted in international waters;
 - 4.4. for the coming year, make it a top priority to find solutions to the issues arising from the judgment of the European Court of Human Rights in the case of Hirsi Jamaa and others v. Italy (judgment of 23 February 2011, Application No. 27765/09) and make this judgment compatible with the established principle that each member country of the Council of Europe is entitled to maintain control over its own borders and to grant asylum or a lesser form of

Amendment 7

Tabled by Ms Tineke STRIK, Ms Luise AMTSBERG, Ms Marit MAIJ, Mr Michael MCNAMARA, Mr Klaas de VRIES, Mr Boriss CILEVIČS

In the draft recommendation, delete paragraph 4.2.

Amendment 8

Tabled by Ms Luise AMTSBERG, Mr Boriss CILEVIČS, Ms Tineke STRIK, Mr Andrej HUNKO, Mr Tiny KOX

In the draft recommendation, delete paragraph 4.3.

Amendment 9

Tabled by Ms Luise AMTSBERG, Mr Boriss CILEVIČS, Ms Tineke STRIK, Mr Andrej HUNKO, Mr Tiny KOX

In the draft recommendation, replace paragraph 4.4 with the following paragraph:

"require, as its top priority for the coming year, that each member state of the Council of Europe, in accordance with the judgment of the

international protection to those who meet the necessary requirements;

European Court of Human Rights in the case of Hirsi Jamaa and Others v. Italy (23 February 2011, Application No. 27765/09), review their border control and return operations in order to ensure the full respect of the principle of non-refoulement with regard to every individual intercepted outside their territory and rule out the possibility of collective expulsions, as prohibited under Article 4 of Protocol IV to the ECHR, in line with the Court's judgment."

4.5. consider the need for an extensive review of the Dublin Regulation and its implementation.

Amendment 10

Tabled by Ms Luise AMTSBERG, Ms Tineke STRIK, Ms Marit MAIJ, Mr Klaas de VRIES, Mr Michael MCNAMARA, Mr Boriss CILEVIČS

In the draft recommendation, after paragraph 4.5, insert the following paragraph:

"explore further possibilities for protected entry into Europe and for opening legal channels for migrants to reach the territory in a regular manner."