



**Doc. 14341 – Compendium of written amendments**  
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**(Revised version)**

## **Human rights implications of the European response to transit migration across the Mediterranean**

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## A. Draft Resolution

1. More than a year after the adoption of the EU–Turkey Agreement of 18 March 2016, the Parliamentary Assembly acknowledges that the implemented measures have delivered some tangible results with regard to the challenges underlying the refugee and migration crisis. While in the weeks before the implementation of the Agreement the daily average number of people arriving on the Greek islands was almost 2 000, since then it has fallen to under 100 per day. The number of fatalities, which amounted to 376 between the beginning of January and 20 March 2016, dropped significantly in the corresponding period a year later when 13 people lost their lives.
2. Consequently, the situation in Greece has improved, despite the fact that Greece has become a destination country where almost 100% of people arriving request asylum. At present, there are 63 000 asylum seekers waiting in Greece for the outcome of their status determination procedure – 14 000 of them are confined to the islands. Thanks to the creation of hotspots, reception, registration and asylum processing have become much more efficient and, given the continuous efforts of the Greek authorities and other stakeholders to improve them, they raise less concern than before. However, overall, reception conditions are still poor, and the situation of unaccompanied minors is of utmost concern. Out of 2 000 minors registered in Greece, only 1 352 live in shelters adapted to their specific needs.
3. The Assembly notes that concerns relating to possible returns of Syrian refugees to Turkey as a “first country of asylum” or “safe third country” under the EU–Turkey Agreement have proved to be unfounded as no Syrian asylum seeker (or any other nationality) is returned without the application for asylum being examined on the merits in Greece. By April 2017, the total number of people returned since the EU–Turkey Agreement was 1 487. The examination of all applications on the merits is the result of the consistent position of the Greek Appeal Committee in this respect.

### **Amendment 13** **Tabled by the Committee on Legal Affairs** **and Human Rights**

*In the draft resolution, paragraph 2, replace the first sentence with the following sentence: "Since the Assembly last examined the situation one year ago, the situation in Greece has seen some improvements despite the fact that Greece has become a destination country where almost 100 per cent of newly arriving refugees and migrants request asylum."*

### **Amendment 14** **Tabled by the Committee on Legal Affairs** **and Human Rights**

*In the draft resolution, paragraph 2, delete the third sentence.*

### **Amendment 1** (If adopted, amendments 15, 16 falls) **Tabled by Ms Serap YAŞAR, Mr Talip** **KÜÇÜKCAN, Ms Zühal TOPCU, Ms Emine Nur** **GÜNAY, Ms Leyla ŞAHİN USTA, Ms Lütfiye** **İlksen CERİTOĞLU KURT, Mr Suat ÖNAL**

*In the draft resolution, delete paragraph 3.*

### **Amendment 15** (Falls if amendment 1 is adopted) **Tabled by the Committee on Legal Affairs** **and Human Rights**

*In the draft resolution, paragraph 3, replace the first sentence with the following sentence: "The Assembly notes that its concerns relating to possible returns of Syrian refugees to Turkey as a "first country of asylum" or "safe third country" under the EU-Turkey Statement have not materialised, as until now no Syrian asylum*

seeker (or any other nationality) has been returned to Turkey on that basis."

**Sub-amendment 1 to amendment 15**  
**Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons**

*In amendment 15, replace the words "on that basis" with the following words: "without an examination of the application on its merits".*

**Amendment 16**  
(Falls if amendment 1 is adopted)  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, paragraph 3, delete the last sentence.*

**Amendment 17**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, replace paragraph 4 with the following paragraph:*

*"Furthermore, the Assembly notes that its concerns relating to the systematic detention of asylum seekers in hotspots appear to have been superseded by subsequent practice; once registered, asylum seekers can now enter in and out of hotspots freely although the lack of alternative accommodation means that other than some members of vulnerable groups, most have no choice but to reside there, where living conditions are far from satisfactory."*

**Amendment 18**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, after paragraph 4, insert the following paragraph:*

*"Serious concerns remain in many important areas, including delays in the registration and processing of asylum claims, despite the significant efforts made by the Greek Asylum Service; 'protective detention' of unaccompanied children in police stations, even for short periods; inappropriate age assessment procedures; the absence of an effective guardianship system for unaccompanied minors; sexual and gender-based violence in reception facilities; insufficient access to education and healthcare; and inadequate integration measures, despite the Greek authorities' implementation of an integration action plan. The Assembly also notes the continuing deficiencies in the Greek legislative and administrative framework and lack of coordination for responding to the basic needs of refugees and migrants, including an*

4. Furthermore, the Assembly notes that the concerns relating to the detention of asylum seekers in hotspots have not been confirmed either; once registered, asylum seekers can go in and out of hotspots freely although the living conditions are far from satisfactory.

5. A direct consequence of the implementation of the EU–Turkey Agreement and the closure of borders was an overall decrease, by 83%, in the number of new arrivals in the countries of the Western Balkans and Hungary. In terms of migrants stranded in these countries at the end of 2016, the majority remain in Serbia (5 633) and Bulgaria (5 560).
6. The implementation of the EU–Turkey Agreement and the closure of the borders on the Western Balkans Route arguably have had no impact on the number of people using the Central Mediterranean Route between North Africa and Italy. Even if the number of arrivals to Italy increased by more than 30% in the first five months of 2017, this phenomenon is linked to the unstable situation in Libya and the growing inflows of migrants from different African countries.
7. The reception conditions and asylum procedures in Italy, even if they are also improving, require urgent action. As with Greece, Italy has become a destination country and continuous mass arrivals risk saturating the country's reception capacities. The question of the return of rejected asylum seekers should be given immediate consideration; the large number of irregular migrants represents a threat for the whole asylum system and social stability.

*inability to absorb and make effective use of the available international funding."*

**Amendment 19**  
**Tabled by the Committee on Legal Affairs**  
**and Human Rights**

*In the draft resolution, paragraph 7, after the second sentence, insert the following sentence: "New arrivals, including unaccompanied minors, often spend excessive periods of time in hotspots, which are neither intended for nor suited to this purpose, and the great majority are then accommodated in exceptional, temporary first reception facilities that lack essential amenities and services."*

**Amendment 20**  
**Tabled by the Committee on Legal Affairs**  
**and Human Rights**

*In the draft resolution, paragraph 7, after the second sentence, insert the following sentences: "Deficiencies also exist in relation to legal regulation of the hotspots, including the basis of detention there, and the use of force to compel new arrivals to provide their fingerprints, especially given the reports of use of excessive force and even torture in this context. There are also serious delays in the registration and processing of asylum claims, concerns about the effectiveness of the remedy of appeal against rejection of asylum applications and an inadequate guardianship system for unaccompanied minors."*

**Sub-amendment 1 to amendment 20  
Tabled by the (Former) Committee on  
Migration, Refugees and Displaced Persons**

*In amendment 20, delete the following words:  
"especially given the reports of use of excessive  
force and even torture in this context".*

8. The arrival of migrants in Italy is to a large extent dependent upon the inability of the Libyan authorities to control their borders. While the level of search and rescue operations should be maintained, the European Union should increase its efforts to effectively combat networks of smugglers in the Mediterranean and enhance co-operation with the Libyan Coast Guard.

**Amendment 21  
Tabled by the Committee on Legal Affairs  
and Human Rights**

*In the draft resolution, at the end of paragraph 8, insert the following sentence: "Any cooperation with the Libyan authorities must be based on effective respect by both sides for essential provisions of international human rights law, including the right to leave a country, the right to seek and enjoy asylum and the prohibition on refoulement."*

9. The Assembly stresses that the lack of accessible and safe pathways forces refugees and migrants to take enormous risks by trying to cross the sea. The use of existing legal ways to enter Europe, family reunification or resettlements for example, would substantially contribute to reducing irregular migration across the Mediterranean.

**Amendment 2  
Tabled by Ms Serap YAŞAR, Mr Talip  
KÜÇÜKCAN, Ms Zühal TOPCU, Ms Emine Nur  
GÜNAY, Ms Leyla ŞAHİN USTA, Ms Lütfiye  
İlksen CERİTOĞLU KURT, Mr Suat ÖNAL**

*In the draft resolution, paragraph 9, in the second sentence, delete the following words:  
"family reunification or".*

10. The Assembly also refers to its recent resolutions dealing with various aspects of the mass arrivals of refugees and migrants across the Mediterranean, and in particular Resolution 2109 (2016) on the situation of refugees and migrants under the EU–Turkey Agreement of 18 March 2016, Resolution 2147 (2017) on the need to reform European migration policies, Resolution 2118 (2016) "Refugees in Greece: challenges and risks – A European responsibility", Resolution 2107 (2016) on a stronger European response to the Syrian refugee crisis, Resolution 2108 (2016) "Human rights of refugees and migrants – the situation in the Western Balkans", Resolution 2088 (2016) "The Mediterranean Sea: a front door to irregular migration", Resolution 2072 (2015) "After Dublin – the urgent need for a real European asylum system", Resolution 2089 (2016) on organised crime and migrants, and Resolution 2136 (2016) on harmonising the protection of unaccompanied minors in Europe.

11. The Assembly calls on the European Union:
- 11.1. with regard to reducing the number of crossings and saving lives, to:
- 11.1.1. maintain at least the present level of search and rescue operations;
- 11.1.2. enhance the fight against smugglers and traffickers;

- 11.1.3. step up its co-operation with the Libyan Coast Guard and, in particular, ensure funding for training programmes, assist in establishing a maritime rescue co-ordination centre and support the provision of additional patrolling vessels and ensure their maintenance;
- 11.1.4. engage with the Libyan authorities to ensure that the conditions in centres for migrants are improved, with particular attention given to vulnerable persons and minors; step up co-operation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) in this respect; support capacity building in migration management for the Libyan authorities; and launch co-operation programmes with Libyan host authorities;
- 11.1.5. mobilise funding for migration-related projects in North Africa in the framework of the European Union Emergency Trust Fund for Africa;
- 11.1.6. launch a serious reflection on the possible establishment of hotspots outside Europe, in full compliance with international human rights standards;
- 11.2. with regard to reception and living conditions in the countries of first arrival and transit, to:
- 11.2.1. increase financial, human and administrative support with a view to improving reception and living conditions;
- 11.2.2. ensure transparency, monitoring and accountability of financing procedures and, to this end, focus on public authorities as first instance beneficiaries;
- 11.3. with regard to asylum procedures, to:
- 11.3.1. continue ensuring the necessary support, through the relevant agencies of the European Union, to the national asylum services in front-line member States, and in particular remedy the current shortfall of experts from the European Asylum Support Office (EASO) by calling for more pledges from member States and extending the duration of the mandate of individual experts;

**Amendment 22**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 11.1.3, insert the following words: "on condition that the Libyan Coast Guard can be verified as operating with full respect for the fundamental rights of refugees and migrants, including by not exposing them to situations in which they are at risk of serious ill-treatment".*

**Amendment 23**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, paragraph 11.1.4, after the words "ensure that", insert the following words: "the extremely serious and widespread violations of the rights of refugees and migrants are brought to an end and".*

**Amendment 24**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 11.2.2, insert the following words: "where they have proved their capacity to make more efficient and effective use of such funding than alternative actors".*

**Amendment 9**  
**Tabled by Mr Stefan SCHENNACH, Mr Georgios PSYCHOGIOS, Mr Axel SCHÄFER, Mr Boriss CILEVIČS, Mr Nikolaj VILLUMSEN**

*In the draft resolution, before paragraph 11.3.1, insert the following paragraph:*

*"refrain from transferring asylum seekers back to Greece and Italy under the Dublin Regulation, as long as these countries are dealing with a disproportionate number of asylum seekers;"*

- 11.3.2. review, and redefine if necessary, the mandates of relevant agencies providing expert, financial and technical resources, advice and co-ordination to Greek and Italian asylum services with a view to eliminating existing shortcomings and increasing the efficiency of their actions;
- 11.3.3. address, as a matter of urgency, the question of accommodation and processing of applications of unaccompanied minors;
- 11.3.4. appoint a child protection officer for every hotspot and refugee camp;

**Amendment 6**

**Tabled by Ms Petra De SUTTER, Mr Stefan SCHENNACH, Ms Liliane MAURY PASQUIER, Ms Lise CHRISTOFFERSEN, Mr Boriss CILEVIČS**

*In the draft resolution, after paragraph 11.3.4, insert the following paragraph:*

*"ensure that European Union Member States immediately fulfil their commitments regarding relocation, if necessary through imposing measures on non-compliant Member States, and".*

**Amendment 10**

**Tabled by Ms Milena SANTERINI, Mr Michele NICOLETTI, Ms Elena CENTEMERO, Ms Lia QUARTAPELLE PROCOPIO, Mr Ferdinando AIELLO, Ms Tamara BLAZINA**

*In the draft resolution, after paragraph 11.3.4, insert the following paragraph:*

*"ensure, through appropriate procedures, the quick relocation of recognised refugees and to adequately ensure equitable burden sharing amongst the participating Member States, as established by EU decisions;"*

**Amendment 30**

**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, after paragraph 11.3.4, insert the following paragraph:*

*"ensure that EU Member States immediately fulfil their commitments regarding relocation deriving from the decisions of the European Council and the Council of Europe and take all the necessary measures on non-compliant Member States;"*

- 11.3.5. consider the extension of the relocation mechanism beyond September 2017 and redefine the criteria for eligibility, in particular to include Iraqis and Afghans;

**Amendment 12**

(If adopted, amendment 11 falls)

**Tabled by Mr Marek ČERNOCH, Ms Dana VÁHALOVÁ, Ms Zdeňka HAMOUSOVÁ, Mr Luděk JENIŠTA, Ms Gabriela PECKOVÁ**

*In the draft resolution, delete paragraph 11.3.5.*

- 11.3.6. step up the pace of resettlements from Turkey;
- 11.3.7. speed up the work on the reform of the Common European Asylum System, including the revision of the Dublin Regulation and, in the future, the modalities of applying the principles of responsibility and solidarity;

- 11.3.8. ensure that people who are found not to be in need of international protection are returned with dignity to their countries of origin, to the extent possible;
- 11.3.9. facilitate returns from Greece and Italy through bilateral agreements with the migrants' countries of origin;
- 11.3.10. step up financing for voluntary returns, including the creation of special centres for people awaiting return.
- 12. The Assembly calls on the Greek authorities:
  - 12.1. with regard to reception conditions, to:
    - 12.1.1. continue increasing reception capacities on the islands and on the mainland and ensure that all unsuitable sites are closed as a matter of urgency;
    - 12.1.2. step up efforts aimed at the prevention and fight against sexual and gender-based violence as well as all kinds of exploitation in the refugee sites;

#### **Amendment 11**

(Falls if amendment 12 is adopted)

**Tabled by Ms Milena SANTERINI, Mr Michele NICOLETTI, Ms Elena CENTEMERO, Ms Lia QUARTAPELLE PROCOPIO, Mr Ferdinando AIELLO, Ms Tamara BLAZINA**

*In the draft resolution, paragraph 11.3.5, replace the words "Iraqis and Afghans", with the following words: "Iraqis, Afghans and Somalis".*

#### **Amendment 7**

**Tabled by Ms Petra De SUTTER, Ms Liliane MAURY PASQUIER, Mr Boriss CILEVIČS, Ms Lise CHRISTOFFERSEN, Mr Stefan SCHENNACH**

*In the draft resolution, after paragraph 11.3.7, insert the following paragraph:*

*"ensure that family members of asylum seekers or refugees residing in other Member States who are stranded in Greece or Italy, are reunited as soon as possible in those other Member States in the framework of the Dublin Regulation, the Family Reunification Directive or other EU and international law;"*

#### **Amendment 31**

**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, after paragraph 11.3.7, insert the following paragraph:*

*"ensure full implementation of family reunification from Greece and Italy based on EU and international law, including the Dublin Regulation and the Family Reunification Directive;"*

12.1.3. focus more attention on the specific needs of unaccompanied and separated children, in particular by ensuring specialised support and care and appropriate living conditions and paving the way to normality and integration within the host society;

**Amendment 8**

**Tabled by Ms Petra De SUTTER, Ms Liliane MAURY PASQUIER, Mr Boriss CILEVIČS, Ms Lise CHRISTOFFERSEN, Mr Stefan SCHENNACH**

*In the draft resolution, after paragraph 12.1.3, insert the following paragraph:*

*"end the systematic detention of rejected asylum seekers and make a proportionality test in each individual case, in accordance with the principles of Article 5 of the European Convention on Human Rights and substantially improve detention circumstances and, in that light, abolish the practice of detaining migrants in police stations."*

12.2. with regard to asylum procedures, to:

12.2.1. speed up the processing of asylum applications from registration to appeal, in line with European Union and international law standards;

**Amendment 25**

**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 12.2.1, insert the following words: "and withdraw their policy of denying access to IOM's Assisted Voluntary Return and Reintegration programmes to those who appeal against negative decisions".*

12.2.2. adopt, as a matter of urgency, standard operating procedures which constitute an essential element for clarifying responsibilities and harmonising procedures in hotspots and other disembarkation ports;

12.2.3. appoint permanent co-ordinators in hotspots with a view to improving co-ordination, ensuring effective communication and information sharing by different stakeholders and taking full responsibility for the overall management of hotspots;

12.2.4. adopt legislation on guardianship in line with European best practices; and implement it without further delay as soon as it enters into force;

12.2.5. ensure that all non-governmental organisations (NGOs) involved in the hosting and aid process are in line with European Union and State regulations;

12.3. with regard to the absorption of European Union funding, to:

**Amendment 26**

**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, after paragraph 12.3, insert the following paragraph:*

*"implement an effective integration policy for recognised refugees and consider including within its scope asylum seekers whose nationalities suggest a high probability of being recognised as refugees;"*

- 12.3.1. speed up the process of the use of European Union long-term funding for reception and hosting facilities;
- 12.3.2. activate the programmes aimed at the monitoring of the Aegean Sea area using European Union long-term funds.
13. The Assembly calls on the Italian authorities:
  - 13.1. with regard to reception conditions, to:
    - 13.1.1. increase the number of adequate facilities to accommodate accompanied minors and other vulnerable asylum seekers and process their applications;
    - 13.1.2. establish national standards for refugees camps and centres, and increase their monitoring and accountability;
    - 13.1.3. step up efforts aimed at the prevention and fight against sexual and gender-based violence as well as all kinds of exploitation in the refugee sites;
  - 13.2. with regard to asylum procedures, to:
    - 13.2.1. review asylum procedures in order to increase their efficiency in the light of the considerably increased number of requests for asylum;
    - 13.2.2. address, as a matter of urgency, the question of the processing of applications from unaccompanied minors and, in particular, clarify the procedures to enable their relocation;
    - 13.2.3. ensure quick and full implementation of Law No. 47 on unaccompanied minors (the "Legge Zampa").
14. The Assembly reiterates its long-standing calls on the Turkish authorities to:
  - 14.1. withdraw its geographical limitation to the United Nations 1951 Convention relating to the Status of Refugees;

**Amendment 27**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, after paragraph 13.1.1, insert the following paragraph:*

*"ensure that asylum-seekers are not detained in hotspots for longer than the period allowed by law, increase the number of places in permanent reception centres and avoid the use of exceptional, temporary facilities for long-term accommodation;"*

**Amendment 28**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 13.2.1, insert the following words: "and ensure that the appeals system meets the procedural requirements of an effective remedy".*

**Amendment 3**  
**Tabled by Ms Serap YAŞAR, Mr Talip KÜÇÜKCAN, Ms Zühal TOPCU, Ms Emine Nur GÜNAY, Ms Leyla ŞAHİN USTA, Ms Lütfiye İlkse CERİTOĞLU KURT, Mr Suat ÖNAL**

*In the draft resolution, delete paragraph 14.1.*

- 14.2. ensure that all migrants returned to Turkey under the EU–Turkey Agreement are treated in compliance with international human rights standards, including with respect to detention;

**Amendment 4**

(If adopted, amendment 29 falls)

**Tabled by Ms Serap YAŞAR, Mr Talip KÜÇÜKCAN, Ms Zühal TOPCU, Ms Emine Nur GÜNAY, Ms Leyla ŞAHİN USTA, Ms Lütfiye İlkse CERİTOĞLU KURT, Mr Suat ÖNAL**

*In the draft resolution, delete paragraph 14.2.*

**Amendment 29**

(Falls if amendment 4 is adopted)

**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 14.2, insert the following words: ", access to asylum and the prohibition on refoulement".*

- 14.3. refrain from threatening to withdraw from observing the obligations described in the EU–Turkey Agreement.

**Amendment 5**

**Tabled by Ms Serap YAŞAR, Mr Talip KÜÇÜKCAN, Ms Zühal TOPCU, Ms Emine Nur GÜNAY, Ms Leyla ŞAHİN USTA, Ms Lütfiye İlkse CERİTOĞLU KURT, Mr Suat ÖNAL**

*In the draft resolution, delete paragraph 14.3.*