



Doc. 14342 – Compendium of written amendments
27/06/2017

(Final version)

A comprehensive humanitarian and political response to the migration and refugee crisis in Europe

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A. Draft Resolution

1. The Parliamentary Assembly regrets that despite much debate and some positive action, the migrant and refugee crisis remains one of the main challenges facing European countries. It considers that this state of affairs, although mainly the consequence of armed conflicts in Syria and in other countries, demonstrates the failure of European States to co-operate effectively in addressing its root causes, providing humanitarian assistance and protecting the human rights and managing efficiently the reception, asylum processing and integration of refugees and asylum seekers.
2. The Assembly recalls its numerous adopted texts calling for greater co-operation and increased solidarity and sharing of responsibilities between refugees' countries of origin, transit and destination, in particular Resolution 2118 (2016) "Refugees in Greece: challenges and risks – A European responsibility" and Resolution 2088 (2016) "The Mediterranean Sea: a front door to irregular migration". The implementation of the recommendations in these texts would go a long way towards creating the proper conditions for a solution to be found to the refugee crisis, which is more a political problem and one of migration management policy than of lack of resources or capacity.
3. The Assembly points to the range of recommendations made in other resolutions with a more general scope which, when combined, form a coherent set of policy orientations, such as Resolution 2147 (2017) on the need to reform European migration policies, Resolution 2043 (2015) on democratic participation for migrant diasporas, Resolution ... (2017) on migration as an opportunity for European development and Resolution ... (2017) "Integration of refugees in times of critical pressure: learning from experience and examples of best practice". A third group of texts applies to particularly at-risk groups, such as Resolution 2136 (2016) on harmonising the protection of unaccompanied minors in Europe and Resolution 2159 (2017) on protecting refugee women and girls from gender-based violence.
4. With respect to tapping the potential of Europe's regions and of civil society, the Assembly welcomes the initiative to launch a parliamentary diaspora network and believes that the engagement of diaspora communities is part of the solution to the ongoing crisis and a good basis for the future with respect to the reception and integration of regular migrants as well as refugees.
5. The Assembly also recalls Resolution 2137 (2017) on the impact of European population dynamics on migration policies, which points to the fact that in addition to a need for a new workforce in most of Europe's ageing countries, many of Europe's rural regions are suffering from a population exodus despite good potential for development, and that more incentives to encourage migrants and refugees to settle in these areas would

Amendment 1 Tabled by the Committee on Political Affairs and Democracy

In the draft resolution, paragraph 1, replace the words "the migrant and refugee crisis remains one of the main challenges facing European countries" with the following words: "no comprehensive humanitarian and political response has yet been given to the challenges raised by the large-scale migratory and refugee flows into Europe".

Amendment 2 Tabled by the Committee on Political Affairs and Democracy

In the draft resolution, after paragraph 5, insert the following paragraph:

"The Assembly also welcomes the New York Declaration for Refugees and Migrants, adopted

benefit both the new inhabitants and the dwindling communities.

6. In this respect, the Parliamentary Assembly considers that member States should acknowledge that:

6.1. migration of all types will be an increasing feature of the world's societies in the foreseeable future, and that as a consequence the chances of general well-being depend also on the effective protection of the fundamental rights of people on the move, especially refugees, who have been deprived of the individual possibility and collective capacity to ensure their livelihood;

6.2. immigration into Europe is both instrumental for renewed dynamic and modernisation of societies and the survival of the European continent which is entering a "demographic winter";

6.3. one of the next waves of refugees will certainly be driven by extreme climatic unbalance, and that it is therefore essential to work together on devising new provisions in international law for the protection of the victims of forced migration due to climate change, while promoting the full implementation of the Paris Agreements and the successive international conferences on climate change in order to limit the negative effects of man-made ecological disasters in the making.

7. In view of the ever more urgent need to find comprehensive humanitarian and political responses to the crisis by improving co-operation and harmonising human rights protection, the Parliamentary Assembly calls on member States and on Europe's neighbouring countries to:

7.1. pursue dialogue with countries in situations of armed conflict and do their utmost to promote peaceful solutions to end the plight of people forced to leave their homes as a consequence of war;

by the United Nations General Assembly in September 2016, which underlines the need for fair responsibility-sharing for hosting the world's refugees and outlines a Comprehensive Refugee Response Framework calling for a whole-of-society approach."

Amendment 8

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

In the draft resolution, after paragraph 6.1, insert the following paragraph:

"the current refugee and migration crisis cannot be tackled without realising equitable burden sharing, particularly with frontline states such as Turkey, Italy and Greece;"

Amendment 11

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

In the draft resolution, delete paragraph 6.3.

Amendment 3

Tabled by the Committee on Political Affairs and Democracy

In the draft resolution, paragraph 7, replace the words: "In view of the ever more urgent need to find comprehensive humanitarian and political responses to the crisis by improving co-operation and harmonising human rights protection," with the following words: "A comprehensive humanitarian and political response to the challenges raised by large-scale migratory and refugee flows into Europe should be based on the principles of human dignity and solidarity and aim at improving co-operation and harmonising human rights protection. Therefore,"

- 7.2. fully implement the provisions of relevant international treaties to which they are Parties, in particular the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, the European Convention on Human Rights (ETS No. 5) and the United Nations Convention for the Protection of the Rights of the Child, as well as the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention") and Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), and to ratify those conventions to which they are not yet Parties;
- 7.3. work towards a more systematic implementation of these treaties and co-operative supervision of their implementation;
- 7.4. for European Union member States, implement rapidly the new Regulation on a common asylum procedure replacing the Asylum Procedures Directive, once it is adopted by the European Union;
- 7.5. co-operate in maintaining and developing transnational information systems and databases on asylum applications and their results, on returns and on refugees going missing (especially children);
- 7.6. 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.
8. With respect to national practices and regulations, the Assembly further calls on member States to:

Amendment 4
Tabled by the Committee on Political Affairs and Democracy

In the draft resolution, delete paragraph 7.4.

Amendment 5
Tabled by the Committee on Political Affairs and Democracy

In the draft resolution, replace paragraph 7.6 with the following paragraph:

"The Assembly underlines that, for European Union member States, solidarity is a legal obligation emanating from the Treaties as well as a fundamental principle of European Union law. It therefore asks the European Union and/or its member States to: 1. fully implement without further delay the relocation and resettlement decisions already taken by the European Union, if they have not yet done so; 2. speed up the work on the adoption of the new Regulation on a common asylum procedure, replacing the Asylum Procedures Directive, and the reform of the Common European Asylum System, including the revision of the Dublin Regulation and the modalities of applying the principles of fair sharing of responsibility and solidarity in the future."

- 8.1. respect the rights and dignity of all refugees and asylum seekers, in particular vulnerable groups such as children and women refugees and unaccompanied minors;
- 8.2. ensure refugees and asylum seekers' access to legal protection and assistance and their right to appeal;
- 8.3. align as far as possible levels of protection and social and financial assistance, having regard to the cost of living, in order to encourage a more balanced distribution of refugees within the European territory;
- 8.4. share and implement best practices in areas such as family care and accommodation, education and vocational training, health care and psychological assistance, age assessment, guardianship and mentoring;
- 8.5. provide full and accurate information to refugees on the possibilities of settlement in different regions, as well as their comparative advantages and challenges;
- 8.6. consider introducing a requirement that refugees undertake to reside for a fixed period of time in a host country which has offered assistance and facilitated integration, in order to avoid premature departures from countries which have believed and invested in integration as an asset;
- 8.7. work hand-in-hand with non-governmental organisations to ensure that refugees and asylum seekers receive appropriate protection and assistance at all stages of their journey from their country of origin to their settlement in a new destination country.
9. The Assembly calls on the European Union, the United Nations and the Council of Europe to:
 - 9.1. step up their supervision of the implementation of legislation related to refugees and migrants and where necessary update provisions to better adapt them to today's needs;
 - 9.2. consider carefully whether the establishment of asylum-processing centres outside the European Union's borders and/or the European continent, with necessary safeguards and in compliance with international human

Amendment 10

Tabled by Mr Killion MUNYAMA, Mr Valeriu GHILETCHI, Mr Titus CORLĂȚEAN, Mr Viorel-Riceard BADEA, Mr Pavlo UNGURYAN

In the draft resolution, paragraph 8.1, after the words "in particular vulnerable groups such as children and women refugees", insert the following words: "; members of religious minorities".

Amendment 12

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

In the draft resolution, paragraph 8.3, replace the words "social and financial assistance" with the following words: "social or financial assistance".

Amendment 6

Tabled by the Committee on Political Affairs and Democracy

In the draft resolution, at the beginning of paragraph 8.6, replace the words "consider introducing a requirement that refugees undertake" with the following words: "explore further incentives for resettled or relocated refugees".

Amendment 9

Tabled by Ms Serap YAŞAR, Mr Talip KÜÇÜKCAN, Ms Zühal TOPCU, Ms Emine Nur

rights standards with respect to refugees and asylum seekers, could be envisaged;

- 9.3. continue their denunciation of cases of abuse of human rights of refugees and asylum seekers where and when they occur, and call member States' governments systematically to account over these cases;
- 9.4. recognise that while the level of protection of the fundamental rights of migrants should be similar wherever they find themselves, individual States should have the liberty to seek appropriate solutions as long as they comply with international human rights standards.

**GÜNAY, Ms Lütfiye İlksen CERİTOĞLU KURT,
Ms Leyla ŞAHİN USTA, Mr Suat ÖNAL**

In the draft resolution, paragraph 9.2, replace the words "European Union's borders and/or the European continent" with the following words: "Council of Europe territory".

**Amendment 7
Tabled by the Committee on Political Affairs
and Democracy**

In the draft resolution and in the draft recommendation, in the title, replace the words "in Europe" with the following words: "and the continuing flows into Europe".

B. Draft Recommendation

1. The Parliamentary Assembly refers to Resolution ... (2017) on a comprehensive humanitarian and political response to the migration and refugee crisis in Europe, which calls for increased dialogue and better-coordinated policies and action at European level, and commends the activities carried out by the Council of Europe in this area, in particular the work of the Special Representative of the Secretary General on Migration and Refugees and the Council of Europe Commissioner for Human Rights.
2. The Assembly welcomes the work with local and regional authorities of the Council of Europe Congress of Local and Regional Authorities and the Migrant and Refugee Fund established by the Council of Europe Development Bank in October 2015 to help countries to support refugee programmes.
3. The Assembly, considering that the Council of Europe's present activities in this area would benefit from a common platform for exchange, experience sharing and policy making among Council of Europe member States, as well as a solid basis for steering the Organisation's action, calls on the Committee of Ministers to set up, in the context of the Council of Europe's 2018-2019 Programme and Budget, a steering committee on migrants and refugees in order to give added coherence and create greater synergies between the Organisation's activities in this domain, while enabling agreed positions on reception, asylum and integration to be promoted, followed up and assessed in terms of results.