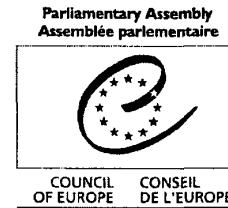


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New trends and challenges for Euro-Mediterranean migration policies

Report
Committee on Migration, Refugees and Population
Rapporteur: Mr Franco Danieli, Italy, Liberal, Democratic and Reformers' Group

Summary

The Parliamentary Assembly (Committee on Migration, Refugees and Population) has organised two Euro-Mediterranean Parliamentary Forums on Migration. The first was organised in Limassol (Cyprus) in October 2003 and it asked, among other things, for the preparation of the present report in close co-operation with non-European Mediterranean parliaments. The second Parliamentary Forum was organised in Rome (Italy) in May 2005. This meeting served as the main input to this report.

The report in particular focuses on the following trends in Mediterranean migration: the increasing role of the Mediterranean as a transit region for irregular migration, the conduct of any operation to prevent or respond to irregular migration in strict compliance with human rights standards, closer economic integration and co-operation, political co-operation and dialogue between civil societies.

The draft recommendation calls on governments of Council of Europe member states, in close co-operation with governments of non-member Mediterranean countries, to frame their migration policies so that migration is perceived as a phenomenon and not as a problem. Regarding the handling of irregular migration, it also invites them to comply fully with international human rights conventions.

It encourages closer co-operation between the different European and international organisations for an improved management of Mediterranean migration. Special attention should be given to migrants' participation in co-development projects and to the furthering of closer co-operation among higher education and research institutions, including the encouragement of student and teacher mobility.

I. Draft recommendation

1. The traditional role of the Mediterranean as an economic and cultural crossroads has assumed even greater significance since the 1990s and its geopolitical situation has taken on even more importance. At the same time, the Mediterranean has seen a sharp rise in migration movements, both from the Balkans to the western parts of the continent and from North Africa to Europe.

2. Unfortunately, this increase in migration flows has also proved lucrative to criminal networks of traffickers and smugglers who exploit the hardship of potential migrants and cause human tragedies, which can lead to the death of migrants or "modern" slavery.

3. Such tragedies should not, however, allow us to lose sight of the fact that migration can also be seen in a positive light, as it also represents an opportunity. Typically, among the most recent migrants, we find women and young people who have taken this step voluntarily. They are no longer relocating under family reunification arrangements.

4. The immense economic gaps between the two shores of the Mediterranean nonetheless continue to prompt illegal immigration which Council of Europe member states are attempting to halt in a diverse range of ways: some opt for restrictive policies involving draconian and sometimes non-judicial deportation procedures which can give rise to human rights violations, others opt for regularisation policies.

5. For its part, the European Union is attempting to harmonise asylum procedures, in particular accelerated procedures, or to externalise or decentralise and even "relocate" such procedures to the countries on the southern shore, as has recently been seen with Libya. However, the European Parliament has warned that it would find it unacceptable for foreigners to be grouped together in external transit centres designed to process asylum applications.

6. It is undeniable that the demographic situation will mean that by the middle of the century, the number of people living on both shores will be roughly the same. Given the falling birth rate and ageing of the population in Europe, this should prompt a review of migration policies.

7. The Parliamentary Assembly welcomes the final declarations of the First and Second Euro-Mediterranean Parliamentary Forums on migration organised in Cyprus on 20 and 21 October 2003 and Rome on 23 and 24 May 2005, respectively, by the Committee on Migration, Refugees and Population. It believes that the Council of Europe and, in particular, its European Committee on Migration (CDMG) and the European Centre for Global Interdependence and Solidarity (North-South Centre) are invaluable forums for intergovernmental deliberation and discussion on new Euro-Mediterranean migration policies.

8. In the light of the foregoing, the Assembly calls on the governments of Council of Europe member states, in close co-operation with non-member Mediterranean countries, to:

8.1. frame their migration policies so that migration is viewed as a phenomenon and not a problem. This will help demystify migration and help ensure that it is no longer seen uniquely from a security point of view;

8.2. rationalise and manage more efficiently the available administrative resources for foreigner reception and for processing asylum and naturalisation applications;

8.3. comply to the letter with international human rights protection conventions in all operations to prevent or deal with illegal migration and, in particular:

8.3.1. guarantee the right to leave one's country;

8.3.2. guarantee unimpeded access to asylum procedures for people in need of international protection;

8.3.3. ensure that return measures are conducted in keeping with human rights standards and with due regard for safety and dignity;

8.3.4. avoid returning irregular migrants to countries where they would be at risk of persecution or human rights violations;

8.3.5. avoid secondary migration movements by sending back migrants to non-European countries, whose nationality they do not have and by which they have merely transited,

8.3.6. examine and take account in all cases of the root causes of these migration movements.

9. The Assembly also calls on the European Council, the European Commission and the European Parliament to take the above considerations into account.

10. The Assembly calls on the countries on the southern and eastern shores of the Mediterranean which are not member states of the Council of Europe and which took part in the First and Second Euro-Mediterranean Parliamentary Forums on Migration to consult and co-ordinate on migration at regional level and co-operate with Council of Europe member states in this field, by collaborating, for example, with the European Committee on Migration (CDMG) and continuing to work together with the North-South Centre.

11. The Assembly strongly urges the countries participating in the Barcelona Process to pursue actively their partnership practices and the co-development strategy in the Euro-Mediterranean area and in consultation with the countries from which migration flows originate, including through parliamentary dialogue and co-operation, so as to draw up and adopt as swiftly as possible a unified Euro-Mediterranean regulatory framework.

12. The Assembly also recommends that the Committee of Ministers:

12.1. encourage Council of Europe member states and the countries that attended the First and Second Euro-Mediterranean Parliamentary Forums to ratify or accede to the United Nations Convention on the rights of migrant workers and their families and other international conventions on the protection of migrant women and young migrants and encourage Council of Europe member states to sign and ratify the European Convention on the Legal Status of Migrant Workers (CETS No. 093);

12.2. ask the European Committee on Migration (CDMG) to involve non-member Mediterranean countries in its activities;

12.3. call on the North-South Centre to enlarge the number of its member states to include all other Mediterranean countries whether or not they are members of the Council of Europe;

12.4. further develop political and cultural co-operation with the countries on the southern and eastern shores of the Mediterranean;

12.5. urge member states and the countries that attended the First and Second Euro-Mediterranean Parliamentary Forums to encourage student and teacher mobility and training exchanges, in particular by setting up a Euro-Mediterranean university;

12.6. encourage further discussion on the setting up of a Euro-Mediterranean migration observatory and on a large-scale information programme on the risks associated with illegal immigration, bearing in mind the valuable experience of the European Committee on Migration (CDMG) and the North-South Centre and taking advantage, if appropriate, of the North-South Centre's facilities for setting up such an observatory;

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12.7. help give fresh impetus to the Barcelona Process, begun in 1995, by emphasising in its closer contacts with the European Union the contribution which the Council of Europe and the North-South Centre could make to that process;

12.8. focus serious attention on, and give greater visibility to, the issue of migrant women by means of special initiatives involving all Euro-Mediterranean countries.

II. Explanatory memorandum by Mr Franco Danieli

1. Introduction

1. The Mediterranean is easy to cross: its waters are relatively calm and distances are short. This was very well known to the ancient peoples who crossed the Mediterranean for commercial purposes and founded colonial settlements along its shores. It is also well known today: the Mediterranean is a crossroads for goods and people, and not all of these flows are legal.

2. The traditional role of the Mediterranean as a crossroads of migration movements has increased in the last two decades. In fact, its geopolitical position has changed since the early 1990s when, following the fall of the Iron Curtain and the increased 'relaxation' of border controls in central and east European countries, it became a transit region for migrants travelling from Asia to the West; at the same time, the Mediterranean witnessed a substantial increase in intra-European westbound migration flows, particularly as a result of the conflicts in the Balkans and the economic crisis in Albania. More recently, migration routes from north Africa to Europe have acquired greater importance.

3. In parallel to these trends, criminal organisations have become increasingly involved in the smuggling of migrants and trafficking in persons, thus posing new challenges to regional co-operation in judicial and criminal matters.

4. The relevance of irregular migration in the current political debate should not overshadow the fact that the countries bordering the Mediterranean have strong economic and cultural ties, both for historical reasons and as a result of the high number of immigrants of north African origin permanently settled and working legally in Europe. The Moroccans, for instance, are the most numerous non-EU immigrant community in Spain, and the Algerians the most numerous in France (followed by Moroccans, Turks and Tunisians). In Italy, Albanians outnumber Moroccans and are also the most numerous in Greece¹.

5. The Parliamentary Assembly of the Council of Europe has always focused great attention on the Mediterranean region, in an attempt to improve Euro-Mediterranean co-operation in the areas of common interest and concern. In particular, the Assembly has adopted, amongst others, Recommendations 1249 (1994) on Co-operation in the Mediterranean basin, 1329 (1997) on Follow-up to the Mediterranean Conference on Population, Migration and Development (Palma de Mallorca, 15-17 October 1996), 1359 (1998) on Sustainable development in the Mediterranean and Black Sea basins, Resolution 1198 (1999) on the Need for increased co-operation in the Mediterranean region, Recommendations 1502 (2001) on Interparliamentary co-operation in the Mediterranean and Black Sea basins and 1590 (2003) on Cultural co-operation between Europe and the south Mediterranean countries. In the field of migration, the Assembly has adopted Recommendations 1449 (2000) on Clandestine migration from the south of the Mediterranean into Europe and 1645 (2004) on Access to assistance and protection at European seaports and coastal areas.

6. In its area of competence, the Committee on Migration, Refugees and Population has emphasised the importance of involving parliamentarians from south-Mediterranean countries in discussions concerning Euro-Mediterranean migration. In this context, the Rapporteur refers to the First Euro-Mediterranean Forum on Migration held in Limassol (Cyprus) on 20-21 October 2003 attended by parliamentary delegations from Algeria, Egypt, Jordan, the Palestinian Authority, Syria and Tunisia.

7. The Rapporteur also draws attention to the recently-held Second Euro-Mediterranean Forum (Rome 23 and 24 May 2005) addressing the subject of this report, attended by delegations from the parliaments of Algeria, Egypt, Jordan, Libya, Morocco and Tunisia. The final declaration of this Forum is reproduced in the appendix. The seminar was held just after the statement made by the Italian Minister

¹ OECD, Database on immigrants and expatriates, latest update: April 2005.

of the Interior to the Italian Parliament that immigrants were responsible for 50% of all crime in Italy, and at a time when the European Court of Human Rights was examining four applications against Italy concerning the latter's non-judicial return of 87 migrants to Libya².

2. Trend 1: Increasing role of the Mediterranean as a transit region for irregular migration

8. The first trend that the Rapporteur would like to bring to the attention of the Committee is, in his opinion, the most alarming and the one which most requires urgent action from the Council of Europe. The number of irregular migrants who transit via the Mediterranean seems to be on the increase. In one week at the beginning of October 2004, 1,787 people landed on the tiny Italian island of Lampedusa, having travelled by sea from Libya. A similar incident occurred in Sicily one week after the seminar in Rome, with the arrival of 174 migrants, while a further 489 people, including pregnant women and young children, landed in Lampedusa. This island is a particularly dramatic case in point but it is not the only one: Malta is facing a growing number of arrivals, mostly from Somalia, while Spain witnesses new arrivals every day as well as a worrying number of fatal incidents. By way of comparison, from the beginning of the year to September 2004, 9,464 irregular migrants were intercepted on the Italian coasts, and 8,079 in Spain³. In August 2004, the Spanish junior Minister for Immigration, Ms Consuelo Rumi, stated that 23% of migrants who enter Europe illegally do so via Spain⁴.

9. Mediterranean countries have established various forms of co-operation to stem irregular migration and prevent smuggling of migrants and trafficking in human beings, on a bilateral and multilateral basis. These include joint patrolling operations in international waters, joint patrolling of seaports and areas of embarkation, exchange of know-how and technical equipment and provision of training. As to the impact of these initiatives on migration flows, Ms Rumi also indicated that thanks to joint Moroccan and Spanish sea patrols, over 40% of "duck boats" (*pateras*) had been intercepted in Moroccan territorial waters.

10. In addition, southern European countries are becoming increasingly effective in enforcing expulsion orders against irregular migrants within a particularly short deadline. Once again Italy provides a good example of this trend: since the beginning of 2004, 42,317 people have been removed from the country. Out of the 1,787 who arrived in Lampedusa at the beginning of October 2004, 408 applied for asylum and were therefore sent to reception centres, while 1,153 were identified and returned to Libya, even though none of them was of Libyan nationality.

11. Another method increasingly used to stem irregular migration is recourse to readmission agreements, by which each party undertakes to accept the return of its nationals who are in an irregular situation on the territory of the other party, as well as third-country nationals who have transited through its territory. Agreements of this kind have been signed, amongst others, between Spain and Algeria, Italy and Morocco⁵. Italy, for its part, has concluded readmission agreements with 27 countries, including Albania, Algeria, Malta, Morocco and Tunisia. The European Union has recently officially opened channels for co-operation in the fight against illegal immigration with Libya, although the latter does not yet have an association agreement with the Union.

3. Challenge arising from trend 1: that any operation to prevent or respond to irregular migration be conducted in strict compliance with human rights standards

12. The main challenge arising from this trend is that respect for human rights should be the priority of governments in all their actions, including the fight against irregular migration. In particular, states should:

² Cases registered with the Court: Salem and others v. Italy, Hussun v. Italy, Mohammed v. Italy and Midawi v. Italy.

³ Migration News Sheet, September 2004, pag. 7

⁴ Migration News Sheet, September 2004, pag. 6

⁵ Anna Terrón, International migration and relations with third countries, Spain, Migration Policy Group, May 2004

3.1. *guarantee the right to leave one's country*

13. The Rapporteur expresses concern at the practice of some states of preventing people from leaving their shores and reminds the Committee that the right to leave any country, including one's own, is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

3.2. *guarantee unimpeded access to asylum procedures for people in need of international protection*

14. The Rapporteur fears that certain particular measures of immigration control, and in particular interception at sea, may result in preventing people in need of international protection from having access to the asylum procedure. Migration flows in the Mediterranean are of a mixed nature, that is they are composed of people in need of international protection as well as others who are in search of economic betterment. This is very apparent from the nationalities of the people involved, since many of them come from war-torn areas such as Somalia, Eritrea or even Iraq and Afghanistan. Although more and more information is available on the number of people intercepted, it is not perfectly clear how many of those who travel through the Mediterranean in an irregular manner manage to lodge an asylum application. Non-governmental organisations state that their number is very low, and that this is due to barriers to access to the procedure rather than unwillingness to apply for asylum.

3.3. *ensure that return measures are conducted in keeping with human rights standards and with due regard for safety and dignity*

15. The Rapporteur does not dispute that many of those who try to enter Europe illegally do not have a right to do so, and therefore should be removed. In enforcing any form of expulsion measure, however, states should operate with strict respect for human rights, ensuring the safety and dignity of the person subject to expulsion, consistent with Assembly Recommendation 1547 (2002) on Expulsion procedures in conformity with human rights and enforced with respect for safety and dignity.

16. It is also important to highlight the relevance of Article 4, Protocol 4 to the European Convention on Human Rights, which forbids collective expulsions. The Rapporteur fears that in some cases of large-scale influx, as often happens on the southern shores of Europe, the authorities may come under strong pressure to issue a high number of expulsion orders within a very tight deadline, at the risk of not giving sufficient consideration to the circumstances of each single case. Regrettably, Protocol 4 has not been ratified by all Council of Europe member states. In particular, as far as Mediterranean countries are concerned, neither Spain, Greece nor Turkey has done so.

3.4. *avoid returning irregular migrants to countries where they would be at risk of persecution or human rights violations*

17. Nobody should be sent to a country where s/he would be at risk of persecution under the 1951 Geneva Convention on refugee status or of serious human rights violations, for example those deriving from Article 3 of the European Convention on Human Rights. This obligation means that each State should assess the existence of such a risk by examining each individual case, in a fair procedure whereby every person is given the possibility of explaining the reason why s/he tried to enter a certain country. In addition, each State should evaluate the risk of persecution or human rights violations that the person would suffer in any country to which s/he is sent, even where this is not their country of nationality.

18. The compliance with this obligation is, in the Rapporteur's view, a major challenge for European states, which feel under pressure to enforce expulsion orders in the most rapid manner possible, to show to their public, as well as to other potential irregular migrants, that they take strong action against irregular migration. One of the main concerns is that people risk being sent to transit countries with a very poor record of respect for human rights, where they may be detained arbitrarily and/or in inhumane conditions, and where they would not be protected against chain-*refoulement* or chain-expulsion to countries where they would suffer human rights violations.

3.5. avoid secondary migration movements and situations of migrants or refugees "in orbit"

19. A related challenge stems from the current practice of European Mediterranean states to return irregular migrants to other non-European states through which migrants had transited, even if they have another nationality. The Rapporteur considers this as a quick-fix solution for finding any country to which the migrant can be returned. As stated above, sometimes the decision to return the person concerned is taken automatically, once the country of transit has been identified, without a proper examination of the risks that the returnee would face upon return. In addition, this practice does not ensure that returnees will find a long-term solution in the country of return. In fact, as in the case of Libya, transit countries often do not have a functioning asylum procedure in place or have a record of expelling foreigners arbitrarily.

20. This practice, therefore, should be considered as a last resort, as it risks creating a situation of migrants or refugees being shuffled from one country to another ('refugees or migrants in orbit'). In particular, the Rapporteur believes that recourse to this practice should be made only when it has been ascertained that the country of nationality of the migrant refuses to accept him/her back or when, for reasons outside the control of the receiving country, it has not been possible to identify such a state.

3.6. address the root causes of irregular migration movements

21. The main challenge for Euro-Mediterranean countries is to address, in a spirit of solidarity and burden-sharing, the root causes of irregular migration movements, such as poverty and income disparity. Economic contrasts between the two shores of the Mediterranean are still too glaring and exchanges biased heavily in Europe's favour. We shall come back to this in the next section. Likewise, states should improve their endeavours as regards conflict prevention and human rights promotion. European countries have been able to point to the internal dissension in the states on the southern shore of the Mediterranean (Algeria or Egypt for example) but today the fight against terrorism has become a shared goal of all Euro-Mediterranean states, which are now more willing to co-operate, including in the field of migration.

22. Failure by European countries to understand the reasons why individuals wish to immigrate to Europe adds to the failure to comprehend the migration phenomenon as a whole. It has been shown on numerous occasions that, even taking into account the role of smugglers with whom many immigrants have dealings, the choices the latter make are rarely influenced by the severity or leniency of migration control policies.

4. Trend 2: Closer economic integration and co-operation

23. In this section the Rapporteur wishes to highlight the level of economic integration already achieved between the two shores of the Mediterranean in terms of foreign trade, investment and labour migration. Thought must be given to the likely consequences on migration movements of the plan to set up a free-trade zone between the European Union and the non-European countries bordering the Mediterranean in 2010. For the time being, the European Union has concluded association agreements with the majority of states on the southern shore of the Mediterranean (the agreement with Israel has not yet been ratified). These agreements signed under the Euro-Mediterranean Partnership launched in 1995, relate to economic and political co-operation and are intended to serve as a framework for the appropriations granted to these countries⁶.

24. There are many different causes of migration from the southern Mediterranean to Europe: economic crisis in the countries of origin resulting in impoverishment of the population, together with strong population growth, the search for better training and better-paid work, admission agreements between the countries of origin and reception; it is accordingly often very difficult for countries to be in control of what lies behind migration. It is no longer just the countries of the northern shore that are

⁶ The most recent of these bilateral agreements was concluded between the European Commission and Syria in October 2004.

affected by this phenomenon; the countries on the southern shore suffer too, having to cope with population growth in sub-Saharan Africa, where hardship and destitution are on a much greater scale than the poverty in those countries.

25. Certain demographic facts speak for themselves: Europe in the strict sense was, in the immediate aftermath of World War II, five times more populated than the southern shore of the Mediterranean. By the middle of this century, parity should be achieved. The population of the southern shore, currently 240 million, will increase by a further 100 million over the next 25 years and in 2025 the population of Morocco will be higher than that of Spain, and Turkey will have a higher population than Germany. Even though the number of children per female is falling in the south and east of the Mediterranean, the number of women between the age of 20 and 30 will remain high. European countries will soon be required to review their pension funding, training, education, health and housing policies. All this should lead them to reconsider their migration policies, which should become a priority in inter-Mediterranean exchanges.

26. At the Second Forum, the expression "co-development" was on everyone's lips. This problem is dealt with in greater detail in the report by my colleague, Mr Salles (Doc. 10654). While migration is a direct consequence of the economic gap between the northern and southern shores of the Mediterranean, it must be a common concern of all Euro-Mediterranean countries and should be dealt with as part of a political process (which we will come back to) rather than merely from the point of view of the countries of northern Europe, with immigration control as the hidden agenda.

27. This is particularly important given that in many cases migration movements have been a direct consequence of colonisation. Migration flows have often corresponded to the need for manpower to rebuild European countries, and migrants have played their part in the growth of their economies. Growing unemployment and the ideology of paramount security subsequently conditioned these countries' migration policies, even so far as a refusal to accommodate "all the destitution in the world", but Europe bears a historical responsibility for the arrival of these people within its borders.

28. The plenary committee addressed these issues during an exchange of views on labour migration in the Mediterranean, held in Geneva on 5 November 2004. It had already been noted that relatively few European states had acceded to the International Labour Organisation (ILO) conventions protecting migrant workers, migrant women and young migrants. The very limited success of the equivalent Council of Europe convention (CETS No. 093) was also cause for concern at the Rome seminar⁷.

29. An action plan on migrant workers, to combat the discrimination and racism to which they are subjected and which are acknowledged as obstacles to social cohesion, was adopted at the ILO international conference in Geneva in June 2004, along with a wide range of conclusions. These conclusions, adopted by both representatives of ministries and trade union leaders and employers, are of considerable interest in that they underline the need to regulate employment migration on the basis of respect for human rights.

30. It must also be borne in mind that the OECD also contributes to migration and development-related activities, and looks closely at the role of remittances of wages and the need to provide special conditions for investing these funds in the countries of origin. The OECD also takes part in negotiations on the free movement of services and the protection of workers' rights in this area. Bilateral agreements to encourage temporary work by migrants could help ensure the legality of their status in the labour market. For example, Romania has signed a large number of such bilateral agreements, leading to a significant fall in the number of irregular workers from this country. Countries other than those in eastern Europe might be interested in their skilled workers being hired in some of the sectors of the economy in southern Europe which employ many undocumented workers.

⁷ The Convention has been ratified by 8 states and signed by a further six.

5. Trend 3: Political co-operation

31. The Rapporteur will look here at various examples of political co-operation between Mediterranean countries, as part of the Euro-Mediterranean Partnership and the Barcelona Process, and in particular the creation of a Euro-Mediterranean Parliament between the European Parliament and delegations of parliaments of non-EU Mediterranean countries. It has to be acknowledged that the Barcelona process has reached a deadlock, no doubt because of a lack of political will. It is perhaps for this reason that 2005 has been declared "Year of the Mediterranean" by the European Council of Ministers. For its part, the European Parliament has recently adopted a resolution⁸.

32. The Barcelona declaration of 1995 sought to establish closer relations between the European Union and the Mediterranean countries. The main objectives were to contribute to peace and security, and to foster trade relations and political dialogue. In this context, a Euro-Mediterranean Parliamentary Assembly (EMPA), the idea for which had been launched in Naples in December 2003 at a two-day Euro-Mediterranean summit, was officially constituted on 22 March 2004 in Athens. It comprises 240 members: 120 members of national parliaments on the southern shore of the Mediterranean, and 120 members of countries from the northern shore (45 from the European Parliament, and 75 from the national parliaments of European Union member states). The constituent meetings of this Euro-Mediterranean Parliament's three committees were held in Brussels in September 2004. This body is seen as a means of stepping up dialogue between the two Mediterranean regions.

33. It is to be hoped that the opening session of the Mediterranean Parliamentary Assembly in Naples on 26 and 27 June 2005, and the setting up of a Parliamentary Assembly of the Mediterranean to succeed the now defunct CSCM⁹, which will be inaugurated in Amman in the second half of this year, will both help relaunch a process for which expectations in the countries on the southern shores are high.

34. Co-operation mechanisms have been set up by the comprehensive plan to combat illegal immigration and trafficking of human beings and the first six action plans drawn up by the European Union's high-level group on asylum and immigration¹⁰, in particular the action plans for Albania and Morocco, focusing on co-operation over migration issues. It is to be regretted, however, that these action plans do not put forward a genuine strategy to combat violations of human rights, giving greater emphasis to measures to control migration flows. One readmission agreement has also been concluded with Morocco. In general, the European Union includes a section on migration in all the agreements it concludes with non-member countries.

35. Although there are joint instruments, the European Union has not equipped itself with the means to understand the illegal immigration phenomenon it is seeking to combat. Data on the estimated number of people entering and remaining illegally, the results of regularisations, deportations, entries and departures are all fragmentary and their availability depends on the good will of national ministries. They are not at all harmonised either within Europe or with the countries of origin and transit, despite the presence of liaison officers. Furthermore, it is total chaos at national level as regards the administrative resources available for foreigner reception and processing asylum and naturalisation applications. This has led some of them (Greece for example) to take certain measures to address the problem.

36. Even though Europe is not the main destination for migration from the eastern part of the Mediterranean, the role that Europe is seeking to play as mediator in this region should prompt a whole range of co-operation initiatives in the Euro-Mediterranean process.

37. Lastly, a few words should be said about the progress made so far in setting up a European Migration Observatory/Agency, as proposed by the Assembly in Recommendation 1655 (2004). The progress made is virtually non-existent, since the Committee of Ministers gave a very disappointing reply

⁸ European Parliament Resolution on the Euro-Mediterranean Partnership, 24 February 2005.

⁹ Conference on Security and Co-operation in the Mediterranean

¹⁰ This high-level group is an integral part of the creation of a European law-enforcement area and was set up by the December 1998 Vienna European Council

to the Assembly. The participants at the Second Euro-Mediterranean Forum, reviewing what had been achieved since the previous Forum, stressed the continuing validity of the Limassol Final Declaration, particularly in this regard (see Appendix).

6. Trend 4: Dialogue between civil societies

38. This section will emphasise the importance of inter-cultural and inter-faith dialogue in improving the integration of immigrants in host societies, defusing ethnic tensions, stemming the escalation of extremist tendencies and creating an environment of mutual understanding between the two shores of the Mediterranean.

39. Such dialogue will be impossible without the participation of the communities settled in the host countries, which to a certain extent represent the continuity of historical links between the two shores of the Mediterranean. They are able to take action and organise themselves to make society progress and advance the cause of human rights (and of women's rights) in their host countries and countries of origin.

40. The word "integration" is now virtually meaningless for migrants who have settled on the northern shore of the Mediterranean for two, soon three generations. Rather we should be talking about "promoting equal opportunities", the title given to a new French ministry department under the responsibility of Azouz Begag, of Algerian origin. The success of the North African community in setting up a French council of the Muslim faith shows that community organisation can give rise to a beneficial show of strength.

41. At the same time, these migrants cannot ignore the changes taking place in the countries they have left behind, which have often experienced periods of instability but where the construction of a genuine state has finally been consolidated, enabling a thorough process of democratisation. Migrants can support the democratic society choices of their countries of origin, either from outside or once they return, if they have left it temporarily to pursue their studies, train or work in Europe.

42. Over and above migration, this naturally leads on to the question of mobility and exchanges between both shores of the Mediterranean. The fabric of civil society has everything to gain by developing human resources and promoting mutual comprehension through culture and bringing people closer together. To this end, we need to consider the idea of a Euro-Mediterranean higher education area, with the setting up of a Euro-Mediterranean university, a Mediterranean network of training and research institutes, developing distance learning within this area and promoting teacher and student exchange programmes. It should be noted that academic exchanges are at present very uneven, and indeed almost exclusively unilateral in certain disciplines, because of the technological gap between the two shores, which also needs to be filled.

7. Conclusions and recommendations

43. The Rapporteur believes that migration in the Mediterranean should be dealt with through a comprehensive approach: illegal migration, labour migration, regional economic integration and cultural co-operation should be different but integrated aspects of the same policy, whereas at present they are compartmentalised. Above all, they should no longer be seen as a problem to be addressed, but rather a phenomenon to be understood and as an opportunity for migrants themselves and for the host country. There should be consultation and co-ordination at regional level on migration and co-operation with the Council of Europe in this field.

44. There is no unified legislative or political framework either in Europe, except perhaps for the Schengen Agreements outside the European Union, or in the Euro-Mediterranean area, despite the existence of an action plan and bilateral action plans. Europe, like the countries to the south and east of the Mediterranean, needs a coherent migration management strategy and this presupposes a

comprehensive approach between states. Accordingly, the Euro-Mediterranean Partnership needs to be given fresh impetus and negotiations within the Council of Europe should continue on setting up a Euro-Mediterranean migration observatory and on a large-scale programme of information on the risks associated with illegal migration.

45. The Council of Europe should assume responsibility for promoting civil society and human rights in the regions bordering on Europe as well, and should ensure that respect for human rights is given paramount importance in all measures and policies affecting migrants and persons in need of protection, implemented by European and non-European states. This should be an integral part of the co-development strategy to be pursued, which is dealt with in greater depth in another Committee report.

46. At internal level, the states concerned should rationalise and manage more efficiently the available administrative resources for the reception of foreigners and the processing of asylum and naturalisation applications which today suffer from excessive red-tape.

47. European states should, in any event, ensure strict compliance with international human rights protection conventions in all operations to prevent or deal with illegal migration, ratify or accede to the United Nations Convention on the rights of migrant workers and their families and other international conventions on the protection of migrant women and young migrants, and sign and ratify the European Convention on the Legal Status of Migrant Workers (CETS No. 093).

48. Greater provision should be made to encourage student and teacher mobility and training exchanges, by setting up a Euro-Mediterranean university. Serious attention should be focused on and greater visibility given to the issue of migrant women, through special initiatives involving all Euro-Mediterranean countries.

49. Finally, it is recommended to continue the meetings of the Euro-Mediterranean Parliamentary Forum on Migration on a regular basis, for example every second year, with the aim of assessing strategies and actions undertaken, and to propose new initiatives.

APPENDIX I

SECOND EURO-MEDITERRANEAN PARLIAMENTARY FORUM ON MIGRATION

"MEDITERRANEAN MIGRATION: PROSPECTS AND CHALLENGES"

Rome, 23-24 May 2005

FINAL DECLARATION

**presented by Senator Franco Danieli (Italy, LDR)
and unanimously adopted on 24 May 2005**

The Second Euro-Mediterranean Parliamentary Forum on Migration held in Rome at the headquarters of the Senate of the Republic on 23 and 24 May 2005, attended by 40 parliamentarians representing 15 Parliaments of Council of Europe member states and 6 Parliaments of countries on the southern shore of the Mediterranean:

1. Confirms the present-day relevance and the validity of the Final Declaration of the First Forum held in Cyprus on 20 and 21 October 2003;
2. Makes a positive assessment of the method based on parliamentary dialogue and co-operation, also recognised as an instrument for periodically reviewing the status of proposals and analysing results;
3. Insists on the creation of a Euro-Mediterranean migration observatory and on an extensive information programme about the risks associated with illegal migration;
4. Stresses the need to tackle migration phenomena not only in a perspective of security and border control but also by promoting action to overcome misinformation in this regard, including a different terminological approach describing them in terms of mobility and opportunity;
5. Calls for the speedy definition and adoption of a single European normative framework dealing with the complex phenomena of migration which goes beyond the present contractual strategy adopted in international relations whether bilaterally or multilaterally, applying a practice of partnership and a strategy of mutual development in the Euro-Mediterranean area and with countries where migration flows originate;
6. Requests an increase in the resources available for these purposes, and more rational and effective use thereof, eliminating the obstacles and the costs introduced by the bureaucratic command and management structure;
7. Invites the Council of Europe member states and the states participating in the Second Forum to ratify and adopt the UN Convention on the rights of migrants and their families and the other international conventions protecting women and young migrants, and to aid students and teachers mobility and educational exchange by such means as the foundation of a Euro-Mediterranean University;

8. Urges strict compliance with the international conventions for the protection of human rights in all operations intended to prevent or contain illegal migration phenomena, in particular:
 - a- secure the right to leave one's own country,
 - b- guarantee unimpeded access to asylum procedure for all persons in need of international protection,
 - c- guarantee that repatriation measures are applied in accordance with the standards relating to human rights, security and dignity,
 - d- avoid sending irregular migrants back to countries where they may be at risk of persecution or violation of human rights,
 - e- avoid causing secondary migration movements by returning migrants who hold another nationality to non-European states from which they came in transit only,
 - f- examine and constantly bear in mind the underlying causes of illegal migration movements;

9. Finally, trusts that the Council of Europe will take up the matter of migrant women as a priority concern through specific initiatives involving all countries in the Mediterranean Basin.

APPENDIX II

SECOND EURO-MEDITERRANEAN PARLIAMENTARY FORUM ON MIGRATION

"MEDITERRANEAN MIGRATION: PROSPECTS AND CHALLENGES"

Rome, 23-24 May 2005

PROGRAMME

SUNDAY, 22 MAY 2005

- 2.30 pm Departure by bus from the Senate (Piazza Madama No. 1) to Frascati
- 3.00-7.00 pm Visit of the Aldobrandini Palace, followed by a cocktail offered by Mr Francesco Paolo POSA, Mayor of Frascati
- Return to Rome and evening free

MONDAY, 23 MAY 2005

9.00 am Registration of participants

9.30 am OPENING SESSION

Chairperson: *Mr Tadeusz IWIŃSKI*, Vice-President of the Parliamentary Assembly, Chairperson of the Sub-Committee on Migration, Poland

Opening addresses:

- *Mr Claudio AZZOLINI*, Chairperson of the Italian delegation to the Parliamentary Assembly

Key-note address:

- *Mr Franco DANIELI*, Rapporteur on "New trends and challenges for Euro-Mediterranean migration policies", Member of the Sub-Committee on Migration, Italy

10.00 am	SESSION 1	Political frameworks for cooperation: mainstreaming migration policies in external affairs
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Moderator: *Mr Jean-Guy BRANGER*, Vice-Chairperson of the Committee on Migration, Refugees and Population, France

The approach of the European Union:

- *Mr Patrick GAUBERT*, Vice-Chairman of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

The approach of the Council of Europe:

- *Mrs Maria OCHOA-LLIDÓ*, Head of the Migration and Roma Department, Council of Europe

Case studies:

Italy:

- *Mrs Tana de ZULUETA*, Vice-Chairperson of the Committee on Migration, Refugees and Population, Italy

Morocco:

- *Mr Bouzekri SOUALHI*, 3rd Vice-Chairperson of the House of Counsellors

- *Mrs Zahra CHAGAF*, Deputy, House of Representatives

Debate

11.15–11.30 am Coffee break

11.30 am	SESSION 2	Push and pull factors of migration flows: facts and myths
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Moderator: *Mr André KVAKKESTAD*, Vice-Chairperson of the Sub-Committee on Migration, Norway

Interventions by:

- *Mrs Elvira CORTAJARENA*, Member of the Sub-Committee on Migration, Spain
- *Mr Mahmoud KAROU*, Member of the Chamber of Deputies, Tunisia
- *Mr Michele CAPASSO*, architect, Chairperson of the Foundation *Laboratorio Mediterraneo*
- *Mr Raimondo CAGIANO DE AZEVEDO*, Professor, University "La Sapienza", Rome

Debate

1.00–2.30 pm Lunch

2.30 pm	SESSION 3	The legal framework of migration flows
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Moderator: *Mr Doros CHRISTODOULIDES*, Vice-Chairperson of the Committee on Migration, Refugees and Population, Cyprus

Facilitating work migration:

- *Mr Peter SCHATZER*, Director, Regional Office for the Mediterranean and Chief of Mission in Italy, IOM, Rome

Access to protection:

- **Mrs Grainne O'HARA**, Legal Officer, UNHCR, Geneva

Case studies:

- Greece: - **Mr Nikolaos DENDIAS**, Member of the Sub-Committee on Migration, Greece
- Algeria: - **Mrs Zora DHRIF BITAT**, Deputy Speaker of the National Council
- **Mr Nacer BOUDECHE**, Member of the National Council
- **Mr Tahar ZICHI**, Member of the National Council

Debate

4.30–4.45 pm Coffee break

4.45 pm	SESSION 4	Parliamentary co-operation
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Interventions by:

- **Mr Rudy SALLES**, Member of the Sub-Committee on Migration and President of the Coordinating Committee of the CSCM process of the IPU, France
- **Dr Jamal AL-DMOUR**, Member of the House of Representatives, Jordan

Debate

6.00 pm Closing of the first day

TUESDAY, 24 MAY 2005

09.30 am	SESSION 5	Women and migration in the Mediterranean
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Moderator: **Mrs Mimount BOUSAKLA**, Member of the Sub-Committee on Migration, Belgium

Interventions by:

- **Mrs Minodora CLIVETI**, Chairperson of the Committee on Equal Opportunities for Women and Men and member of the Sub-Committee on Migration, Romania
- **Mrs Faiza KAMEL ATIA**, Member of the People's Assembly, Egypt
- **Mrs Fifi BENABOUD**, Coordinator of the Trans-Mediterranean Programme, North-South Centre of the Council of Europe

Debate

11.00 am	SESSION 6	Student mobility in the Mediterranean
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Intervention by:

- **Prof. Salvatore DISTASO**, President of the Scientific Committee, Communities of Mediterranean Universities (CUM), Italy
- **Mr Paolo TURCHETTI**, Statistical Office, Ministry of Education, University and Research (MIUR), Italy

Doc. 10763.

Debate with the participation of **Prof. Enrico TODISCO**, Professor, Department of Geoeconomic Studies, University "La Sapienza", Rome, Italy

12.00 pm	CLOSING SESSION
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Final remarks: Mr Franco DANIELI, Rapporteur

12.30 pm **End of the Seminar** [followed by a visit of an exhibition of the painter CANALETTO on *The triumph of vision* », Senato della Repubblica - Palazzo Giustiniani]

Appendix

FIRST EURO-MEDITERRANEAN PARLIAMENTARY FORUM ON MIGRATION

Limassol (Cyprus), 20 – 21 October 2003

FINAL DECLARATION

1. The first Euro-Mediterranean Parliamentary Forum on Migration was organised in Limassol (Cyprus) by the Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Population, on 20 – 21 October 2003 at the invitation of the Parliament of Cyprus House of Representatives. It was attended by 80 Parliamentarians and Representatives of European and Mediterranean States – members and non-members of the Council of Europe – as well representatives of international organisations and experts.

2. The Forum was opened by H. E. Mr. George IACOVOU, Minister of Foreign Affairs of Cyprus, Mr. Christos POURGOURIDES, Chairman of the Parliamentary Delegation of Cyprus to the Parliamentary Assembly of the Council of Europe and Mr. Tadeusz IWINSKI, Chairman of the Committee on Migration, Refugees and Population and Vice-President of the Parliamentary Assembly. Mr. Andreas CHRISTOU, Minister of the Interior of Cyprus gave a key note address on migration in Cyprus followed by a Round Table discussion with the Standing Committee on Refugees of the Parliament of Cyprus.

3. The Parliamentary Forum discussed the long history of Mediterranean migration and its impact on the socio-economic and cultural identity of the Region based on case studies presented by MPs from Egypt, Greece, and Italy. Among others the representatives of Algeria, Jordan, Syria, Tunisia and Palestine presented their views. The Forum noted the important contribution of migration to the mutual understanding, prosperity and scientific achievements as well as economic and social development. The focus of the debate was on Eastern Mediterranean migration in the past, at present and in the future.

4. The Forum debated the political, social and economic challenges which both generate and result from migration in the Mediterranean region; the impact of EU enlargement on migration in the region and the future prospects of migration management as seen from the Council of Europe. It was recognised that it was important for the Committee on Migration, Refugees and Population to collaborate closely with other appropriate committees of the Parliamentary Assembly of the Council of Europe in working towards solutions to the problems which generate the movement of people. This should also include future challenges resulting from, for example, the impact of climate change.

5. The Forum stressed the importance of labour migration for socio-economic development and for mutual understanding among families, localities, regions and countries in the Euro-Mediterranean geographical area. It noted the differences in population trends among participating countries and discussed possible political responses.

6. It was acknowledged that labour migration has had, has, and will continue to have an important positive impact on the economies of host countries as well as countries of origin at local, regional and state level. It can constitute the most important source of income for the families of the migrants as well as the countries of origin at different administrative levels. New initiatives need to be taken to find better solutions to problems linked to the mobility of migrant workers between the host countries and countries of origin. In particular, root causes of migration need to be addressed - including at local, regional and global level.

7. An urgent call was also made for a strengthened co-operation among participating states in order to combat criminal activities linked to irregular migration, such as trafficking and smuggling in humans. The victims should be helped according to their needs and should be treated with respect of human dignity. It was acknowledged that there is a relationship between immigrants controls and the growth of irregular migration and it was felt that this deserved further study.

8. Governments of Mediterranean and other European countries concerned were urged to take new action with a view to achieve regular and legal migration flows for the benefit of migrants, labour markets and the socio-economic development of all countries and regions involved.

9. The Forum gave its support to the proposal made to create an Observatory or Agency on Migration with participation, on equal terms, of Council of Europe members States as well as non-members States.

10. Within the framework of the activities of this new Observatory/Agency, it was proposed to create a new Euro-Mediterranean partnership-project with the objective of informing potential candidates for irregular migration, and particularly children and youth, of the dangers linked to clandestine migration.

11. The Forum agreed that this first Euro- Mediterranean Parliamentary gathering to share the experiences of past migration, to discuss the problems, challenges and solutions of present-day migration, and to analyse strategies to tackle future migration in an orderly manner had been most valuable and should be repeated on a regular basis.

12. The Forum recommended that the Committee on Migration, Refugees and Population should draw up a new report, to be presented to the Parliamentary Assembly of the Council of Europe, on Euro-Mediterranean Migration – opportunities and challenges for closer co-operation. The preparatory work should be done in co-operation with Parliaments of Mediterranean non-member States.

Reporting committee: Committee on Migration, Refugees and Population

Reference to Committee: Doc 10021, Reference 2912, 26.1.2004

Draft recommendation unanimously adopted by the Committee on 4 November 2005.

Members of the Committee: Mr Mevlüt Çavuşoğlu (Chairperson), Mrs Tana **de Zulueta** (1st Vice-Chairperson), Mr Doros Christodoulides 2nd Vice-Chairperson), Mr Jean-Guy Branger (3rd Vice-Chairperson), Mr Pedro Agramunt, Mrs Lale Akgün, Mr Gulamhuseyn Alibeyli, Mr Akhmed Bilalov, Mrs Oksana Bilozir, Mrs Mimount **Bousakla**, Mr Paul Bradford, Mr Ivan Brajović, Mr Márton Braun, Lord **Burlison**, Mr Christopher Chope, Mr Dessimslav Chukolov, Mr Boriss **Cilevičs**, Mrs Minodora Cliveti, Mrs Elvira Cortajarena, Mr Franco **Danieli**, Mr Joseph Debono Grech, Mr Taulant Dedja, Mr Nikolaos **Dendias**, Mr Abilio Dias Fernandes, Mr Karl Donabauer, Mr Mats **Einarsson**, Mrs Lydie Err, Mr Valeriy Fedorov, Mrs Daniela Filipiová, Mr Karl Theodor Freiherr von und zu Guttenberg, Mrs Margrét Frimannsdóttir, Mr John **Greenway**, Mr Andrzej **Grzesik**, Mr Andrzej **Grzyb**, Mr Ali Riza **Gülçiçek**, Mr Michael Hagberg, Mr Doug **Henderson**, Mrs Jelena **Hoffmann**, Mr Ilie **Ilaşcu**, Mr Tadeusz **Iwiński**, Mrs Corien W.A. **Jonker**, Mr Oleksandr Karpov, Mrs Eleonora Katseli, Mr Tibor Kékesi, Mr Dimitrij Kovačič, Mr André Kvakkestad, Mr Petr Lachnit, Mr Geert **Lambert**, Mr Jean-Marie Le Guen, Mr Younal **Louffi**, Mr Tito Masi, Mr Jean-Pierre Masseret, Mrs Ana Catarina **Mendonça**, Mr Morten Messerschmidt, Mr Giuseppe Naro, Mr Xhevdet Nasufi, Mr Gebhard Negele, Mr Pasquale Nessa, Mr Kalevi Olin, Mr Ibrahim **Özal**, Mr Cezar Florin Preda, Mr Alojz Pridal, Mr Gabino Puche, Mr Milorad Pupovac, Mr Martin Raguž, Mr Anatolij Rakhansky, Mr Marc **Reymann**, Mr Branko Ružić, Mrs Katrin Saks, Mrs Naira Shakhtakhtinskaya, Mr Luzi Stamm, Mrs Terezija Stoisits, Mr Michael Stübgen, Mrs Elene Tevdoradze, Mr Tigran Torosyan, Mrs Ruth-Gaby Vermot-Mangold, Mr Akhmar Zavgayev (alternate, Mr Alexey **Aleksandrov**), Mr Vladimir Zhirinovskiy, Mr Emanuelis **Zingeris**, ZZ....., Netherlands, (alternate : Mr Ed van Thijn).

N.B. The names of the members who took part in the meeting are printed in bold.

Secretaries of the Committee: Mr Lervik, Mr Neville, Ms Karanjac, Ms Grenet

