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21. Welcomes the decision to hold the second meeting of the Euro-Mediterranean Parliamentary Forum in Lisbon;
22. Welcomes the decision by the French Presidency to hold a new Euro-Mediterranean Conference on 14 November 2000;
23. Instructs its President to forward this resolution to the Council, the Commission and the Governments and Parliaments of the Member States and of the Mediterranean Partners which are signatories to the Barcelona Declaration.

## 5. Asylum-seekers and migrants

A5-0057/2000

**European Parliament resolution on asylum-seekers and migrants – action plans for countries of origin or transit. High Level Working Group (C5-0159/1999 – C5-0160/1999 – C5-0161/1999 – C5-0162/1999 – C5-0163/1999 – C5-0164/1999 – C5-0165/1999 – C4-0133/1999 – 1999/2096(COS))**

*The European Parliament,*

- having regard to the Treaty establishing the European Community, with particular reference to Articles 3(1)(d), 13 and 14 and Title IV thereof, and the Treaty on European Union, with particular reference to Articles 2 and 6 and Title VI thereof,
  - having regard to the terms of reference of the High Level Working Group on Asylum and Migration: preparation of action plans for the most important countries of origin and transit of asylum-seekers and migrants (C4-0133/1999),
  - having regard to the action plans for Sri-Lanka (C5-0160/1999), Somalia (C5-0161/1999), Afghanistan (C5-0162/1999), Iraq (C5-0163/1999) and Morocco (C5-0164/1999), and the interim report on Albania (C5-0165/1999),
  - having regard to the action plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice <sup>(1)</sup>,
  - having regard to the conclusions of the Tampere European Council of 15 and 16 October 1999, with particular reference to conclusions 2, 3, 4 and 8 and 11 to 27,
  - having regard to its previous resolutions on immigration and asylum, with particular reference to the resolutions of 21 September 1995 <sup>(2)</sup> and 13 April 1999 <sup>(3)</sup>,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the Committee on Budgets (A5-0057/2000),
- A. whereas, despite the fact that the Treaty of Amsterdam has required immigration and asylum policies to be brought within the Community sphere, the Council has continued to show a marked tendency to use the intergovernmental procedure under the third pillar for these matters, appearing to reflect the lack of concern for transparency that has been criticised time and again in the past and whereas this tendency is also reflected in the Council's decision to set up a High Level Group not subject to democratic control,
- B. whereas the integrated, cross-pillar approach which the Member States have adopted to the issue of immigration and asylum, particularly in connection with their relations with countries of origin and transit is not, in itself, contrary to the Treaties and may produce positive results,

<sup>(1)</sup> OJ C 19, 23.1.1999, p. 1.

<sup>(2)</sup> OJ C 269, 16.10.1995, p. 156.

<sup>(3)</sup> OJ C 219, 30.7.1999, p. 73.

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- C. whereas that approach reflects the genuine links that exist between the home affairs, foreign, development and international cooperation, commercial, social and other policies of the Member States,
- D. whereas plans to deal with questions of asylum and migration with particular reference to certain third countries must be seen in the context of the Common Foreign and Security Policy not only relating to those countries but taking regional and wider aspects into account,
- E. whereas, with a view to testing out this cross-pillar approach, six very different target countries were selected by the Member States as prime examples of the countries of origin and/or transit of a large number of asylum-seekers in and migrants to those States; whereas that choice was based on not only objective criteria but also subjective considerations which reflect an attitude that accords primary importance to bilateral relations and ignores any possible contribution that might be made by Parliament and the Commission,
- F. whereas, while the data they contain and the analyses they make of the situation in the target countries are, of course, useful, the action plans drawn up by the Group neither make a real political contribution nor do they bring any Community added value to the solution of the problems which remain the root cause of immigration and asylum-seeking,
- G. whereas, in particular, the statistical data on immigration and applications for asylum or other forms of international protection are incomplete and do not allow for a comparison to be made between the Member States; whereas Eurostat has not yet been able to find a satisfactory way of making good the shortcomings in this area encountered by the European institutions, which need to use such data to enhance their decision-making,
- H. whereas the political leaders and representatives of civil society in the countries concerned were not adequately consulted or involved in the drafting of the plans; whereas this does not augur well for the successful implementation of the plans,
- I. whereas, in accordance with the Group's terms of reference, which were based on the multidisciplinary approach, the action plans should have sought a better balance between security/prevention measures and reception/integration measures,
- J. whereas the issue of human rights should have been a central topic of all discussions held prior to the adoption of the action plans, and should form part and parcel of implementation activities, as should the issue of the rule of law,
- K. stressing that, although these action plans have been drawn up specifically to address questions relating to asylum and migration, the Union's relations with the countries concerned, and in particular the Union's desire to foster democratisation and respect for human rights, have an importance which goes far beyond these questions,
- L. whereas various shortcomings and inconsistencies are apparent in the action plans adopted, particularly in connection with the responsibilities and resources of the European institutions and those of the Member States, the funding of activities (particularly those relating to justice and home affairs) and the timetable for implementation,
- M. whereas, with a view to ensuring that a more effective approach is subsequently taken to analysing the situation in other countries of origin and transit and drawing up the necessary measures, the action plans adopted for the first six countries selected should be adjusted to take account of the proposals contained in this resolution and any proposals which may be made by the Commission,
- N. whereas the United Nations Population Division has released data from its report on 'Replacement Migration: is it a solution to declining and ageing populations?', according to which the population of Europe is in sharp decline (for example, Italy's population will fall from 57 million at present to 41 million in 2050); the working age population in Europe is in sharp decline (for example, in Italy it will decline from 39 million at present to 22 million in 2050, while in Germany it will fall from 56 million to 43 million during the same period); Europe is undergoing a relatively rapid ageing process (for example, the average age of the population in Italy will increase from 40 at present to 53 in 2050); and the percentage of the population older than 65 is increasing sharply (for example, in Italy the figure will increase from 18% at present to 35% in 2050),

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- O. whereas in industry and agriculture, the building sector, domestic work, healthcare and commerce, legal and illegal immigrants have largely taken jobs relinquished or rejected by Europeans, or high-risk jobs, i.e. jobs that are poorly paid or carried out under unsafe conditions, and have made a contribution to European economic development,
- P. whereas in its resolution of 23 March 1999<sup>(1)</sup> Parliament set out its position regarding the pilot experience of the Action Plan for Iraq and the neighbouring region and whereas it has not yet been informed by the Council of its implementation and assessment,
1. Recognises, in the light of the new objectives of the European Union as set out in the Treaties, the desirability of the cross-pillar approach to relations between the Union and the asylum-seekers' and migrants' main countries of origin and transit;
  2. Considers the choice of the first six target countries to be interesting and of strategic significance, but urges the EU institutions to base their future choices on a Community approach which must, above all:
    - ensure that due respect is shown for the institutional role of Parliament and the Commission; in particular, Parliament should be consulted in advance on future action plans and this should not be an overall consultation, but one that will enable it to undertake a more in-depth analysis and thus adopt appropriate measures;
    - involve preliminary discussions, with the participation of civil society, in the countries concerned;
    - focus on those countries with which there is a real possibility of establishing multisectoral cooperation thanks to a satisfactory level of political stability and the existence of democratic and representative governments, starting with more intensive political and social dialogue;
  3. Considers that, although the scope of these proposals covers both the Community pillar and the intergovernmental pillar, any agreement concluded with a third country (either trade-related or other) forms part of the European Union's external policy, and reminds the Commission and the Council that the European Parliament must be consulted so that it can express its views on all such agreements;
  4. Condemns the fact that the action plans for the first countries selected — important though these are as compilations of data and general information — fail to contribute any real Community added value, particularly as regards political cooperation on internal affairs;
  5. Stresses the lack of political realism inherent in the view that readmission agreements are the only instrument for counteracting the phenomenon of illegal immigration and the difficulty of concluding such agreements with the countries concerned because of their political instability; wishes to monitor as closely as possible the use made of model readmission clauses in Community agreements and mixed agreements, so as to prevent any automatic linkage between development cooperation and the acceptance of readmission clauses; considers that the EU should adopt long-term structural measures in particular to tackle the causes of emigration;
  6. Expresses concern at the imbalance in the action plans between the provisions concerning punitive action and those concerning integration — an imbalance which might, in the long-term, prove counter-productive and damage the interests of the Member States;
  7. Rejects the thinking behind measures which do not manage to establish a coherent distinction between immigration and asylum proper;
  8. Is convinced that action plans will only have a positive outcome if integrated into an overall policy on development, trade, asylum and immigration;
  9. Asks to be closely involved in the formulation and implementation of the operational measures required to give effect to the action plans and the subsequent assessment of their implementation;

<sup>(1)</sup> OJ C 177, 22.6.1999, p. 53.

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10. Calls for guarantees to be provided to enable the NGOs most directly concerned to play an active part in the specific measures implementing the plans, notably by granting them access; calls for UN rapporteurs to be given authorisation to visit the Member States concerned without restrictions;

11. Considers that it would be impossible and contrary to the basic principles on which the Union is founded and the principles which should guide the EU's foreign policy to implement the action plan on Afghanistan, because of the absence of a legal government, the existence of the Taliban regime and the serious and persistent human rights violations committed by it, the ineffectiveness of attempts to cooperate with the regime and the failure of UNDCP policies financed by the Member States to introduce substitute crops for opium; calls therefore on the Member States and the Council radically to review their policies in the light of these considerations;

### ***Recommendations on asylum***

12. Stresses the importance of formulating a European asylum policy based on strict application of the Geneva Convention, to underpin relations between the Union and third countries, with particular regard to the most important countries and regions of origin;

13. Considers that the reception of refugees in the region does not absolve the Member States of the European Union from the duties which they have as the asylum seekers' host countries under the international Conventions;

14. Stresses that the individual protection of refugees and their families must be guaranteed;

15. Draws attention also to the need for further efforts to be made to introduce at the earliest opportunity an effective and fair European temporary protection system for refugees, with solidarity in receiving and settling them, and to harmonise the forms of protection that are supplementary to refugee status, on the basis of the experience and rules of those Member States which have the highest humanitarian standards; calls for the setting-up of a Union fund for refugees which could be used to finance the reception and integration of refugees in the Member States and to fund measures to reintegrate them in their country of origin;

16. Stresses moreover that keeping refugees in peripheral countries must not become a long-term solution and that significantly increased aid must be given to such countries in order to enable them to cope with inflows from neighbouring states;

17. Calls for the following to be given priority in the Union's cooperation activities:

- effective protection for asylum seekers and refugees in regions neighbouring the main countries of origin, whenever feasible in the light of local conditions;
- structural improvements to the institutions responsible for initial reception of asylum-seekers and international protection in the EU Member States;
- the consolidation of a regional approach to the return of asylum-seekers whose applications have been rejected and to voluntary return from neighbouring countries (assistance with reintegration, cover of travel expenses and allowances, offer of vocational training, and assistance to local communities taking in returnees);

### ***Recommendations on immigration***

18. Condemns the incoherent and unbalanced nature of action plans which propose measures even when the EU does not yet have its own immigration policy;

19. Considers that the Member States must make an effort to ensure that immigration is possible by legal routes; urges minimum Community standards to be set for the admission of third-country nationals to the Union in accordance with the Commission proposals;

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20. Notes the inadequacy and lack of comparability of the data provided by the Member States and compiled by Eurostat; urges the Member States, therefore, as a matter of urgency, to harmonise their data so as to make Eurostat's work more effective; proposes also that discussions be opened, possibly on the basis of a Commission communication, on the advisability of setting up an Immigration Monitoring Centre under the responsibility of the Commission, with the task of gathering and analysing data and putting forward options for European legislation, as well as of issuing a report on the situation in the countries of origin, assisting the reception of displaced persons in the regions of the world, and monitoring returnees;

21. Urges that the main countries of origin be held jointly responsible for the management of migratory flows to the Member States, on the basis of clear and accepted criteria;

22. Stresses the fact that, since immigration is a complex phenomenon involving political, historical, social and economic factors, illegal immigrants cannot be considered to be criminals in the same way as persons guilty of serious offences involving organised crime;

23. Considers that the action plans should also stress the positive impact of immigrants and refugees on the Member States, that they often bring considerable experience and skills which can make a substantial contribution to the community, and that immigration is especially important in view of the acute labour shortages which many Member States will be encountering in the near future;

24. Calls for action to combat illegal immigration to give priority to:

- the adoption by the EU of common measures to prevent and crack down on organised trafficking in illegal immigrants; in the preparation and implementation of such measures, the authorities of the countries of origin of traffickers, or the countries in which they are based, should have clearly-defined responsibilities,
- providing health care for illegal immigrants and education for the children of these families,
- measures to combat illegal employment in the Union,
- carrying out a study into the political, economic and social factors underlying illegal immigration,
- the provision of information on the traffic in immigrants to agents responsible for monitoring in the target countries,
- the organisation of information campaigns in the target countries and neighbouring regions on the consequences of illegal entry and clandestine employment in the European Union;

#### ***Recommendations on cooperation between the EU and target countries in internal affairs***

25. Calls on the Council to take the appropriate decisions to permit a new political cooperation with the selected countries, centred on strengthening the rule of law;

26. Believes that the emphasis of political and financial cooperation must be to prioritise the need to consistently reduce the economic, political and social factors which give rise to people wishing to leave the target countries.

In particular, political cooperation should include:

- offering for the EU to act as intermediary in peace talks with opposition and dissident groups,
- the provision of assistance to target countries in establishing or reforming administrative structures such as ministries or other bodies and drawing up new administrative procedures which are tailored to local circumstances but comply with the principal of legal certainty (e.g. laws and procedures governing citizenship and personal data),
- action to combat corruption,
- action to ensure respect for international human rights instruments and the promotion of national laws and procedures for their enforcement,
- strengthening development aid in the countries concerned;

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### **Final recommendations**

27. Points out that, during the 2000 budgetary procedure, it made a substantial change to the nomenclature of the budget which now reflects the provisions of the Treaty of Amsterdam in respect of the process for bringing asylum and immigration policies within the Community sphere;
28. Emphasises the fact that less than half of the proposed measures which have financial implications are based on appropriations available under specific budget headings;
29. Notes that appropriations in favour of refugees have been increased by the budgetary authority but remain in the reserve until the legislative authority has adopted the appropriate legal basis;
30. Expresses concern at the fact that an appropriate budgetary allocation has not been specifically provided for under EU cooperation in the fields of justice and home affairs with the countries selected, despite the fact that implementation of the plans should already have begun by now; deplores the fact that the timetable provided for is totally unrealistic;
31. Hopes that Parliament will be closely involved in the development of the European Union's migration and asylum policy; calls on the Council and the Commission to enter into clear agreements on this subject with Parliament; considers that the forthcoming IGC must lead to the full communitarisation of policy on migration, asylum and combating the trade in human beings and illegal immigration, particularly by introducing codecision linked to majority voting in the Council;
32. Proposes that a new heading be created in the 2001 budget, to cover 'cooperation with third countries in the fields of justice and home affairs, with particular reference to immigration';
33. Stresses the need to involve the candidate countries fully in the process of working out and applying the measures needed to implement the plans and considers that this point should be considered part of a coherent pre-accession strategy;

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34. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and candidate countries, and the Council of Europe.

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## **6. Combating child sex tourism**

**A5-0052/2000**

**European Parliament resolution on the communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation of measures to combat child sex tourism (COM(1999) 262 – C5-0096/1999 – 1999/2097(COS))**

*The European Parliament,*

- having regard to the Commission communication (COM(1999) 262 – C5-0096/1999),
- having regard to Title VI of the Treaty on European Union, Article 29 of which provides, inter alia, for measures to prevent and combat offences against children with a view to achieving the objective of providing citizens with a high degree of security in an area of freedom, security and justice,
- having regard to the United Nations Convention on the Rights of the Child of 20 November 1989 and Parliament's resolution of 18 November 1999 on the 10th anniversary of that Convention<sup>(1)</sup>,
- having regard to the International Labour Organisation Convention of 17 June 1999 on the worst forms of child labour,

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<sup>(1)</sup> Texts adopted at that sitting, Item 14.