

**Amendment 7**

**Anna Fotyga, Karol Karski, Assita Kanko, Joanna Kopcińska, Jadwiga Wiśniewska, Elżbieta Kruk, Angel Dzhambazki, Valdemar Tomaševski, Ryszard Czarnecki, Bogdan Rzońca, Alexandr Vondra, Jacek Saryusz-Wolski, Elżbieta Rafalska, Veronika Vrecionová, Adam Bielan**  
on behalf of the ECR Group

**Report****A9-0060/2021****Tineke Strik**

Human rights protection and the EU external migration policy  
(2020/2116(INI))

**Motion for a resolution (Rule 181(3) of the Rules of Procedure) replacing non-legislative motion for a resolution A9-0060/2021**

**European Parliament resolution on human rights protection and the EU external migration policy**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights of 1948, and, in particular, Articles 13 and 14 thereof,
- having regard to the Convention Relating to the Status of Refugees of 1951 and to the additional protocol thereto,
- having regard to the International Covenant on Civil and Political Rights of 1966 and to the International Covenant on Economic, Social and Cultural Rights of 1966, and to their additional protocols,
- having regard to the International Convention on the Elimination of All Forms of Racial Discrimination of 1966,
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, in particular Article 3 thereof, and to the additional protocol thereto,
- having regard to the Convention on the Rights of the Child of 1989 and to the additional protocols thereto,
- having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990,
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance,
- having regard to the UN Convention against Transnational Organized Crime and its

supplementary Protocols to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Air and Sea,

- having regard to UN General Assembly Resolution 71/1 of 19 September 2016 on the New York Declaration for Refugees and Migrants,
- having regard to the Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants of 26 May 2020 of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and the UN Special Rapporteur on the human rights of migrants,
- having regard to the Dhaka Principles for Migration with Dignity,
- having regard to Article 21 of the Treaty on European Union (TEU),
- having regard to Articles 79 and 80 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>1</sup>,
- having regard to the Commission communication of 18 November 2011 on the Global Approach to Migration and Mobility (GAMM) (COM(2020)0743),
- having regard to the Commission communication of 7 June 2016 on establishing a new Partnership Framework with third countries under the European Agenda on Migration (COM(2016)0385),
- having regard to the Commission communication of 23 September 2020 on a New Pact on Migration and Asylum (COM(2020)0609),
- having regard to the Malta Declaration of 3 February 2017 by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 9 March 2020 entitled ‘Towards a comprehensive Strategy with Africa’ (JOIN(2020)0004),
- having regard to its previous resolutions on migration-related issues,
- having regard to its resolution of 5 July 2016 on the fight against trafficking in human

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<sup>1</sup> OJ L 189, 27.6.2014, p. 93.

beings in the EU's external relations<sup>2</sup>,

- having regard to its resolution of 25 November 2020 on improving development effectiveness and the efficiency of aid<sup>3</sup>,
  - having regard to the opinions of the Committee on Development and the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Foreign Affairs (A9-0060/2021),
  - having regard to Rule 54 of its Rules of Procedure,
- A. whereas migration is a global phenomenon amplified by globalisation, escalating conflicts, inequalities and environmental degradation;
- B. whereas the EU needs an asylum and migration policy which is strict but fair: strict towards those who seek to enter the EU illegally, and fair towards those who are genuinely fleeing war and persecution;
- C. whereas the focus of EU migration policy should be on safeguarding the control of its external borders, on the return of illegal migrants to their countries of origin or transit and on expanding solutions in neighbouring countries and regions, while supporting host countries and communities;
- D. whereas for the European Union and its Member States, as a historic region of both emigration and immigration and as one of the world's largest donors promoting sustainable development, supporting displaced persons, addressing the drivers of migration and working through multilateral forums towards finding durable solutions, migration has been and will continue to be a challenge and an opportunity;
- E. whereas Member States whose geographical location places them on the front line are bearing a considerable share of the responsibility;
- F. whereas a comprehensive approach to migration and the asylum system entails addressing the external dimension of the EU migration policy; whereas the impact of this external dimension largely depends on joined-up action at EU level and active coordination of activities with external partners;
- G. whereas the European consensus on development adopted in June 2017 highlights that well-managed migration and mobility can contribute positively to inclusive growth and sustainable development in line with the 2030 Agenda for Sustainable Development;
- H. whereas the Commission communication of 7 June 2016 on establishing a new Partnership Framework with third countries under the European Agenda on Migration (COM(2016)0385) stresses that migration issues are at the top of the EU's external relations priorities; whereas this framework calls for intensified cooperation with third countries, in particular those in the European neighbourhood, through 'partnerships' aiming to ensure cooperation on migration management, to effectively prevent illegal

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<sup>2</sup> OJ C 101, 16.3.2018, p. 47.

<sup>3</sup> Texts adopted, P9\_TA(2020)0323.

migration and readmit illegal migrants, including with positive and negative incentives stemming from different policy elements within EU competence, including neighbourhood, development assistance, trade, mobility, energy, security and digital policies, all leveraged towards the same objective;

- I. whereas in its 2016 communication, the Commission outlined three main objectives for cooperation with third countries: saving lives in the Mediterranean Sea, increasing the rate of returns to countries of origin and transit, and enabling migrants and refugees to stay close to home and to avoid undertaking dangerous journeys; whereas the 2016 communication mentions addressing illegal migration as a priority for the Union and introduces ‘the less for less approach’, whereby the Commission expresses its readiness to use all EU tools and instruments, with the exception of humanitarian aid, as incentives to achieve cooperation from third countries on readmission and border control;
- J. whereas the fight against migrant smuggling is a common challenge that requires cooperation and coordination with third countries; whereas the new EU action plan against migrant smuggling aims to promote cooperation between the EU and third countries through targeted partnerships, in order to counter migrant smuggling as part of broader partnerships with key third countries; whereas Europol plays a key role in the fight against migrant smuggling;
- K. whereas cooperation with third countries is essential to prevent and combat trafficking in human beings; whereas migration routes may be exploited by human trafficking networks; whereas trafficking in human beings has a disproportionate impact on women and girls, who constitute the overwhelming majority of victims of trafficking and suffer violence and exploitation along their migration routes;
- L. whereas since 2016 the EU and some individual Member States have multiplied the number of informal agreements and arrangements with third countries, aiming to strengthen their operational capacities in border control and management, and the fight against human trafficking; whereas these agreements and arrangements with third countries also cover effective return and readmission, as well as police cooperation agreements; whereas, similarly to formal readmission agreements, such informal arrangements affirm states’ commitments to readmitting their nationals (or others) and establish procedures to carry out returns in practice;
- M. whereas in its communication on the new Pact on Migration and Asylum, the Commission reiterated that the internal and external dimensions of migration are inextricably linked, and that tailor-made, comprehensive and balanced migration dialogues and partnerships with countries of origin and transit are essential in order to address valuable objectives for both sides, such as the main drivers of migration, combating migrant smuggling, support for refugees residing in third countries and supporting well-managed legal migration; whereas, as stated by the Commission communication on the New Pact, engagement at regional and global level is fundamental to complementing such dialogues and partnerships; whereas it emphasised, furthermore, that in the framework of comprehensive partnerships with third countries, migration should be built in as a core issue and linked to other policies, such as those relating to development cooperation, security, visas, trade, agriculture, investment and

employment, energy, the environment and climate change, and education;

- N. whereas, according to the UN High Commissioner for Refugees (UNHCR), women account for around 48 % of the refugee population in the world, and for a high proportion of vulnerable asylum seekers;
- O. whereas UN human rights experts and civil society organisations have warned that the COVID-19 pandemic is having serious effects on migrants;
- P. whereas upholding freedom of movement and the right to work is key to allowing legal migrants to become self-reliant and helps further their integration; whereas intra-regional migration is an important element of these cross-border economic patterns;

#### ***I. The migration policy framework and its external dimension***

- 1. Recalls that, in compliance with Articles 3(5) and 21 of the TEU and the Charter of Fundamental Rights of the European Union, the EU and, when applying EU law, the Member States must uphold human rights in their external actions, agreements and cooperation in the areas of migration, borders and asylum; asks that persons who might suffer human rights violations are able to access effective legal remedies;
- 2. Reiterates that for the Union's policy on migration to function properly, the EU must increase its external cooperation with countries of origin and work to ensure the sustainable and effective readmission of returnees;
- 3. Notes that most of the 18 official EU readmission agreements (EURAs) concluded to date include the readmission of third-country nationals to a transit country;
- 4. Is concerned about the increasing number of unaccompanied minors travelling through illegal migration pathways;
- 5. Notes that the implementation and funding of the EU's external migration policy is assigned to different Commission Directorates-General and mainstreamed in the EU's migration and asylum policies, as well as in its development and foreign policies; insists on the importance of ensuring coherence, synergies and complementarities;

#### ***II. Human rights compliance and EU actors implementing the external migration policy***

- 6. Notes the increased role of Frontex in practical and operational cooperation with third countries, including on return and readmission, the fight against human trafficking, the provision of training, operational and technical assistance to authorities of third countries for the purposes of border management and border control, carrying out operations or joint operations at the EU's external borders or in the territories of third countries, and deploying liaison officers and operational staff in third countries; calls for an assessment of the needs of the agency on a regular basis in order to ensure its optimal functioning;
- 7. Stresses the importance of status agreements for the security of the EU's external borders, as well as for ensuring a legal framework for cooperation between Frontex and third-country border management authorities;

8. Calls on Frontex to regularly inform Parliament's Subcommittee on Human Rights, Committee on Foreign Affairs and Committee on Civil Liberties, Justice and Home Affairs about any activities involving cooperation with third-country authorities;
9. Stresses that Regulation (EU) 2019/1240 on the creation of a European network of immigration liaison officers<sup>4</sup> should further improve the EU's capacity to coordinate, cooperate and exchange information among immigration liaison officers deployed in third countries, the Commission and EU agencies, in order to respond more effectively to the Union's priorities in the field of migration; highlights that one of the central tasks of this EU network's Steering Board is to support the development of the capabilities of immigration liaison officers, including through developing guidelines on implementing human rights as part of their activities;
10. Notes with great concern that it is not possible to determine the identity of the majority of the people who die during the attempt to cross the sea; considers it necessary to establish a coordinated European approach in order to improve identification processes;

### ***III. EU cooperation with and financial aid to third countries on migration***

11. Welcomes the increasing use since 2016 of enhanced conditionality between development cooperation and migration management, including returns and readmission; reiterates that, according to Articles 21 of the TEU and 208 of the TFEU, the primary objective of Union development cooperation policy is the reduction and, in the long term, the eradication of poverty in countries of origin and transit by developing local economies and good governance, thereby weakening the pull and push factors which lead economic migrants to risk their lives; supports a needs-based approach to humanitarian and emergency aid without making them conditional on cooperation with the EU on migration;
12. Calls on the Commission to establish an overview of all instruments within the EU budget used to finance cooperation with third countries in the field of migration management;
13. Highlights the objective of European financial instruments to support third countries in the development of the necessary institutional framework and capacities to manage migration in all its aspects, while aligning with European and international standards; calls for EU financial support to create sustainable solutions that address local and regional challenges, particularly those related to democratic processes and the rule of law, socio-economic development, healthcare, education, the root causes of poverty, youth employment in countries of origin, social exclusion, gender equality, climate change, conflicts, access to services, and enhancing self-reliance;
14. Calls on the Commission to regularly report to Parliament on the funding of migration-related cooperation programmes in third countries, and on the ways in which this funding has been used by partner countries, including reporting to the working group on external financial instruments of the Committee on Foreign Affairs;

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<sup>4</sup> Regulation (EU) 2019/1240 of the European Parliament and of the Council of 20 June 2019 on the creation of a European network of immigration liaison officers, OJ L 198, 25.7.2019, p. 88.

15. Notes that migration-related actions in crisis situations through the rapid response actions pillar of the Neighbourhood, Development and International Cooperation Instrument should address, among other things, the needs related to migratory flows and forced displacement, including supporting host communities, in accordance with international humanitarian law;

***IV. The EU's external human rights policy and migration objectives***

16. Believes that the EU must play a leading role in supporting sustainable development and policy dialogue on universal human rights in multilateral forums; calls on the Commission and the Member States to increase the efficiency of the implementation of development funding, and urges that greater visibility and accountability be accorded to EU financial support to the relevant international and regional organisations;
17. Calls for the EU to include diasporas, affected communities, refugee- and migrant-led organisations, particularly those led by women, and civil society representatives in the design and implementation of projects carried out in third countries;

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18. Instructs its President to forward this resolution to the Council and the Commission.

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