



**PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN**  
**ASSEMBLEE PARLEMENTAIRE DE LA MEDITERRANEE**  
الجمعية البرلمانية للبحر الأبيض المتوسط

**3<sup>rd</sup> Standing Committee on Dialogue among Civilizations  
and Human Rights**

“The Mediterranean dimension of a Global Compact on Migration”

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**Report**

**I. INTRODUCTION**

1. This report aims at presenting the recent developments on the issue of migration at regional and international levels. Particular focus is given to the current and future status of the migration governance in the Mediterranean. A list of PAM recommendations is included, as its parliamentary contribution to the process leading to the Global Compact on Migration.
2. Migration is a phenomenon that stretches back to the earliest periods of humankind. Today, an unparalleled structural level of population movements is taking place in the Mediterranean region. Southern Europe and the MENA region, in particular, have been faced, over the past years, with unprecedented flows of economic migrants and asylum seekers.<sup>1</sup> In this context, the PAM countries are facing critical challenges in dealing with this phenomenon, ranging from xenophobia and populism to the lack of coherent EU policies and strategies. The large movements have also showed significant protection gaps in the current institutional and legislative frameworks that need to be addressed in a global approach.
3. Since its establishment, the Parliamentary Assembly of the Mediterranean (PAM) follows with concern the development of the migratory phenomena and has worked to tackle it through its parliamentary platform. Already in 2007, at its first plenary session, the Assembly debated and adopted a report on “*Managing migratory flows and co-development in the Mediterranean region in a mutually beneficial manner*”. Following the establishment, in 2008, of a dedicated working group on migration, the Assembly adopted

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<sup>1</sup> Over one million refugees and migrants reached the continent by sea in 2015, mainly to Greece and Italy, and almost 4,000 feared drowned (IOM).

a series of reports and resolutions<sup>2</sup> and organized many parliamentary hearings<sup>3</sup> on the subject. PAM has been active on this front also by contributing to major events organised by its partners and other stakeholders. The Assembly contributed to the UN High-level Meeting on Large Movements of Refugees and Migrants, held in New York, on 19 September 2016, and has provided a major contribution, as a regional organization, to the process of drafting the UN Global Compact for Safe, Orderly and Regular Migration, as requested to PAM by the President of the UN General Assembly both in New York and to the PAM Secretary General during a bilateral meeting in Bratislava in August 2017.

## II. SITUATION ALONG THE MAIN MIGRATORY ROUTES

4. Military confrontations in Libya and Syria and the terrorist activities by ISIS have resulted in extensive levels of internal and international displacement in the sub-region in recent years.<sup>4</sup> The conflict in Syria has displaced well over half of the country's population, with over 5.5 million refugees, over 6.3 million IDPs and over 184,000 asylum seekers. Turkey, Lebanon and Jordan were, respectively, first, third and seventh host countries of Syrian refugees in the world in 2016.<sup>5</sup> The very large numbers of Syrian and Iraqi refugees hosted in neighbouring countries, together with protracting conflict and the still uncertain prospects of return to Syria, have seen asylum seekers undertaking irregular migration onward to other countries, most notably those in Europe via the Central and Eastern Mediterranean routes. Migrant smugglers have been instrumental in these movements, engaging in abuse and exploitative practices.
5. Most migrants coming to Europe via the Mediterranean crossed by boat from Libya to Italy, or from Turkey to Greece, through the Aegean Sea and via the land border. IOM reported that 167,724 migrants and refugees entered Europe by sea in 2017 through 13 December, with just over 70% arriving in Italy and the remainder divided between Greece, Cyprus and Spain. The EU-Turkey Statement activated in March 2016 led to a significant drop in the number of people moving along the Eastern Mediterranean and Western Balkans routes, leaving more than 70,000 people stranded in the region.

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<sup>2</sup> *Migration*", unanimously adopted during the 3<sup>rd</sup> Plenary Session, on 13-15 November 2008, in Monaco; "*Forced Migration*", unanimously adopted during the 4<sup>th</sup> Plenary Session, on 24 October 2009, in Istanbul; "*Palestinian Women Refugees - The situation in the Gaza Strip, the West Bank, Lebanon, Syria and Jordan*", adopted during the 5<sup>th</sup> Plenary Session, on 30 October 2010, in Rabat; "*Revolutions and Migrations - Impact of the Arab Spring on the movement of people in the region*", unanimously adopted during the 6<sup>th</sup> Plenary Session, on 29 October 2011, in Palermo; "*Protection of Civilians in conflicts*", unanimously adopted during the 9<sup>th</sup> PAM Plenary Session, 3 February 2015, in Monaco; "*Security Challenges related to Migration*", unanimously adopted during the 11<sup>th</sup> PAM Plenary Session, on 23 February 2017 in Porto.

<sup>3</sup> "*Human Trafficking and Modern day Slavery; the consequences of displacement on women and children in conflicts – protection and assistance and PAM's engagement in Human Rights*", held in Antalya, on 24-25 April 2014; "*Extremism, terrorism and tragedies of illegal immigration in the Mediterranean: which policies to face these renewed challenges?*", hosted by the Parliament of Morocco, in Rabat, on 26 May 2015; "*Promoting better regional cooperation towards smart and humane migration across the Mediterranean*", held in Valletta, Malta, on 16-17 November 2017.

<sup>4</sup> *Global Trends: Forced Displacement in 2016*. UNHCR, Geneva. Available from [www.unhcr.org/5943e8a34](http://www.unhcr.org/5943e8a34).

<sup>5</sup> *Ibid.*

6. The Central Mediterranean route continued to account for the largest number of people crossing by sea and the deadliest route for irregular migrants in the world in 2016 and 2017. At sea, the number of lives lost and missing persons is estimated to be 3,095 so far in 2017.<sup>6</sup> In September 2017, the initially high number of arrivals in Italy has fallen by 30% compared to 2016<sup>7</sup>, as a consequence of a deal Rome made with Libyan authorities and tribal leaders at the end of June, aiming at intercepting boat migrants - both in Libyan territorial waters and beyond. In the meantime, arrivals from Tunisia have tripled, while those from Algeria doubled and those from Turkey shot up 63%.
7. Although the North African sub-region is primarily a migrant transit area, it also started hosting growing populations of international migrants, including refugees. Libya had the largest number of international migrants in the sub-region.<sup>8</sup> Others travelled from Morocco and Algeria to Spain, along the Western Mediterranean route.
8. Irregular migration remains prevalent from West and Central Africa, where conflicts and violence linked to political upheavals, communal and ethnic tensions, Boko Haram extremism and environmental changes have caused internal and cross-border displacement towards North Africa and Europe. Niger is an important country of transit and as well as a major smuggling hub.<sup>9</sup>
9. Protection challenges and serious Human Rights violations along these corridors are frequent, devastating and include: deaths at sea, in the desert and in other transit locations; missing migrants, exploitation, trafficking, smuggling, sexual and gender-based violence, arbitrary detention, forced labour and other Human Rights violations.<sup>10</sup>

### **III. MIGRATION GOVERNANCE IN THE MEDITERRANEAN**

10. The cornerstone of the European Agenda on Migration remains the hotspot approach, in place since 2015, supported by the European Border and Coast Guard Agency, the European Asylum Support Office and Europol, and the EU-Turkey Statement.<sup>11</sup>
11. The EU also provides support to other countries facing pressures following the Syrian crisis through the EU Regional Trust Fund in Response to the Syrian Crisis, established 2014. The Fund addresses longer term economic, educational and social needs of Syrian refugees

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<sup>6</sup> Source: IOM's Missing Migrants Project.

<sup>7</sup> COM(2017) 669 final, Brussels, 15.11.2017.

<sup>8</sup> UN DESA, *International Migrant Stock: The 2015 Revision*, United Nations, New York.

<sup>9</sup> *ibid.*

<sup>10</sup> See IOM's Missing Migrants Project; UNHCR, *Desperate Journeys: Refugees and Migrants Entering and Crossing Europe via the Mediterranean and Western Balkan Routes*, February 2017, <http://www.unhcr.org/news/updates/2017/2/58b449f54/desperate-journeys-refugees-migrants-entering-crossing-europe-via-mediterranean.html>

<sup>11</sup> COM(2017) 669 final, Brussels, 15.11.2017.

in neighbouring countries such as Egypt, Jordan, Lebanon, Turkey and Iraq, as well as helping overstretched host communities and their administrations.

12. As a response to the challenges posed by the Central Mediterranean route, an EU Emergency Trust Fund for Africa was established to address the migration crises in the region of Sahel/Lake Chad, Horn of Africa and North Africa, encompassing a total of 23 countries<sup>12</sup>.
13. On 28 August 2017, the leaders of France, Germany, Italy Spain, Chad, Niger and the head of the Libyan UN-backed government met in Paris and agreed on a short-term action plan to crack down on networks of smugglers and to stop illegal migration, via Libya, to the EU countries.
14. However, the EU policy of helping Libyan authorities intercept people trying to cross the Mediterranean and return them to the Libyan detention centres has been reported to be “inhuman”, as said by the UN Human Rights Chief, Zeid Ra’ad al-Hussein<sup>13</sup>: refugees and migrants intercepted were enduring horrific treatment.<sup>14</sup>
15. At the African Union-European Union Summit, held on 29-30 November 2017 in Abidjan, Ivory Coast, the EU, the UN and the African Union agreed on an emergency plan to dismantle people smuggling networks and repatriate stranded migrants in an effort to ease a Human Rights disaster in Libya. The EU also agreed to establish a joint migration task force with the African Union and the UN, with the aim of saving and protecting lives of migrants and refugees, in particular in Libya, accelerating assisted voluntary returns to countries of origin and speeding up the resettlement of those in need of international protection.
16. On the other hand, on 16 November 2017, the European Parliament gave its way to negotiations with the Council and the Commission on the reform of the Dublin Regulation. The Council has not yet taken a negotiating position.
17. On 13 December the EU leaders of France, Germany and Italy met with their counterparts of the G5 Sahel member countries (Mali, Niger, Chad, Burkina Faso and Mauritania), Saudi Arabia and the United Arab Emirates, to bolster the G5 Sahel Force with military, political and financial support, to fight terrorism and human trafficking.

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<sup>12</sup> The Fund was established on 12 November 2015, at the Valletta Summit.

<sup>13</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393&LangID=E>

<sup>14</sup> See Amnesty International report “Libya’s dark web of collusion: abuses against Europe-bound refugees and migrants”, 11 December 2017, Index number: MDE 19/7561/2017. Images broadcast by CNN in November 2017 appearing to show migrants auctioned off as slaves by Libyan traffickers.

#### **IV. TOWARDS A GLOBAL COMPACT ON MIGRATION**

18. Efforts to improve global governance of migration are not new and date back to the post-World War I and II, when significant progress was made in the area of labour migration and refugee movements. However, a number of factors have impeded progress in establishing a more coherent global and EU system of international migration governance.
19. The first concern is articulated by States about the effect of migration on their sovereignty, directly on the integrity of borders, economic growth, social relationships, demography, cultural values and, in some cases, political stability. Migration is also often a contested issue in domestic politics: public is divided as to whether migration is a problem or an opportunity.
20. Second, effective international cooperation requires States to consider the interests of other countries, which is difficult when States are conflicted about their own interests with regard to migration: many States are, at one and the same time, countries of origin, transit and destination, and their interests may differ significantly, depending on the topic under discussion or the agreements being negotiated.
21. Third, destination countries are generally wealthier and are often also strategically and militarily dominant, therefore, they can have disproportionate power in negotiations to define the terms by which their visas will be allocated.
22. Finally, it is difficult to engage migrants, often irregular, in developing and improving relevant frameworks, institutions and processes, particularly since it is not always clear who can legally represent migrants' interests in any given context.
23. Yet, many States have showed their willingness to cooperate both within and outside of the UN, and the EU, and formulate strategies and approaches to address migration. During the UN High-level Meeting on "Addressing Large Movements of Refugees and Migrants", the 193 UN Member States recognized the need for a comprehensive approach to human mobility and enhanced cooperation at the global level.
24. They adopted, on the same day, the New York Declaration for Refugees and Migrants and made important commitments: to protect the safety, dignity and Human Rights and fundamental freedoms of all migrants, regardless of their migratory status; to support countries rescuing, receiving and hosting large numbers of refugees and migrants; to integrate migrants in humanitarian and development assistance frameworks and planning; to combat xenophobia, racism and discrimination towards all migrants; to develop non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations; to strengthen global governance of migration, through the development of a global compact for safe, orderly and regular migration.

25. They also unanimously agreed on the need for two compacts, one for refugees and one for migration. The process of consultations has just ended, after a three-day preparatory stocktaking meeting of the intergovernmental conference, which took place in Puerto Vallarta, Mexico, on 4-6 December 2017.
26. The related UN Secretary-General's report on migration is expected to be released before mid-January 2018, followed by intergovernmental negotiations, expected to begin in February and conclude in July. The Compact will be presented for adoption at an intergovernmental conference on international migration that will be held in Morocco at the end of 2018.

## **V. PAM'S ENGAGEMENT IN THE PROCESS**

27. PAM is fully aware of the importance of achieving a Global compact for safe, orderly and regular migration, as a necessary precondition for ensuring an effective management of the migratory phenomenon.
28. At the request of the UNGA President, the Assembly co-organized a conference on the subject, on 16-17 November 2017, in Valletta, Malta, in order to prepare the parliamentary contribution to the UN consultation process on the Global Compact on migration. Partners in this initiative were the Inter-Parliamentary Union and the Parliament of Malta. The outcomes of the meeting were shared at the Mexico UN meeting.
29. Among the most important PAM recommendations are the following: address the root causes of migration; ensure that migration, as it occurs, is voluntary and safe, with migrants' rights duly protected; put in place regular and rights-protected migration channels; implement gender specific responses to migrant and refugee women and formulated pleas for solutions supported by parliamentary action and cooperation across the region and beyond; and value the positive link between migration and sustainable development.
30. The importance of offering protection and assistance to refugees throughout the EU, pursuant to the established principles of "liberty, democracy and respect for Human Rights, fundamental freedoms and the rule of law", and in contrast to the rising anti-immigration discourse and ill-feeling towards refugees, was highlighted.
31. PAM will also organise, in cooperation with the Pan-African Parliament, a conference on the nexus between security and migration in the Mediterranean. As stated by the Italian Minister of Interior, there is no evidence of a direct link between migration and terrorism. There is, instead, a close interconnection between terrorism, radicalization and violent

extremism and the lack of integration in the host countries by young individuals, of foreign origins, but born in those same countries<sup>15</sup>.

## VI. CONCLUSIONS AND RECCOMANDATIONS

32. The UN Global Compact on migration provides the opportunity to move ahead in strengthening the norms, principles, rules and decision-making processes that will allow for more effective international cooperation in responding to migration and create opportunities for mutual benefits. Now, the challenge ahead is to move from consultations to greater joint action.
33. The President of the UNGA suggested the UN Member States to focus on the “strong common positions”, the first of which is the acknowledgment that the current response to international migration is not sustainable, and that this is a global phenomenon that needs an international response.<sup>16</sup>
34. Governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration in essential, should be on the basis of the principles of solidarity, responsibility-sharing and humanity.
35. It is important to underline that the system for global migration governance and any improvements to it should necessarily be grounded in a recognition and acceptance that migrants are entitled to inalienable rights and that their Human Rights should be always respected and protected, regardless of migratory status, as defined in international law.
36. PAM urges its members to follow-up on the recommendations of its Conference held in Valletta and the United Nations New York Declaration for Refugees and Migrants, and encourages its national parliaments to ensure the ratification and implementation of the relevant international conventions concerning migration governance, protection of migrants and their families, and refugee protection and assistance.
37. PAM calls its Parliaments to introduce concerted national programmes of action and strengthen domestic legislation against intolerance, racism and xenophobia, in favour of integration, non-discrimination and equality with respect to migrants and refugees.

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<sup>15</sup> [http://www.ansa.it/liguria/notizie/2017/04/07/migranti-minniti-tema-non-va-subito\\_736a4def-0fee-4b36-a620-24a88b3819d5.html](http://www.ansa.it/liguria/notizie/2017/04/07/migranti-minniti-tema-non-va-subito_736a4def-0fee-4b36-a620-24a88b3819d5.html)

<sup>16</sup> Statement by H.E. Mr. Miroslav Lajčák, President of the 72<sup>nd</sup> Session of the UN General Assembly, at closing ceremony of Stocktaking Meeting of the Preparatory Process of the Global Compact for Safe, Orderly and Regular Migration, 6 December 2017 – Puerto Vallarta, Mexico, available from the UN website at the link: <https://www.un.org/pga/72/2017/12/06/closing-ceremony-of-migration-stocktaking-meeting/>

## **VII. THE CONTRIBUTION OF PAM AND PARLAMENTARIANS**

38. At the national and regional level, national and international Parliaments play a crucial role in the promotion and protection of Human Rights, as legislators and as overseers. They lay the foundation for the rule of law and the respect for and protection of Human Rights at the national and international level, as acknowledged by the Human Rights Council in its resolution A/HRC/RES/35/29, adopted on 23 June 2017.
39. Parliaments are also uniquely positioned to contribute to closing the implementation gap, to prevent violations of Human Rights and to ensure better protection, especially of vulnerable groups, by ensuring transparency and accountability for States' Human Rights obligations and following up the implementation of recommendations by regional and international Human Rights mechanisms. It may be noted that within the context of the universal periodic review, some 60 to 70% of recommendations require or involve parliamentary action.
40. It must be further recalled that the UN Secretary-General encourages a more proactive engagement of parliamentarians in the work of international Human Rights mechanisms, including through the development of a set of principles and guidelines that would assist and guide them, and PAM must play a key role in this endeavour.
41. On 14 December in Geneva, and based on the model cooperation established between the UN Security Council CTC/CTED and PAM on the evaluation of national Counter-Terrorism legislations, the Office of the UN High Commissioner for Human Rights requested to PAM SG the support of the Assembly in the preparation of a special report by OHCHR on how to promote and enhance further synergies between national and international Parliaments and the work of the Human Rights Council and its Universal Periodic Review, in line with the provisions of the Human Rights Council in its resolution A/HRC/RES/35/29. The outcome of the report will be discussed at the 38<sup>th</sup> HRC Session.
42. PAM has accepted and launched a process of consultation with its National Parliaments on the subject. The outcomes of the process will be reviewed and discussed at the joint PAM/OHCHR Seminar on Human Rights for PAM MPs, in Geneva, in June 2018, on the margins of the 38<sup>th</sup> HRC Session. The seminar will focus on migrations, particularly the parliamentary oversight on national policies and practices relevant Human Rights, and with focus on the most vulnerable, namely, women, children, and elderly people.
43. While Human Rights are a cross-cutting issue that should be taken into account by all parliamentary committees, the establishment of a parliamentary committee with an exclusive Human Rights mandate sends a strong political message and should be encouraged. PAM and OHCHR should establish a more and better structured dialogue supported by joint initiatives on the model of the joint seminar organized in 2016 on the role of parliamentarians and their engagement in support of Human Rights, outlining

opportunities for and challenges to enhance cooperation between parliaments and the universal period review process.

44. The attention of PAM should also be focused on the issue of refugees, by contributing to the discussions and negotiations on the UN Global Compact on Refugees, which is being developed in parallel with the UN Global Compact on Migration. A major event on the subject, as the one organized in Valletta on migration, would be useful to address the Syrian refugees' exodus, as well as the long-standing and unresolved plight of Palestinian refugees, who were also forced to leave Syria due to the conflict.