

**Lampedusa**

**European Parliament resolution on Lampedusa**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights, particularly Article 14 thereof,
  - having regard to the 1951 Geneva Convention Relating to the Status of Refugees, particularly Article 33(1) thereof, which requires individual cases to be genuinely examined and prohibits the expulsion or return (*refoulement*) of refugees,
  - having regard to the European Convention on Human Rights, particularly paragraph 4 of Protocol 4 thereto, according to which ‘collective expulsion of aliens is prohibited’,
  - having regard to the Barcelona Declaration, as well as the programme of work, adopted at the Euro-Mediterranean Conference of 27 to 28 November 1995, which concerns the promotion of the defence of fundamental rights in the Mediterranean area,
  - having regard to the Charter of Fundamental Rights of the European Union<sup>1</sup>, and particularly Article 18 thereof on the right to asylum,
  - having regard to Article 6 of the EU Treaty and Article 63 of the EC Treaty,
  - having regard to its written questions E-2616/04 and E-0545/05,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Lampedusa is a small island of 20 km<sup>2</sup> located in the middle of the Sicilian Channel, with a population of 5 500, which has obvious limits to its capacity to receive and host the mass of immigrants and asylum seekers who regularly land on its coast, often in desperate conditions,
- B. concerned at the collective expulsions of migrants from the island of Lampedusa in Italy to Libya carried out by the Italian authorities between October 2004 and March 2005,
- C. whereas the United Nations High Commissioner for Refugees (UNHCR) condemned the return of 180 people on 17 March 2005, saying that it was far from certain that Italy had taken the necessary precautions to ensure that it did not send genuine refugees back to Libya, which could not be regarded as a place of safe asylum; whereas the UNHCR profoundly regretted the lack of transparency on the part of both the Italian and the Libyan authorities,

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<sup>1</sup> OJ C 364, 18.12.2000, p. 1.

- D. concerned at the refusal of the Italian authorities to give the UNHCR access to the Lampedusa reception centre on 15 March 2005, even though the Italian authorities had, according to the UNHCR, given such access to Libyan officials,
- E. deeply concerned about the fate of the hundreds of asylum seekers returned to Libya, since that country is not a signatory to the Geneva Convention on Refugees, has no functioning asylum system, offers no effective guarantee of refugee rights and practises arbitrary arrest, detention and expulsion; and whereas the people expelled are usually handcuffed and do not know what their destination is,
- F. concerned at the treatment and deplorable living conditions of people held in camps in Libya, as well as by the recent massive repatriations of foreigners from Libya to their countries of origin in conditions guaranteeing neither their dignity nor their survival; concerned also at the reports from Libyan sources of 106 alleged deaths resulting from these expulsions,
- G. having regard to the bilateral agreement between Italy and Libya, the content of which is still secret and which is thought to give the Libyan authorities the task of supervising migration and to commit them to readmitting people returned by Italy,
- H. concerned about the absence in Italy of a law on the right to asylum,
- I. having regard to the demand by the European Court of Human Rights to Italy of 6 April 2005 to provide information on the situation in Lampedusa, following Application No 11593/05 filed by a group of expelled migrants,
  - 1. Calls on the Italian authorities and on all Member States to refrain from collective expulsions of asylum seekers and 'irregular migrants' to Libya as well as to other countries and to guarantee that requests for asylum are examined individually and the principle of *non-refoulement* adhered to;
  - 2. Takes the view that the collective expulsions of migrants by Italy to Libya, including those of 17 March 2005, constitute a violation of the principle of *non-refoulement* and that the Italian authorities have failed to meet their international obligations by not ensuring that the lives of the people expelled by them are not threatened in their countries of origin;
  - 3. Calls on the Italian authorities to grant the UNHCR free access to the Lampedusa detention centre and the people held there, who might be in need of international protection;
  - 4. Calls on the Commission, as the guardian of the Treaties, to ensure that the right of asylum is respected in the European Union in accordance with Article 6 of the EU Treaty and Article 63 of the EC Treaty, to put a stop to the collective expulsions and to insist that Italy and the other Member States comply with their obligations under EU law;
  - 5. Recalls the need for a Community immigration and asylum policy based on an opening up of legal immigration channels and on the definition of a common standard of protection of the fundamental rights of immigrants and asylum seekers throughout the

European Union, as established by the 1999 Tampere European Council and confirmed by the Hague Programme;

6. Reiterates its deep reservations about the lowest common denominator approach in the proposal for a Council Directive on asylum procedures (COM(2002)0326) and calls on Member States to ensure a prompt transposition of Directive 2004/83/EC<sup>1</sup> on minimum standards for the qualification and status of refugees;
7. Calls on the Commission to conduct a transparent dialogue on this subject, that includes making publicly available the outcome of its technical mission to Libya in November and December 2004 on illegal immigration;
8. Calls on Libya to allow access to international observers, to call a halt to the expulsion and arbitrary arrest of migrants, to ratify the Geneva Convention on Refugees and to recognise the mandate of the UNHCR, and demands furthermore that any readmission agreement with Libya is made public;
9. Calls for a delegation of members of the relevant committees to be sent to the Lampedusa refugee centre and to Libya to assess the magnitude of the problem and to verify the legitimacy of the actions of the Italian and Libyan authorities;
10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government of Libya and the United Nations High Commissioner for Refugees.

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<sup>1</sup> OJ L 304, 30.9.2004, p. 12.