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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Paulo Casaca, Pasqualina Napoletano, Véronique De Keyser, Elena Valenciano Martínez-Orozco, Javier Moreno Sánchez,

on behalf of the PSE Group

on the situation of Iraqi refugees and internally displaced persons

European Parliament resolution on the situation of Iraqi refugees and internally displaced persons

The European Parliament,

- having regard to its previous resolutions on the rights of people in need of international protection,
 - having regard to its previous resolutions on the situation in Iraq and in particular its resolution of 15 February 2007 on the humanitarian situation of refugees from Iraq,
 - having regard to the UN Convention Relating to the Status of Refugees of 1951 (the Refugee Convention) and to the UN Protocol Relating to the Status of Refugees of 1967,
 - having regard to the urgent appeals by the UN High Commissioner for Refugees (UNHCR) of 7 February 2007 to increase international support for those countries hosting refugees fleeing Iraq, the international Conference on Iraq of 17-18 April 2007 in Geneva aimed at raising awareness of the scale of humanitarian needs in Iraq and in the region, the UNHCR call of 5 June 2007 for all borders to remain open to those in need of protection as well as to the UNHCR Return Advisory and Position on International Protection Needs of Iraqis outside Iraq of 18 December 2006 and to the UNHCR 'Supplementary Appeal – Iraq Situation Response' of 8 January 2007,
 - having regard to the Guiding Principles of Internal Displacement issued by the UN Secretary General's Special Representative on Internally Displaced Persons on 11 February 1998,
 - having regard to Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted¹ (the Qualification Directive),
 - having regard to the decisions adopted by the European Community and its Member States in the area of asylum and immigration,
 - having regard to the fact that the number of applications from Iraqi asylum seekers has doubled in the first half of 2007 in comparison to the same period the previous year;
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the general humanitarian and human rights situation is deteriorating in Iraq, as reflected by the regular reports of the UNAMI and other UN agencies in the country,

¹ OJ L 304, 30.9.2004, p. 12.

that show that an average of 100 people are killed, 200 wounded per day, that 50% of the population is living on less than 1 \$US per day, that unemployment affects more than 80% of the population, that 70% lack access to adequate water supply; 81% to effective sanitation, 3 million people will be food insecure if food distribution fails and that the system has already ceased to function in some areas, that 80% of doctors have left hospitals, that 75% children are not in school and that depending on the region 30% to 70% of the schools are closed (UNICEF),

- B. whereas more than 2 million people are now Internally Displaced Persons (IDPs), that since February 2006, 822,000 people have been newly displaced, with a further 2000 believed to be displaced each day; and that for the end of 2007, UNHCR estimates the number of IDPs as likely to reach 2.3 to 2.5 million,
- C. whereas in addition to the internally displaced, there are approximately 42,000 non-Iraqi refugees within Iraq (including around 15,000 Palestinians who are at particular risk as well as Sudanese, Turkish Kurds, Iranians and others),
- D. whereas many governorates in Iraq restrict access to new IDPs, which means drastic limitations on the chances of finding a temporary safe place inside the country,
- E. whereas IDPs are denied registration for food distribution, what increases the risk of a humanitarian crisis,
- F. whereas an estimated 2 million Iraqis are refugees in neighbouring states without any formal protected status provided by these host states: Syria hosting between 1.2 to 1.5 million, Jordan between 500 to 750,000 Iraqis, representing a high proportion of the population, Egypt (over 80,000), Lebanon (estimated 20,000), Iran (over 50,000), the Gulf region (over 200.000) and Turkey (estimated 5,100),
- G. whereas 560.000 of the refugees in the neighbouring countries are children at school age and that access to public education or subsidised health care in many areas is very difficult or barred by law,
- I. whereas, under customary international law, there is a legal obligation not to return refugees to persecution or serious harm, and to allow asylum seekers fleeing widespread human rights abuses and generalised violence to enter the relevant country, at least temporarily, in order to be screened for refugee status,
- H. whereas the attitude of most Member States to recognising protection needs of Iraqi refugees has been extremely restrictive, with the exception of Sweden (even though Sweden seems regrettable to tighten asylum procedures), the Netherlands and Ireland,
- K. whereas great disparities in the way Iraqi asylum claims are being assessed in the Member States have been determined that illustrate the lack of progress made in the development of a Common European Asylum System that is based on high common standards and is able to give protection to those in need,
- L. whereas neighbouring countries have considerably restricted access for refugees, forcing many to return to Iraq or remain trapped at the borders, as well as imposing

restrictive stay requirements, such as reducing periods of stay and/or making the renewal of their visas so difficult that most Iraqis quickly lose their legal status,

- M. whereas the Government of Brazil has offered to resettle an estimated 100 Palestinian refugees who formerly lived in Iraq under the solidarity resettlement programmes,
- N. whereas UNHCR is finalising a request to increase the Supplementary Budget for the Iraq situation from USD 60 Mio. to USD 115 Mio,
1. Welcomes the solidarity shown by Iraq's neighbouring countries with Iraqi refugees and invites these countries to inform the international community about the support they need to cope with the situation;
 2. Recognises also the efforts made by non-border countries of the region such as Egypt to assist Iraqi refugees; asks these countries to pursue their efforts in favour of the Iraqi refugees by keeping their borders open and improving conditions for them, respecting their fundamental rights and ensuring their access to basic services such as health and education with the support of the international community;
 3. Calls on the Iraqi Government, as well as local regional and religious authorities and the Multi-National Coalition Forces in Iraq to take immediate steps to improve security for all the refugees and IDPs in Iraq and end discriminatory practices;
 4. Calls on the Commission to urgently explore further possibilities to bring humanitarian support to the IDPs in Iraq, exercising appropriate flexibility in interpreting the relevant rules, and to assist the neighbouring countries in their efforts to host the refugee population;
 5. Welcomes the first steps undertaken by DG ECHO of the Commission; regrets however the very lengthy procedures followed by DG ECHO and invites ECHO to be more proactive and react more swiftly in regions where access is comparatively easy such as in Egypt;
 6. Invites the Commission urgently to inform Parliament and in particular its Committee on Budgetary Control in its sitting of 16 July about the use of the funds allocated to Iraq, in particular via the International Reconstruction Fund Facility for Iraq (IRFFI) and recalls the priorities of its Communication of 7 June 2006 (COM(2006)283 fin), which included (1) the support to a democratic government, (2) the security reinforcement on the basis of a State of Law and the promotion of a culture respecting Human rights; recalls that it considers it as an extreme emergency and urged in its resolution of 15 February 2007 that a significant part of the EU budget earmarked for programmes with Iraq be allocated for the refugees; this presentation should include an exact breakdown by activity type and budgeted, committed and paid activities identifying also clearly programmes dedicated to Iraqi refugees and IDPs;
 7. Invites ECHO to prepare urgently for the creation of post traumatic centres for Iraqi refugees and IDPs as well as to develop "occupational" projects in particular for IDPs

in the agricultural sector in those parts of Iraq where this is possible;

8. Calls on Member States to overcome their position of non-action regarding the situation of the Iraqi refugees and to fulfil their obligations under international and Community law to give Iraqis in Member States the opportunity to lodge asylum application and have it processed within minimum delay, respecting procedural safeguards and grant refugee status or subsidiary protection to those who have a well founded fear of persecution or serious harm; considers that, in light of the sectarian conflict that has developed over the last year, no viable internal flight alternative exists for persons fearing persecution or serious harm in Iraq and therefore urges Member States to refrain from applying an internal protection / flight alternative to Iraqi asylum seekers originating from any part of Iraq; recalls in this context its resolution of 15 February 2007;
9. Urges Member States not to transfer people under Dublin II Regulation, if it is known that that country does not properly consider Iraqi asylum claims; this can be achieved by using Article 3(2) of the Dublin II Regulation;
10. Encourages Member States to grant Iraqis who do not qualify for a protection status but cannot be returned, a legal status (temporary or permanent depending on their circumstances) and to ensure adequate conditions and basic rights such as housing and financial support, health care and education for people whose claims for asylum are rejected, but who cannot return and to grant them permission to work as long as return to Iraq is not possible and to adopt a generous approach to family reunification of Iraqis;
11. Deplores that 400 to 500 forced returns to Iraq were registered in 2005 and 2006 and asks Member States to suspend all forced returns to any part in Iraq and to suspend the application of any Memoranda of Understanding with the Iraqi authorities on return;
12. Invites the Commission to present an statistical and political overview of policies in its Member States with regard to Iraqi refugees and their eventual forced return as well as the conditions of the reception and adopted practices for determination of an eventual refugees' statute;
13. Urges the Member States and the international community, as a demonstration of international responsibility-sharing, to contribute in a significant manner to the resettlement of Iraqi refugees and stateless persons as well as the Palestinian refugees currently in Iraq or having fled from Iraq and now stranded in the region, giving priority to the most vulnerable cases in accordance with UNHCR guidelines on resettlement of Iraqi refugees; asks the European Community and its Member States to set up a mechanism to organise this responsibility-sharing and support the Member States accordingly;
14. Instructs its President to forward this resolution to the Council, the Commission, the governments of Iraq, Syria, Lebanon, Jordan and Egypt.