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Situation with refugee camps in Malta

European Parliament resolution on the situation with refugee camps in Malta

The European Parliament,

- having regard to the Universal Declaration of Human Rights, in particular Article 14 thereof,
 - having regard to the Geneva Convention of 1951 on the status of refugees, in particular Article 31 thereof,
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 5 thereof,
 - having regard to the Charter of Fundamental Rights of the European Union¹, in particular Articles 1 and 18 thereof,
 - having regard to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers² and Council 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 granted³,
 - having regard to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national⁴, which is known as Dublin II,
 - having regard to Article 6 of the EU Treaty and Article 63 of the EC Treaty,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas visits by delegations from its Committee on Civil Liberties, Justice and Home Affairs to detention centres in the EU, most recently in Malta, have shown that asylum seekers are detained in conditions that fall far below internationally recognised standards, and where particular concerns include physical conditions, as well as inadequate or non-existent access to basic services, such as medical care or social and legal assistance,
- B. whereas a delegation from its Committee on Civil Liberties, Justice and Home Affairs went to Malta on 24 March 2006 in order to visit administrative detention centres, in particular the centres of Hal Safi, Hal Far and Lyster Barracks, and to meet the Maltese authorities and the NGOs dealing with immigration,

¹ OJ C 364, 18.12.2000, p. 1.

² OJ L 31, 6.2.2003, p. 18.

³ OJ L 304, 30.9.2004, p. 12.

⁴ OJ L 50, 25.2.2003, p. 1.

- C. having regard to the facts ascertained on the spot by the delegation members,
- D. whereas asylum seekers in Malta are held in administrative detention centres,
- E. whereas the island of Malta is situated on the southern border of the European Union, it is a small island covering 316 km² and has a population of 400 000, with a population density of 1 200 people/km², and it obviously has a very limited capacity for receiving and accommodating migrants and asylum seekers, who regularly arrive on its shores in great numbers,
- F. whereas the average number of people arriving in Malta each year is equivalent to 45% of the birth rate in Malta and, in relative terms, one arrival in Malta corresponds to 140 in Italy, 150 in France and 205 in Germany; whereas in 2005 1 800 people arrived in Malta, which is equivalent to 252 000 in Italy, 270 000 in France and 369 000 in Germany,
- G. whereas Malta spends 1% of its national budget on tackling the current situation, which is bound to worsen in the coming months and years; whereas Malta deploys a considerable proportion of its army and police force - more than 10% of the personnel - to deal with the humanitarian emergency and manage the detention and reception centres,
- H. whereas Malta is not the final destination of the people arriving on the island, who state that they want to enter other Member States,
- I. whereas the Maltese authorities do not have sufficient staff to deal with asylum applications in a reasonable period of time,
- J. whereas some of the people arriving in Malta come from war-stricken countries, in particular in the Horn of Africa and Darfur, and it would be difficult to return them to their countries of origin,
- K. whereas living in 'open accommodation' is always preferable to staying in actual detention centres, as experience in Ceuta and Melilla has shown,
- L. whereas Malta's administrative practice sets eighteen months as the maximum period for holding migrants and twelve months for asylum seekers awaiting a decision on their applications,
- M. whereas the Maltese population looks to the European Union for an expression of solidarity and support, which, to date, has not been forthcoming,
- N. whereas the European Union should intervene as a matter of urgency and make every endeavour to support Malta in its effort to manage migratory flows, which the Maltese authorities would also like to see,
- O. whereas the European Union should do everything possible to help Malta and the other countries on the borders of the EU experiencing similar difficulties,
- P. whereas accession to the European Union has meant, for Malta and other small countries, difficulties in applying Regulation (EC) No 343/2003,
- 1. Firmly believes that Malta and other Member States must respect their obligations under international law as regards asylum seekers;

2. Recognises the difficulties encountered by Malta in managing the migration emergency of the last few years;
3. Expresses its solidarity with the Maltese population, the asylum seekers and immigrants held in detention, the Maltese authorities and the police and armed forces, who are confronted with a considerable problem, in view of the size of Malta and its population and the fact that Malta is not the final destination of migrants and asylum seekers;
4. Commends the transparency of the Maltese authorities, who allowed the delegation from its Committee on Civil Liberties, Justice and Home Affairs and the press free access to Malta's administrative detention centres;
5. Deplores, nevertheless, the unacceptable living conditions of the migrants and asylum seekers in Malta's administrative detention centres;
6. Calls on the Maltese authorities to reduce substantially the length of time migrants are held;
7. Calls for the UN High Commissioner for Refugees and NGOs to be given total access to the closed holding centres; calls on the competent NGOs to ensure a permanent presence in these centres in order to ensure access to medical and legal assistance;
8. Insists that the Member States establish access to the asylum application procedure and apply the provisions of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status¹ in a consistent and rigorous manner and ensure that asylum applications are processed swiftly and efficiently;
9. Calls on the Maltese authorities to apply Directive 2003/9/EC, especially as regards conditions in the detention centres;
10. Calls for a greater role for the European Union in the management of humanitarian emergencies linked to migratory flows and asylum seekers;
11. Calls on the Council to hold an extraordinary meeting of Justice and Home Affairs Ministers in Malta as soon as possible to take account of the need to take urgent and immediate measures to address the anticipated upsurge in numbers of irregular migrants arriving in Malta over the summer months, whilst at the same time finding a suitable solution to the current difficulties;
12. Considers that the Member States should show greater solidarity towards the Member States that suffer most from the EU-bound migratory flows and calls on the Member States to receive on their territory asylum seekers from Malta and other small countries, using technical assistance and the funding provided under the ARGO programme, the European Refugee Fund, the European External Borders Fund, the European Integration Fund and the European Return Fund for the period 2007-2013;
13. Calls on the Council and the Member States to supply practical aid for Malta:

¹ OJ L 326, 13.12.2005, p. 13.

- by sending groups of experts, including independent experts, to provide assistance in granting asylum-seeker status, and
 - by sending groups of experts, including independent experts, to provide advice on compliance with Directive 2003/9/EC;
14. Calls on the Commission to propose, as soon as possible, the creation of an emergency fund to tackle humanitarian crises in the Member States and to incorporate in the new funds for the period 2007-2013 an emergency mechanism allowing financial assistance to be provided in emergency situations;
 15. Urges the Commission to take the initiative as soon as possible with a view to revising Regulation (EC) No 343/2003, 'Dublin II', by calling into question its very principle, namely that the Member State responsible for dealing with an asylum application is the first country that applicants reach, which puts an intolerable burden on the countries situated in the south and east of the EU, and by introducing a fair mechanism for sharing responsibilities among the Member States;
 16. Reiterates the need for a Community immigration and asylum policy based on the opening-up of legal immigration channels and on the definition of common standards for the protection of the fundamental rights of immigrants and asylum seekers throughout the Union, as established by the Tampere European Council in 1999 and confirmed by the Hague programme;
 17. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and to the Office of the United Nations High Commissioner for Refugees.