

## MAJALAT: The Brussels Civil Society Forum 7 - 9 July 2021, Online Concept Note: *Migration*

### 1. Context

The process of dialogue on migration and mobility between civil society in the Southern Neighborhood and the European Union, which MAJALAT supported, was marked by outsourcing of migration management to neighboring countries, on the one hand, and the need to adapt discussions on this issue to new challenges posed by the global pandemic, on the other hand.

In 2020, the EU allocated ambitious funding to support the Southern Neighborhood (2.2 billion Euros) and the use of different trust funds to respond to the health emergency. At the same time EU policies on migration evolved through the European Pact, presented with medium to long-term planning and programming, and direct impact on EU neighborhood policies. This clearly indicated the need to initiate a discussion on the global health situation and its impact on human migration and mobility (1) and the structural evolution of European policies on migration and mobility globally and in the region (2).

The general and initial observation is that the context of the pandemic and health control measures (lockdowns, curfews, etc.) have clearly exacerbated some extremely dangerous situations of marginalization. They include lack of respect of basic rights and discrimination against the most vulnerable populations, especially migrants and asylum-seekers. These trends highlighted structural weaknesses resulting from the implementation of EU migration and mobility management policies by the EU, member states, or "partner" countries. The challenge here was to formulate recommendations that take into account both the specific and temporary state of emergency and the structural context. It deserves a general and organic analysis and significant adjustments that go beyond the current CSO framework and policies.

### 2. Priorities within the Migration thematic and selected recommendations for further development

In May 2020, the MAJALAT launched a series of 3 webinars to follow up on the recommendations that were made the previous year, reflect on impacts of the COVID-19 crisis in the Euro-Mediterranean region, and strengthen resilience and capacity building in the region. These webinars resulted in the following recommendations:

- 1) Launch campaigns to inform migrants about their health rights, in the context of the crisis.
- 2) Provide migrant children with equipment to benefit from home schooling available in the EU country.

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- 3) Link the financial assistance provided to the countries in the Southern Neighborhood in the context of the pandemic to the respect of human rights of refugees and asylum seekers.
- 4) Implement the guidelines of the Global Compact on Safe, Orderly and Regular Migration and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW).
- 5) Revise the Global Compact on Migration (Marrakech Pact), where it represents a step back from the provisions of the 1990 UN CRMW.
- 6) Create EU mechanisms to control and protect seasonal workers in Europe and the region.
- 7) Access International Labour Organisation (ILO) Conventions, in particular ILO Convention No. 143 migrant worker's rights. Review EU's commitment to climate conventions and their enforcement.
- 8) Engage civil society in bilateral discussions
- 9) Encourage member states to facilitate the regularization procedure for asylum seekers so that they obtain a work permit and stop working in the informal sector
- 10) Provide more funds to maintain refugee camps in order, improve health and avoid overcrowding.
- 11) Encourage member states to step up their fight against "fake news" and disinformation campaigns aimed at blaming migrants for the spread of the virus
- 12) Support cooperation programmes targeting: a) Alternative and traditional community media in the South and Europe to change perceptions about migration. b) Cultural programmes promoting the mobility of young people, artists and others.
- 13) Re-launch the EuroMed tripartite dialogues between the European Union, the Southern Neighbourhood Governments and independent civil society in the region.
- 14) EEAS and more generally bodies such as the European Parliament must encourage member States to de-criminalise solidarity with, and the rescue of, migrants.
- 15) Establish a trust fund addressing the protection of migrants and displaced persons based on rapid, integrated, flexible and short-term means.
- 16) Expand programmes facilitating the mobility of young people in the Southern Neighbourhood, and included disadvantaged groups in education and capacity building programmes.
- 17) Launch a dialogue on the role the EU could play in simplifying member state's visa procedures, e.g. establishing a legal basis for cooperation with visa processing companies.

These recommendations were reiterated and reinforced during the subsequent Neighborhood South Policy Seminar, **which also called on the** creation of a regional observatory on migration policies, for increased emergency support to countries in the region in the context of the health crisis and the easing of visa procedures by EU member states.

### 3. Conclusions & findings of the thematic research

While the situation regarding migration and mobility vary greatly between the different countries in the region, it is important to emphasise that access to fundamental rights for foreigners, and more particularly for migrant workers, is worryingly limited, both during the pandemic, before and in the current post-pandemic situation. Starting with the situation of seasonal workers in some countries in the region, questions of access to rights have become a real concern, particularly for undocumented migrant workers. Here, a reinforcement of legislative standards, notably of the ILO, remains important, but even more so a monitoring of violations of rights and the reinforcement of structures allowing the migrants to claim their rights.

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Although a large number of countries in the southern Mediterranean neighbourhood have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, unlike the EU Member States, the application of these rights is sometimes lacking or non-existent. Hence the importance of looking at developments on the ground, an expertise that falls mainly to CSOs. This is why the establishment of tripartite exchange forums and a migration policy monitoring committee would help improve the impact of migration policies.

The pandemic has essentially contributed to the fact that the economic situation of people, who for the most part were working in informal sectors, has deteriorated considerably. Emergency aid was distributed to migrant populations through dedicated funding for humanitarian action and civil society actors. Government support programmes, for example in Tunisia and Morocco, have not included foreign and/or irregular populations. As part of the EU's emergency response to the coronavirus pandemic, the EU has supported the health sector with a total of 966.6 million Euros. While this initiative will provide better access to health care for many citizens in the southern neighbourhood, it may not reach the most vulnerable migrant populations who may not be eligible. Vaccination programmes should be open to all people without conditions.

This highlights the importance of regularisation of residence for migrants in an emergency context. While some countries in the region have made considerable efforts in this regard, ways of regularising residence, notably through work, length of stay and vulnerability criteria should be legislated. Regarding the budgets allocated to migration, the amounts for outsourced border management and control far exceed the amounts allocated to integration and access to rights schemes, which is a clear indication of the EU's priorities

In the implementation of the Marrakech Pact, the EU should work to create safe migration routes, notably by creating spaces of free movement with the countries of the southern neighbourhood or by making visas more accessible to the nationals of the respective countries. A measure that could respond to the negative effects of restrictive policies, which became apparent during the events in Ceuta on 17 and 18 May 2021. In this sense, programmes to support the mobility of young people, professionals and artists, but also of vulnerable and marginalized groups should be strengthened and made accessible to a wider public.

The omnipresent issue of search and rescue at sea underlines the most urgent obligation for the EU to take appropriate measures in the Mediterranean and Atlantic waters in order to prevent people from going missing during the crossing. These include several measures, also highlighted by the UN High Commissioner for Human Rights in her recent report, including ending the criminalisation of sea rescue NGOs, setting up an EU search and rescue mission and ending cooperation with state structures that do not represent safe havens for any migrant. The most recent developments on the Canary Islands route but also near Cyprus, causing chain refoulements to Syria, add to the bitter findings in the central Mediterranean.

Based on this observation, policies concerning camps and centres on both sides of the Mediterranean must be reviewed from the point of view of living conditions, which are often inhumane in the current situation. The EU should also consider the increasing impact of sea interception policies on the Libyan coast on detention and inhuman treatment in Libyan centres.

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In an intersectional approach, the consideration of climatic factors in view of international conventions and standards in this field seems indispensable. Together, these issues raise the question of the sustainability of migration policies in the Mediterranean in terms of access to rights for foreigners, especially migrants. They call for a migration policy with visions that respect the fundamental rights of migrants, taking into account the realities on the ground.

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