

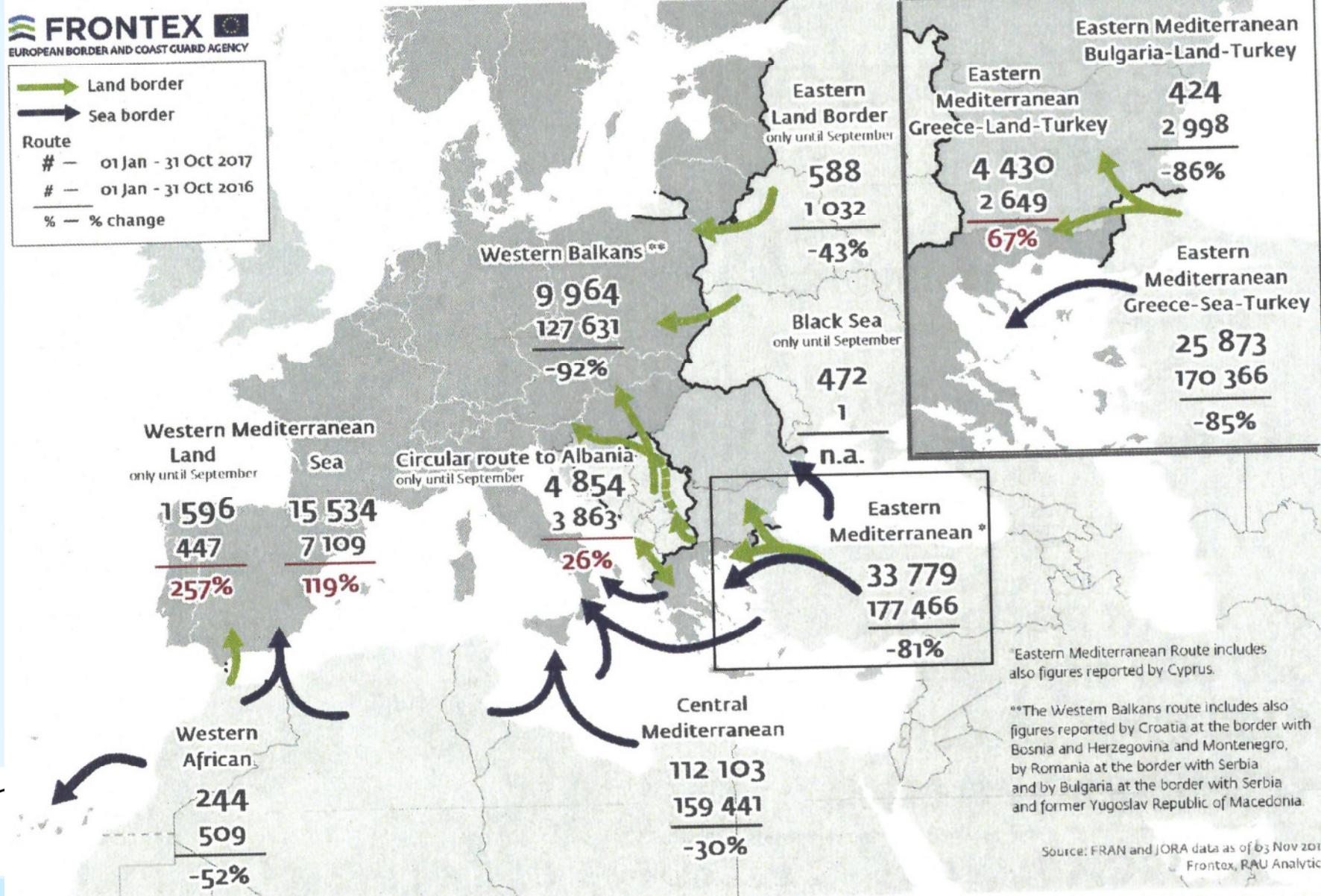
Aktuelles von der Flüchtlingspolitik in Europa

Asylpolitisches Forum 2017
8.-10. Dezember 2017
in Schwerte



Neue Tendenzen an den Außengrenzen

Detections of illegal border crossing Jan-Oct 2017



Europäischer Gerichtshof für Menschenrechte, Urt. v. 3.10.2017 (N.D. & N.T. gegen Spanien)

- Die bisher von Spanien an der Grenze zu Marokko praktizierte Zurückschiebungspraxis verstößt gegen die Europäische Menschenrechtskonvention (EMRK), vor allem weil die Menschen keine Möglichkeit erhalten, ihre persönlichen Umstände zu erklären oder Hilfe von einem Anwalt oder Übersetzer zu bekommen.
- Dieses Vorgehen stellt eine unzulässige Kollektivabschiebung dar und verstößt gegen das Verbot der Kollektivausweisung nach Art 4 des Vierten Zusatzprotokolls sowie das Rechts auf effektive Rechtsmittel aus Art 13 EMRK.

Kooperation mit „Problemstaaten“ – Beispiel EUBAM Libyen

- EUBAM = EU Border Assistance Mission
- Entsendung gem. Beschluss des Rates der EU vom 22. Mai 2013; deutsche Beteiligung: bis zu 20 Polizist*innen
- AA: „EUBAM Libyen soll die **libyschen Behörden** durch Ausbildung, Anleitung und Beratung bei der Entwicklung von Kapazitäten zur Sicherung der libyschen Land-, See- und Luftgrenzen unterstützen. Längerfristig soll die Mission gemeinsam mit den libyschen Behörden eine Strategie für Integriertes Grenzmanagement ausarbeiten und umsetzen.“

<https://www.auswaertiges-amt.de/de/aussenpolitik/europa/aussenpolitik/-/249554>



EUBAM Libyen

- „Libysche Behörden“ = ?

Oxfam, 9.8.2017: “Libya has become an unstable state torn between militias with a weak central government. It is a breeding ground for gangs who kidnap, enslave and extort money from migrants, and people-smugglers who force their human cargo onto unseaworthy vessels in the knowledge they may never arrive at their destination.”



Kooperationsabkommen Italien – Libyen, 3.2.2017 – Artikel 2

...The Parties commit to undertake actions in the following sectors:

- 1) completion of the land borders' control system of south Libya, ...
- 2) compliance and financing of the ... hosting centers already active in respect of the pertinent laws, benefiting from available funds by Italy and funds by European Union. ...
- 3) the Libyan personnel training within hosting centers to face the illegal immigrants' conditions,



Die Realität in den „hosting centres“

- According to Libya's Department of Combatting Illegal Migration (DCIM) 19,900 people were being held in facilities under its control in early November, up from about 7,000 in mid-September ...
- Oxfam: “Thousands of refugees and migrants face kidnap, slavery, torture and sexual violence in Libya before crossing the Mediterranean Sea to reach Italy – if they are not killed first. Oxfam has spoken to men and women who have spent months being beaten, tied up like animals and sold as cheap labour in Libya's shocking slave trade. Women are at an extremely high risk of physical and sexual violence, and men also speak of rape. For many, the hazardous escape from Libya across the Mediterranean is not a choice, but a matter of survival, even if it is against the odds. But due to EU governments' flawed policies that aim to prevent people getting to Italy, thousands are trapped in the **living hell that is Libya.**”



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Der UN-Hochkommissar für Menschenrechte dazu:

“The UN Human Rights chief today expressed dismay at the sharp increase in the number of migrants held in horrific conditions at detention facilities in Libya, saying the European Union’s policy of assisting the Libyan Coast Guard to intercept and return migrants in the Mediterranean was inhuman.”



Der Vollständigkeit halber:

Die Bundesregierung hat gerade zwei überplanmäßige Ausgabenermächtigungen beschlossen:

- Bis zu 20 Mio. € aus dem Etat für humanitäre Hilfen sollen „dazu beitragen, die humanitäre Notsituation von Flüchtlingen und anderen humanitär Hilfsbedürftigen in Libyen zu lindern“ (BT-Drs. 19/143);
- bis zu 100 Mio. € sollen „dazu beitragen, für Schutz, Versorgung und freiwillige Rückkehr von Migranten, Flüchtlingen und Binnenvertriebenen in und aus Libyen zu sorgen sowie bei der Unterstützung zur Stabilisierung aufnehmender Gemeinden zu helfen“ (BT-Drs. 19/142).



ROADMAP TO A DEAL BY JUNE 2018 ON THE COMPREHENSIVE MIGRATION PACKAGE

In 2018

By February

- Member States to pledge at least 50,000 places for the resettlement of people in need of protection, including through the United Nations High Commissioner for Refugees Emergency Transit Mechanism from Libya;
- Support at least 15,000 assisted voluntary returns through the International Organisation for Migration and 1,000 resettlements from Libya through the United Nations High Commissioner for Refugees Emergency Transit Mechanism.



By March

- Adopt the EU-Asylum Agency and the Eurodac proposals;
- Reach political agreement between the European Parliament and the Council on the **Qualification Regulation**;
- Member States to contribute all the assets and staff needed for the rapid reaction pools of the European Border and Coast Guard so that they stand fully ready for deployment;
- All Member States to contribute to close the funding gap of €340 million for the North of Africa Window of the EU Trust Fund;
- The European Border and Coast Guard Agency puts in place a fully functioning **return capacity**.

By May

- Reach political agreement between the European Parliament and the Council on the Reception Conditions Directive and the Union Resettlement Framework
- Obtain a negotiating mandate on the Asylum Procedures Regulation in the European Parliament and the Council;
- Reach an agreement on the right balance between responsibility and solidarity at the meeting of the EU Leader in Sofia and swiftly translate it into a negotiating mandate for the Council on the Dublin Regulation;
- Increase the number of returned migrants in operations organised in cooperation with the European Border and Coast Guard Agency by at least 20% compared to the same period in 2017;
- Agree on readmission agreements or operational arrangements with three further partner countries



By June

- Reach political agreement in the June European Council on the overall reform of the Common European Asylum System;
- Reach political agreement between the European Parliament and the Council on the "Blue Card" Directive;
- Further increase the number of returned migrants in operations organised in cooperation with the European Border and Coast Guard Agency by 50% compared to the same period of 2017

By October

- Implement 50% of the resettlement pledges for at least 50,000 people in need of protection



In 2019

By May

- Implement the remaining 50% of the resettlement pledges for at least 50,000 people in need of protection.



Position der Flüchtlingsbewegung zur Frage der Verteilung von Flüchtlingen in Europa

- Optionen aus der bisherigen Diskussion

- Fester Verteilungsschlüssel
- Verteilungsschlüssel mit Berücksichtigung der jeweiligen Interessen der einzelnen Person
- Anreize zur Aufnahme schaffen
- Freie Wahl des Zufluchtlandes
- Re-Nationalisierung der Zuständigkeit
- Asyl-Europa der verschiedenen Geschwindigkeiten

