

No to expulsion agreements **“Campaign Kit”**

The aim of this document is to provide those who will launch this campaign with the tools needed. The main demands of the campaign are listed (text for a common call), and ideas for demands that could be put into practise by those organisations that will take the campaign to a national level.

- **Doc 1:** suggested text for a common campaign call of “*No to expulsion agreements*”, with common demands.
- **Doc 2:** examples of written claims: *Letter from Ousmane DIARRA, president of the Malian association for deportees, before the Commission for Foreign Affairs of the National Assembly of the People of Mali.* [Http://www.migreurop.org/article1297.html](http://www.migreurop.org/article1297.html)
- **Doc 3:** appendices:
 - “Set cooperation agreements on immigration” or on “second generation” readmission, signed by Spain and certain sub-Saharan African countries.
 - The list of mandates and agreements signed at the European level
 - A list of readmission agreements signed by the European Union (Mirem source)
 - Map of the readmission agreements signed by the European Union (Mirem source)

NO TO EXPULSION AGREEMENTS

A readmission agreement is a process by which member States agree to readmit onto their territory their nationals who have been stopped for questioning and found to be in an illegal situation on the territory of another State. But this could equally apply to other foreigners who have set foot on their soil before being called in for questioning by that State. It could also involve bilateral agreements between one European member State (EU) and a non-member State, or EU agreements signed by the EU – thus implicating all 27 member States – and a non-member State. Since the European Council of Seville in June 2002, it is a requirement that “readmission clauses” must systematically be included in all economic, commercial or cooperation agreements signed between the EU and non-member states.

These clauses and readmission agreements are the pivot of the externalisation policy, made official by the EU with the 2004 La Haye programme, in which they subcontract a part of the regulation of the migratory influx to a non-member country. All development aid, in fact all “economic and commercial cooperation” is now dependent on their negotiations. It is the case in particular with the bilateral agreements for “the concerted management of the migratory influx” signed between France and Spain and West African countries, or the “mobility partnerships” envisaged by the EU (COM2007/248 Final of 16.05.2007).

These agreements are dangerous. They threaten fundamental human rights: their application could well lead to a violation of article 3 of the European Convention for Human Rights through “cascading agreements” in which people can be sent back, without any guarantee of their safety and security, to the country of “final destination”. It can also lead to the violation of the principal of non-return stated in the Geneva Convention (mainly by setting up the accelerated procedure currently existing in the agreements with Russian, the Ukraine and the countries of western Balkans); or again the generalisation of removal centres at each stage of the expulsion process. The forced returns that these lead to imply violence, fear and suffering.

Finally, these agreements and readmission clauses are part and parcel of the European directive on the “return” of immigrants in an irregular situation, qualified as the “directive of shame”: the isolation of migrants and the criminalisation of the migratory phenomenon.

Following the example of the general public and of certain governments of Southern countries, mainly Latin America, who have vociferously expressed their disagreement with this policy in general and the directive of shame in particular, going as far as putting into question their commercial links with the European Union,

we demand:

- the annulment of the readmission agreements and clauses**

- **the halting of all negotiation of these agreements between the European Union and the “candidate” countries such as Algeria, Turkey, Morocco, Pakistan and China.**

Pending these objectives, we demand:

- **transparency in the negotiation process for these readmission agreements**
- **precise regular information, with figures, on the implementing of these readmission agreements**
- **setting-up of testing systems to assess the consequences of previously signed agreements**

DOC 2. Consequences of expulsions, activities of the AME and suggestions for an improved awareness of people forced to return to Mali.

Letter from Ousmane DIARRA, president of the Malian association for deportees, before the Commission for Foreign Affairs of the National Assembly of the People of Mali

By Malian Association for the Deported, published 10 July 2008.

Right honourable Ministers, Honourable Representatives of the Malian people, Members of the Commission for Foreign Affairs, for External Malians and for African Integration, I greet you.

On behalf of the Association for Malian Deportees, I thank you for giving us the opportunity to come and present our association and our activities; the opportunity to express our grievances and make suggestions for an improvement in the awareness of Malian immigrants in general and our deported and expelled compatriots in particular.

It is in the context of these expulsions that the AME was born. In view of the fact that the numerous steps taken and suggestions made to the authorities of our country had brought about no sign of resolutions to our problems, and following the incomprehension between ourselves, the expelled, and our then interlocutors, we decided to join together to better coordinate our actions and make our voices heard.

For our demands in the face of the diverse injustices suffered in the host countries; for the claiming back of our possessions left elsewhere, for the consideration of our new situation of being forced to return to country of origin, it was necessary to draw up a framework in which all our demands were set out, where discussions could be held so that our problems could be made known here and over there, so that exact information could be given regarding our conditions.

From 1996 to 1997 the AME lead the struggle for the support and defence of Malian deportees. With the help of our support group, made up of key personalities and other organisations made up of members of the general public, we regularly called upon the authorities with regard to the conditions of our expulsion and the abrupt arrival in our country. We Malian migrants leave to go elsewhere in search of an improvement of our living conditions, we come up against a thousand difficulties in our journey, in our new life in other countries. Migrants and indexed, chased, kept in enclosures like animals, and then we are

repatriated without any measures being taken to accompany us or ensure our human rights. The detention conditions and expulsions are today subjects for debate and are heavily mediatized. The apprehending and accompaniment techniques that are used by escorting agents feature outside any international rights or conventions in use today. And even if certain countries have not agreed to all those conventions concerning migrants, it is universally recognised that all human beings have a right to fundamental human rights. Upon arrival in our country and after registration in the files of the Air and Frontiers' Police, we are left to our own devices, abandoned by all. We do not even know what to do. After many years spent abroad, a person who has been returned by force finds himself completely alone and does not know where to go.

Most of us have left their wives, children and (material) goods abroad. Precariousness settled in our members' life whose wives and children stayed there without any allowances or social security benefits. We live in Mali and we think of our broken life somewhere else. How to live when unwillingly a part of our/ones life has been left somewhere else, and when, in addition, we have to re build/build back a new life in our country without preparation nor accompaniment ? A lot of us was deported while they were following a medical treatment, with most of the time guaranteed reimbursement. Because even if they have no identity papers, they pay their contributions to the Social Security and they pay taxes. Wounded and physically affected deportees also arrive; they have been affected by blows, racial insults, or have been tied with adhesive wrapping paper to the arms, the chest and the ankles with a violence that caused fractures, arms and feet sprains, and concussions. What is very hard is that the deportee, once he endured all the agonies of the forced return, is confronted to his daily problems without being prepared to.

Where to go? Where to head for and get together with one's family, recover ones goods and ones social and professional rights, move back in ones country after so many years being absent? In which facilities to go and treat the wounded, consult and follow broken off treatments? On looking at this questionings and waiting for solutions, the Malian Association of Deportees created on October the 16th of 1996 with meager means and many ambitions, put in place a sensitization cell for the public, conferences for reflection and debates, and motions for questioning face to the policies/politicians that/who take tougher positions as regards the obtaining of visa, barricade the frontiers and make, on that account, people being illegal immigrants and with no identity papers : people who didn't commit other crime but the fact that they want to enjoy the universal human right number 13 according to which : " Each person has the right to circulate freely and to choose one's residence inside a State. Each person has the right to leave any country, including one's country, and to come back to it." That is to say the right to go somewhere else to search for a better life and to reside there for a while or for a long time, stay there or come back to the country of origin.

After the new motivation given to the activities in 2006 and thanks to it, the AME created a reception cell at the Airport of Bamako – Senou in order to offer a support to the people in forced return to Mali. Every evening we are at the reception of the deportees, to make those who don't have any means come in town, give a 2 or 3 days accommodation for the ones who don't have family in Bamako, help those who want to get back to the region or the country of origin for the ones who do not come from Mali and who have been deported or who have been refused the entry to the country of destination to.

With the help provided by partner organizations such as *La Cimade*, *Droits devant*, *Médico international*, *Resf* and willing persons, we acquired premises, office equipment and the implementation of administrative, medical, legal accompaniment of the deportees who are

received and registered there.

From July 2007 to April 2008, the association received to its headquarter 106 deportees, among whom 31 accommodated, 12 treated medically, 19 persons helped to the transport, 7 followed by legal practitioners, and we obtained a visa for the return of 4 persons. The association is encouraged in its activities by a co-operative of help from which derive our platform for legal support, composed of lawyers, jurists such as the LJDH and the AMDH, legal practitioners who help us thanks to their chambers. The participants of the AME were all initiated to French and European laws for stay and residence, reinforced by training to legal follow-up dispensed by the *Cimade*. Improving the skills of our contributors allows the association to be more efficient, but unfortunately, in view of the task and of our means, lots of things are still to be done. Rural depopulation and then emigration led many of our young brothers on the roads for the desert, to try and cross the Mediterranean Sea with makeshift means.

The roads are taken by those who cannot get a visa in the embassy of Bamako. Those migrants, if they don't die by drowning in the sea, turn back because they have been refused the entry to the other country, this after having suffered a long-time retention, bullying and blows, hunger. They are moved around from one frontier to another for finally being abandoned at Tinzawaten to the north of Mali. They are castoffs who are still living the wild adventure's nightmare.

Further to a mission to Gao and Kidal in June 2007, the AME settled a local branch to receive those who were turned back at the border and who managed to reach Kidal. Once there, the two contributors of the association record these people to the police station of the town and in our registers of activities, accommodate, treat and accompany the persons who want to go back in their family, after they got a pass with the authorities. From July the 15th of 2007 to March the 15th of 2008, the AME supported and helped 583 turned – back persons, among whom 326 Malians, the others being nationals from West Africa and Central Africa. The association helped 63 turned – back persons to go back in their family in the native region or country, 27 of them were cured or treated medically, 20 others were helped by the Red Cross. Then one person with mental illness was accompanied in his/her family and one foreigner who died got his/her parents informed. The interment took place after the agreement of the authorities of Kidal city was given.

Right honourable Ministers, on behalf of the Malian Association for Deportees, I ask you to listen carefully to our grievances.

The AME says no to the expulsion and to the entry's refusal, yes to the integration of communities.

We would like the National Assembly to get interested and involved in the elaboration of the bilateral agreements' discussion terms (the Malian members of the Franco - Malian joint commission have to enlighten the people's representatives before and after the signature of the agreements that involve the Malians' life in a certain country).

We demand the externalization of social and professional rights, if not, the reimbursement of social contributions and taxes paid by the people who have been deported (their contributions and their taxes are accepted while their identity is denied) could not be done.

We ask for the publication of bilateral agreements which will be signed.

We ask for the people who were wounded or mistreated during the expulsion to be taken care of.

We ask for a solidarity fund for the penniless for them to live or come back with dignity in their native region.

We ask for a particular attention to be paid to the deported who had to leave wife and children

in the host country, their family grouping files still being wantonly rejected.

We ask for being involved in reinsertion and development programmes (which is until now, reserved to the people in willing return).

We respectfully ask for the assistance and the support of the National Assembly in order to reinforce our social and humanitarian service and to make it more efficient to the people in forced return to Mali.

We attach the greatest importance to this session. The association is appreciably honoured by the invitation and I would be obliged , Members of the Parliament, if you conveyed to the President of our national representation, all the consideration we have for you, our availability and all the expectations which base this process on a national character phenomenon, but with an international dimension. I thank you for your honourable and kind attention.

Doc 3 : Appendix

List of the warrants and agreements concluded at the community level:

These agreements were first concluded in a bilateral framework. The idea of a community competence materialized when the Treaty of Amsterdam, which came into effect on May the 1st of 1999, went to be signed. This treaty confers to the European Community some competences as regards negotiation of readmission agreements with non member states (“third – generation agreements”) [2]: all in all, the Commission received from the Council 16 negotiation orders of these agreements. To date, these negotiations have resulted in the conclusion of agreements with Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukrania, and Balkan States.

[1] “Readmission agreements and Human Rights respect in the non member states” Study for the European Parliament, September 2007, Claudia Charles.

[2] The legal base of this competence is based on the articles 63 b. and 300 of the Treaty introducing/instituting the European Community (TCE).

[3] With Morocco, Sri – Lanka, Pakistan, Russia, Hong Kong, Macao, China, Ukrania, Albania, Moldavia, Turkey, Algeria, Bosnia – Herzegovina, Serbia, Montenegro, Macedonia.

- List of readmission agreements signed by the European Union (source: Mirem)

<http://www.mirem.eu/donnees/accords/EU>

- Map of the readmission agreements signed by the European Union (source: Mirem)

<http://www.mirem.eu/datasets/agreements/rajune2008.jpg>

- More information on the readmission agreements effects on the site of the Campaign launched against the vote of the ‘*Directive Retour*’ (Return Directive): No to the shameful directive.

<http://www.directivedelahonte.org/>

- Migreurop's web site: www.migreurop.org
- Readmission agreements and Human Rights respect in non member states. *Evaluation and perspective for European Parliament*, by Claudia Charles (French and English version).

<http://www.migreurop.org/article1277.html>

“Agreements within the framework of cooperation in as regards immigration” or readmission “second generation” signed by Spain and some countries of Sub Saharan Africa.

COUNTRIES	DATES	TYPE	SOURCE
Gambia	Publication in the Spanish Official Bulletin (BOE in french): December the 28 th 2006. Signature: October the 9 th 2006. Effect: November the 8 th 2006.	Acuerdo marco de cooperacion en materia de inmigracion entre el Reino de España y la República de Gambia	http://www.boe.es/boe/dias/2006/12/28/pdfs/A45914
Green – Cape	Publication (BOE): february the 14 th of 2008. Signature: March the 20 th of 2007. Effect: January the 25 th of 2008.	Acuerdo marco de cooperacion en materia de inmigracion entre el Reino de España y la República de Cabo Verde.	http://www.boe.es/boe/dias/2008/02/14/pdfs/108028
Mauritania	Publication (BOE): October the 30 th 2007. Signature: July the 25 th 2007. Effect: September the 23 rd 2007.	Acuerdo entre el Reino de España y la República Islámica de Mauritania relativo a la regulacion y ordenacion de los flujos migratorios laborales entre ambos estados.	http://www.boe.es/boe/dias/2007/10/30/pdfs/A44027
Mali	Signature: January the 26 th of 2008.	Acuerdo marco de cooperacion en materia de inmigracion.	http://www.la-moncloa.es/ActualidadHome/2008/220/enlacemali.htm (verif)
Senegal	Signature:	Acuerdo marco	Derechos humanos en la frontera sur, APDHA, 2008

	December the 5th of 2006.	de cooperacion en materia de inmigracion.	« Conférence de presse du Président du Sénégal et d'Espagne » Tuesday the 5th of December 2006, President of (verif) http://www.la-moncloa.es/presidente/intervenciones/conferenciasd...1205.htm
Guinea	Publication (BOE): January the 30th 2007. Signature: October the 9th 2006. Effect: January the 7th 2007.	Acuerdo de cooperacion en materia de inmigracion entre el Reino de España y la República de Guinea.	http://www.boe.es/boe/dias/2007/01/30/pdfs/04159.pdf (verif)
Guinea – Bissau	Signature: January the 27th 2008.	Acuerdo de cooperacion en materia de inmigracion entre el Reino de España y la República de Guinea – Bissau.	Madridpresse.com : http://www.madridpress.com/noticia.asp?re..... El comercio digital : http://www.elcomerciodigital.com/gijon/200.....l/espana-firma-acuerdo-guinea-20080128.htm
Guinea – Cronaky	Signature: October the 9th of 2006.	Acuerdo de cooperacion en materia de inmigracion entre el Reino de España y la República de Guinea – Cronaky.	http://www.diariodenoticias.com/ediciones/.....iedad/_____espana/mundo/d10esp15.706985.php

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