

**European Parliament resolution of 12 July 2007  
on the humanitarian situation of Iraqi refugees**

*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<sup>1</sup>,
- 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 the UNHCR 'Supplementary Appeal – Iraq Situation Response' of 8 January 2007,
- having regard to the Guiding Principles on Internal Displacement issued by the UN Secretary General's Special Representative on Internally Displaced Persons on 11 February 1998,
- having regard to 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 granted<sup>2</sup> (the Qualification Directive),
- having regard to the decisions adopted by the European Community and its Member States in the area of asylum and immigration,
- whereas 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 United Nations Assistance Mission for Iraq (UNAMI) and other UN agencies in the country, that show that an average of 100 people are killed and 200 are wounded per day, that 50% of the population is living on less than USD 1 per day, that unemployment affects more than 80% of the population, that 70% lack access to adequate water supply and 81% to effective sanitation, that 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% of children are not in school and that depending on the region 30% to 70% of the schools are closed,

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<sup>1</sup> Texts Adopted, P6\_TA(2007)0056.

<sup>2</sup> OJ L 304, 30.9.2004, p. 12.

B. whereas in the current post-war situation criminal activities include armed robberies, kidnappings for ransom, harassment, the killing of persons involved in the political process or reconstruction activities, sabotage attacks against civilian infrastructure such as electricity or oil pipelines and full-scale attacks involving indiscriminate use of bombs and/or other explosives against civilians and as a result many Iraqis continue to flee, primarily to Jordan and Syria but also to Egypt, Lebanon, Turkey, Iran and further afield,

C. whereas more than 2 million people are now Internally Displaced Persons (IDPs); whereas since February 2006, 822,000 people have been newly displaced, with a further 2000 believed to be displaced each day; and whereas for the end of 2007, UNHCR estimates the number of IDPs as likely to reach 2,3 to 2,5 million,

D. 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),

E. 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,

F. whereas IDPs are denied registration for food distribution, which increases the risk of a humanitarian crisis,

G. whereas an estimated 2 million Iraqis are refugees in neighbouring states without any formal protected status provided by these host states: Syria hosting 1.2 to 1.5 million, Jordan 500 000 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),

H. whereas 560 000 of the refugees in the neighbouring countries are children of school age, and whereas 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,

J. whereas the attitude of most Member States and the US to recognising the protection needs of Iraqi refugees has been largely restrictive,

K. whereas great disparities have been determined in the way Iraqi asylum claims are being assessed in the Member States, illustrating the lack of progress made in the

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<sup>3</sup> 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 national (OJ L 50, 25.2.2003, p. 1).

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 is one of the few countries to have offered to resettle a number of 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 m to USD 115 m,

O. whereas Jews, Mandeans and Christians (including Assyrians, Armenian, Greek orthodox and other Christian minorities) are increasingly experiencing discrimination with regard to access to the labour market or basic social services and many are afraid of persecution by insurgent groups as well as Islamist militias, which have gained de facto control over entire neighbourhoods in various cities and villages in Iraq; whereas as part of increasing tensions between Sunnis and Shiite, individuals may also be solely targeted on the basis of their membership of ethnic or religious minorities,

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 the improvements in terms of contribution of the regional Kurdish authorities in assisting non-Muslim communities who are internally displaced;

3. Joins with the UN High Commissioner for Refugees in calling for a sustained, comprehensive and coordinated international response to ease the plight of millions of people uprooted by the humanitarian crisis that can no longer be ignored; considers the support of the international community vital in easing the suffering of hundreds of thousands of Iraqi refugees and internally displaced persons (IDPs) or those fleeing the country, as well as increased encouragement and assistance to countries like Syria and Jordan, which together host an important number of Iraqi refugees;

4. 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;

5. Deplores that neighbouring states kept their borders closed, with rare and limited exceptions, to Palestinians fleeing violence and threats against them in Iraq, condemns

the call of the Iraqi Minister of Displacement and Migration to expel all Palestinians from Iraq; condemns the Iraqi government's decision to impose onerous registration requirements on Palestinians making it difficult for them to stay legally in Iraq;

6. 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;

7. Strongly rejects the threats of expulsion and cutting off supplies of fuel and drinking water made by some senior officials in the Iraqi Government against 4 000 members of the Iranian opposition who have been political refugees in Iraq for the past 20 years and have the legal status of " Protected persons under the Fourth Geneva Convention" and calls on the Iraqi Government to respect their rights under international law;

8. Calls on the 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 applications and have them processed with minimum delay, respecting procedural safeguards, and grant refugee status or subsidiary or temporary protection to those who have a well-founded fear of persecution or serious harm;

9. Urges Member States not to transfer people to another State under the Dublin II Regulation<sup>3</sup> if it is known that that country does not properly consider Iraqi asylum claims; points out that Member States may invoke Article 3(2) of the Dublin II Regulation for this purpose;

10. Encourages the 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;

11. Notes with concern that 400 to 500 forced returns to Iraq were registered in 2005 and 2006 and asks the Member States to suspend temporarily all forced returns to any part of Iraq;

12. 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 Union and its Member States to set up a mechanism to organise this responsibility-sharing and support the Member States accordingly;

13. Supports the UNHCR recommendation to favourably consider Iraqi asylum seekers from southern and central Iraq as refugees under the Refugee Convention and, where they are not recognised as refugees, to grant them a complementary form of protection unless the individual comes within the exclusion criteria in the Refugee Convention;

14. Calls on the European 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;

15. Welcomes the first steps undertaken by the Commission's Directorate-General for Humanitarian Aid (ECHO); regrets, however, the very lengthy procedures necessitated by the particular constraints on the country;

16. Invites the Commission 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;

17. Urges the Commission to inform Parliament, and in particular its Committee on Budgetary Control at its meeting of 16 July 2007, about the use of the funds allocated to Iraq, in particular via the International Reconstruction Fund Facility for Iraq (IRFFI), and reminds the Commission of the priorities of its Communication of 7 June 2006 (COM(2006)0283), which included (1) support to a democratic government, (2) security reinforcement on the basis of the rule of law and the promotion of a culture of respect for human rights; recalls that it considers it as an extreme emergency, and urged in its abovementioned 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;

18. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the UN High Commissioner for Refugees (UNHCR), the governments and parliaments of Iraq, Syria, Jordan, Lebanon, Egypt, Turkey, Palestine and the Arab League.