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Onderwerp: [CADTM Newsletter number] Appeal to MeP's: Reject the "Return" Directive

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www.cadtm.org/spip.php?article3475

Appeal to MeP's: Reject The "Return" Directive

18 June 2008

During the next plenary session in Strasbourg (16-19 June), members of the European Parliament are being asked to vote on the so-called "Return Directive".

The text has already been adopted by EU Interior Ministers and includes an administrative detention period for irregular migrants of up to 18 months. This is a completely exaggerated measure which establishes the basis for the real criminalisation of migrants, who will be deprived of their freedom and detained in inhumane and improperly-run structures, without having committed any crime.

Furthermore, the directive foresees the possibility to detain and expel unaccompanied minors, to return migrants to transit countries, different from their home countries, plus the possibility of enforcing a re-entry ban valid for the whole of Europe for up to 5 years.

Many procedural guarantees and legal benefits for migrants wishing to appeal against a return decision have disappeared from the final text, therefore also endangering the rights of those migrants who could lawfully claim refugee protection status.

Because this directive lowers European and international human rights' protection standards by worsening migrants' reception conditions,

Because what is at stake is not only EU migration policies but also our social model,

Because the law must be equal for all and because fundamental freedoms are not negotiable,

We call on members of the European Parliament not to adopt this directive.

First signatories of the petition :

France:

- ▶ Manu Chao, singer;
- ▶ Susan George, writer and economist, founding member of ATTAC;
- ▶ Toure Kunda, musician;
- ▶ Philippe Diaz, film director
- ▶ Odile Tobner, chairman of Survie
- ▶ Catherine Samary, économist
- ▶ Claude Quémar, chairman of CADTM France

Belgium:

- ▶ Pierre Mertens, writer;
- ▶ Luc and Jean-Pierre Dardenne, film directors;
- ▶ France Arets, spokeswoman for the Collectif de Résistance Aux Centres Pour Etrangers CRACPE (Group of Resistance To the Centres For Foreigners), Liège ;
- ▶ Georges-Henry Beauthier, lawyer, former president of the League of Human Rights;
- ▶ Céline Delforge, representative for the Brussels region, ECOLO;
- ▶ François Houtart, emeritus professor at the Catholic University of Louvain-la-Neuve;
- ▶ Karine Lalieux, Belgian federal representative, PS (Socialist Party);
- ▶ Philippe Moureaux, Belgian senator, PS (Socialist Party);
- ▶ Clotilde Nyssens, Belgian federal representative, CDH (Humanist Democrat Centre);
- ▶ Carine Russo, the White Marches, Belgian senator, ECOLO;
- ▶ Dan Van Raemdonck, president of honour of the European Association for Human Rights (AEDH), vice-chairman of the International Federation for Human Rights (FIDH);
- ▶ Eric Toussaint, Doctor in political science, chairman of the CADTM;
- ▶ Thierry Michel, film director

Germany:

- Elmar Arvater, professor at the Free University of Berlin;
- Friederike Habermann, writer;
- Birgit Mahnkopf, professor at the Berlin School of Economics;
- Morus Markard, professor at the Free University of Berlin;
- Albert Scherr, president of the Committee for fundamental rights and democracy and university professor;
- Martin Singe, member of the Committee for fundamental rights and democracy

Spain:

- Pilar Bardem, actress;
- Marcelino Camacho, union activist;
- Jaume d'Urgell, journalist, editor of the journal *democracia.es*;
- Rosa Regás, writer and former director of the "Biblioteca Nacional" (National library)
- Pedro Almodovar, film maker

Greece:

- Michalis Grigoriou, architect and professor at the Ionian University;
- Dimitrios Halastis, artist;
- Yannis Kakourides, writer;
- Tasos Koronakis, Greek Social Forum;
- Georgios Makris, actor;
- Jina Politi, professor at the Aristotle University;
- Nadia Valavani, writer and economist

Italy:

- Moni Ovadia, actor, writer;
- Margherita Hack, astrophysicist;
- Danilo Zolo, philosopher and lawyer;
- Wilma Labate, film director;
- Dario Fo, playwright

Portugal:

- Jorge Silva Melo, film director, actor and writer;
- Luis Moita, assistant director of the Autonomous University of Lisbon

[**www.cadtm.org/spip.php?article3467**](http://www.cadtm.org/spip.php?article3467)
Regarding "The Return Directive"
by **Evo Morales Ayma**
17 June 2008

Until the end of the Second World War, Europe was a continent of emigrants. Tens of millions of Europeans came to the Americas to colonize, escape hunger, financial crisis, wars, European totalitarianisms and the persecutions of ethnic minorities.

Today, I am following with deep concern the approval process of the so-called "Return Directive". The text, validated on June the 5th by the Home Affairs Ministers of the 27 European Union countries, has to be voted on June 18th in the European Parliament. I consider that it drastically hardens the detention and expulsion conditions of undocumented immigrants, regardless of the length of their stay in the European countries, their employment situation, their family ties, their will or their achieved integration.

Massive numbers of Europeans arrived to the Latin American and North American countries, without any visas or conditions imposed by the authorities. They were always welcomed, and they still are, in our countries of the American continent, which were able to absorb Europeans economic hardship and political crisis. They came to our continent to exploit natural resources and to transfer them to Europe, with an extremely high cost to the original American population. As in the case of our "Cerro Rico" in Potosí and its fabulously wealthy silver mines, that allowed massive monetary infusions to the European continent from the sixteenth to the nineteenth century. The people, the properties and the rights of the European immigrants were always respected.

Today, the European Union is the principal destination of immigrants of the world, due to its

positive image as a space of prosperity and of public liberties. A vast majority of these immigrants come to the European Union to contribute to this prosperity, and not to take advantage of it. They take the jobs that the Europeans cannot or do not want to do, such as in public works, construction, and various kind of services including health care. They also contribute to the demographic dynamics of the European continent, balancing the relation between active and retired workers and contributing to their generous social security systems, strengthening the internal market and social cohesion. The immigrants offer a solution to the European Union demographic and financial problems. For us, our immigrants represent the development aid that the Europeans do not give us, given that very few reach the goal of giving 0.7% of their GDP in development aid. In 2006 Latin America received 68 billion dollars in remittances, which is more than the total amount of foreign direct investment in our countries. At the global level, these remittances have reached 300 billion dollars, and amount that far surpasses the 104 billion dollars given as development aid. My own country, Bolivia, received more than 10% of our GDP in remittances (1.1 billion dollars), which represents a third of our natural gas annual exports.

In other words, the migratory flows are of benefit to the Europeans and, in a marginal way, to us in the third world, mainly because we also lose a contingent of qualified workforce, people in which our poor countries, in one way or another, have invested human and financial resources.

Sadly, the "Return Directive" Project worsens terribly this reality. Considering that every State or group of States can define their migratory policies in a sovereign manner, we cannot accept that the fundamental human rights of our fellow citizens and Latin-American brothers and sisters be denied. The "Return Directive" includes the possibility of an 18-month imprisonment of undocumented immigrants - or "distance", as the term used in the directive- before their expulsion. 18 months!

Without a fair trial or justice! As it is today, the project of the directive clearly violates articles 2, 3, 5, 6, 7, 8 and 9 of the Human Rights Declaration of 1948.

Specially article 13 of the Declaration that state: "1. Every person has the right to circulate freely and to choose its residence in the territory of a State. 2. Every person has the right to leave any country, even its own, and to return to its country."

But worst of all, there is the possibility of detaining and jailing mothers and minors, without taking into account their family or school situation, in these custody centers where we know people suffer from depressions, hunger strikes and suicides. How can we accept, without reacting, that our fellow citizens and Latin-American brothers and sisters be concentrated in camps, the vast majority of whom have been working and integrating for years? On which side does duty of the humanitarian aid find itself today? Where are the freedoms of movement and the protections against arbitrary imprisonment?

At the same time the European Union is trying to convince the Andean Community of Nations (Bolivia, Colombia, Ecuador and Peru) to sign an "Association Agreement" that includes in its third pillar a Free Trade Agreement, which has the same nature and content as the agreements imposed by the United States.

We are under intense pressure of the European Commission to accept conditions and deep liberalizations in trade, financial services, intellectual property and public services. Moreover, in the name of "legal protection" we are being pressured because of the nationalizations of our water, gas and telecommunication sectors undertaken on International Workers Day. I ask myself, in this case, where is the "legal security" for our women, youth, children and workers that searched for better horizons in Europe?

The promotion of the free circulation for goods and finances, when we see before us imprisonment without fair trial for our brothers and sisters that sought freely circulate. This is a denial of the fundamental bases of liberty and of democratic rights.

Under these conditions, if this "Return Directive" is approved we would find ourselves in the a position wherein it would be ethically impossible to deepen the negotiations with the European Union, and we would reserve the right to impose to the European citizens the same visa obligations that are imposed to the Bolivians since April 1st, 2007, in accordance with the principle of diplomatic reciprocity. We have not yet exercised this principle, precisely because we expect positive responses from the European Union.

The world, its continents, oceans and poles now face important global difficulties: global warming, contamination; the slow but certain disappearance of energy resources and of biodiversity; while hunger and poverty increase in all countries, weakening our societies. To make immigrants, documented or not, the scapegoats of these global problems, is not a solution. It does not correspond to any reality.

The problems of social cohesion that Europe suffer are not the fault of immigrants, but are the result of the development model imposed by the north, which destroys the planet and dismembers human societies. In the name of the people of Bolivia and of all my brothers and sisters from the continent and from the regions of the world, as the Maghreb and the African countries, I call on the conscience of the European leaders, members of the European Parliament, and the people, citizens and activists of Europe, to not approve the text of the "Return Directive". As it is known today, it is a directive of shame. I also call to the European Union to draft in the upcoming months a migratory policy that respects human rights, allows the maintenance of the beneficial dynamics for both continents, and that redresses, for once and for all, the huge economic, ecological and historical debts that the European countries have with great part of the Third World, closing, finally, the still open veins of Latin America. Europe cannot today fail with their "integration policies", as they failed in the past with their so-called "civilizing mission" in colonial times.

Receive all of you, authorities, European congressmen, fellow men and women, fraternal greetings from Bolivia. And in particular, our solidarity to all the "clandestine".

Evo Morales Ayma
President of the Republic of Bolivia

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