Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2016 (2013)[1]
Final version

Frontex: human rights responsibilities

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 1932 (2013) on Frontex: human rights responsibilities.

2. It welcomes the fact that the European Union and the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (hereinafter "the Agency"), better known as Frontex, have recently taken a range of measures to deal with human rights concerns arising from the work of the Agency. In this respect, it notes that the Agency's Management Board endorsed the Frontex Fundamental Rights Strategy and a Code of Conduct and that Council Regulation (EC) No. 2007/2004 establishing Frontex (the "Frontex Regulation") has been amended to include the requirement to protect fundamental rights, especially by creating the position of Fundamental Rights Officer and by setting up a Consultative Forum on Fundamental Rights, on which the Council of Europe is represented. Both are now operational.

3. While these changes are welcome, there are concerns about whether they are sufficient and whether they are operable and effective.

4. It is in this context that the Assembly calls on the Committee of Ministers to support and encourage Frontex in human rights matters, and more specifically to:

4.1. ensure, via its representative on the Consultative Forum on Fundamental Rights, that the Council of Europe takes an active part in Frontex's human rights related activities, and that there is feedback and a regular exchange of views within the Council of Europe on participation in this forum and the Organisation's input;

4.2. promote the relevant Council of Europe standards, in particular those developed in the case law of the European Court of Human Rights, the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and those of the Group of Experts on Action against Trafficking in Human Beings (GRETA), and recommend that they are duly taken into account in Frontex training curricula and operational procedures;

4.3. assist Frontex in strengthening its monitoring mechanisms, including the one devised for monitoring joint return operations, through enhanced co-operation with the CPT, GRETA and other relevant sectors of the Council of Europe;

4.4. assist Frontex in its efforts to protect and promote human rights, ensuring that the Council of Europe uses its privileged ties with the respective national preventive mechanisms (European National Prevention Mechanisms (NPM) Network) established under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and with the Ombudsmen and national human rights institutions of its member States (Peer-to-Peer Network).

1. *Assembly debate* on 25 April 2013 (17th Sitting) (see Doc. 13161, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Cederbratt; and Doc. 13187, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Clappison). *Text adopted by the Assembly* on 25 April 2013 (17th Sitting).