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Frontex: human rights responsibilities

Reply¹ to Recommendation 2016 (2013)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 2016 (2013) on “Frontex: human rights responsibilities”, which it has transmitted to the relevant Council of Europe bodies for information and possible comments.² The recommendation raises important issues regarding the protection of human rights of refugees and asylum seekers, as highlighted again recently by the Council of Europe Commissioner for Human Rights concerning European Union border control policies. The Committee of Ministers recalls that all Council of Europe member States, including European Union member States, must reconcile their interest in border protection with their human rights obligations, not least in relation to non-refoulement and the protection of lives.

2. Like the Parliamentary Assembly, the Committee of Ministers welcomes the measures taken by the European Union and Frontex to enhance the protection of fundamental rights in the latter’s activities, including Frontex Fundamental Rights Strategy and Code of Conduct. The Committee encourages the development of closer ties between Frontex and the Council of Europe through the Council of Europe representative in the Consultative Forum on Fundamental Rights and by direct contacts with the various relevant Council of Europe bodies. It concurs also with the view that the relevant Council of Europe standards mentioned in the recommendation should be taken into account in Frontex work. In this respect, the Committee of Ministers refers to other relevant instruments such as its 2009 “Guidelines on human rights protection in the context of accelerated asylum procedures” and its 2005 “Twenty Guidelines on forced return”.

3. The Committee of Ministers notes that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is already engaged in a dialogue with Frontex on the monitoring mechanism devised for joint return operations. As regards the Frontex code of conduct for joint return operations, which was adopted on 7 October 2013, the CPT intends in due course to make comments on the code, in the light of its own experience in monitoring such operations. The Steering Committee for Human Rights (CDDH) has also expressed its availability to take part in regular exchanges of views on participation and input of the Council of Europe in Frontex Consultative Forum on Fundamental Rights.

4. Finally, the Committee of Ministers recognises the important role of ombudspersons and national human rights institutions and encourages the development of co-operation between Frontex and these institutions.

1. Adopted at the 1187th meeting of the Ministers’ Deputies (11 December 2013).

2. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Steering Committee for Human Rights (CDDH).

