Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2046 (2014)[1]
Final version

The "left-to-die boat": actions and reactions

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 1999 (2014) "The 'left-to-die boat': actions and reactions".

2. The left-to-die boat tragedy and other recent serious incidents that have led to the loss of hundreds of lives need to trigger a radical change in search and rescue (SAR) policies and practices in Europe. Serious problems have arisen due to a lack of accountability, transparency and co-ordination. The Assembly considers that the Council of Europe has an important role to play in assisting member States in this respect.

3. With a view to preventing the human rights violations which result from the vacuum of responsibility in search and rescue and disembarkation, and to safeguarding solidarity among the member States, the Assembly calls on the Committee of Ministers to:

3.1. instruct the Steering Committee for Human Rights (CDDH) to carry out a feasibility study on a common approach to fill crucial legal gaps with regard to search and rescue in the Mediterranean Sea, namely the definition of distress, the obligation to respond immediately to a distress call, irrespective of the SAR zone the call comes from, the criteria according to which member States are responsible for disembarkation, and the abolition of factors which dissuade shipmasters and fishermen from carrying out rescues;

3.2. on the basis of this feasibility study, hold a thematic debate, with the participation of the Assembly, on the above-mentioned issues, on finding safe routes for people in need of international protection (through resettlement and other types of protected entry), as well as on solidarity mechanisms for European Union member States to share the responsibility for those rescued (such as relocation and joint processing of asylum requests in or outside Europe, with due regard to the concerns of the Assembly in respect of the establishment of transit or processing centres, as outlined in Recommendation 1808 (2007) and Resolution 1569 (2007) "Assessment of transit and processing centres as a response to mixed flows of migrants and asylum seekers"), in order to exchange best practices, offer solutions and find ways to facilitate agreements between States facing regular disputes on the co-ordination of rescue at sea and disembarkation;

3.3. adopt guidelines on how to comply with the *Hirsi Jamaa and Others v. Italy* judgment of the European Court of Human Rights and urge member States to refrain from using push-back practices.

1. *Assembly debate* on 24 June 2014 (21st Sitting) (see Doc. 13532, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Tineke Strik). *Text adopted by the Assembly* on 24 June 2014 (21st Sitting).