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

Recommendation 2047 (2014)[1]
Final version

The large-scale arrival of mixed migratory flows on Italian shores

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2000 (2014) on the large-scale arrival of mixed migratory flows on Italian shores.

2. It considers that the Council of Europe has an important role to play in assisting Italy and other member States in dealing with the human rights challenges of mixed migration flows across the Mediterranean, including the respect of *non-refoulement*, as has been highlighted by the Assembly recently in Recommendation 2010 (2013) "Migration and asylum: mounting tensions in the eastern Mediterranean".

3. The recent tragic events off the coast of Lampedusa and in particular one incident in October 2013, in which well over 350 people drowned within sight of land, as well as other incidents in April-May 2014, have underscored the urgent need for increased efforts to prevent these humanitarian tragedies.

4. The Assembly therefore recommends that the Committee of Ministers make use of the expertise of the Council of Europe to help tackle the human rights challenges arising from these mixed migration flows. It recommends in particular that the Committee of Ministers:

4.1. launch a reflection on how best to introduce a new international crime, whether or not defined as a crime against humanity, when a person receives a financial benefit, directly or indirectly, for transporting people in a vessel which is unsafe for the purpose and which may endanger life or cause death or injury at sea;

4.2. open negotiations to ensure that migrants who are intercepted within the territorial waters of a non-European Union country can be returned automatically to that country;

4.3. encourage the authorities of the countries concerned to open negotiations on the modalities and conditions of return to countries of embarkation of migrants intercepted in international waters;

4.4. make it a top priority in the coming year to find solutions to the issues arising from the judgment of the European Court of Human Rights in the case of *Hirsi Jamaa and Others v. Italy* (judgment of 23 February 2012, Application No. 27765/09) and make this judgment compatible with the established principle that each member country of the Council of Europe is entitled to maintain control over its own borders and to grant asylum or a lesser form of international protection to those who meet the necessary requirements;

4.5. consider the need for an extensive review of the Council of the European Union Regulation 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, also known as the "Dublin Regulation", and its implementation.

1. *Assembly debate* on 24 June 2014 (21st Sitting) (see Doc. 13531, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Christopher Chope). *Text adopted by the Assembly* on 24 June 2014 (21st Sitting).