



Doc. 13680

28 January 2015

The “left-to-die boat”: actions and reactions

Reply to Recommendation¹: Recommendation 2046 (2014)
Committee of Ministers

1. The Committee of Ministers welcomes Parliamentary Assembly [Recommendation 2046 \(2014\)](#) on “The ‘left-to-die boat’: actions and reactions”, which it has examined carefully, especially against the background of recurrent tragic incidents in the past few months, and their devastating toll on human life. The Committee of Ministers considers that present search and rescue (SAR) efforts should continue being strengthened in order to avoid loss of lives at sea. Moreover, measures are to be taken to prevent irregular migration, which gives rise to such instances in the first place. It has transmitted the recommendation to the Steering Committee for Human Rights (CDDH), for information and possible comments.

2. Like the Parliamentary Assembly, the Committee of Ministers considers that it is essential to promote a common, coherent and effective application of the legal framework on SAR policies in Europe.

3. The Committee of Ministers underlines the importance of enhancing co-ordination and co-operation with respect to ongoing activities in this field before initiating new ones, thus avoiding duplication and unnecessary overlap, and also to ensure that objectives are achieved with added value. Concerning the Assembly’s request for a feasibility study on a common approach to fill vital legal gaps in SAR in the Mediterranean Sea, the Committee acknowledges that work on SAR issues is to be conducted under the aegis of the International Maritime Organisation (IMO) and draws attention to the important role entrusted to the European Agency for the Management of Operational Co-operation at the External Borders (Frontex) under the comprehensive EU Regulation No. 656/2014 of 15 May 2014 establishing rules of the surveillance of the external sea borders in the context of operational co-operation. It also notes the contribution by the EU’s Fundamental Rights Agency (FRA) in this field. In addition, the Committee of Ministers would emphasise that concrete work has and continues to be undertaken by various organisations, notably the United Nations High Commissioner for Refugees (UNHCR), which has implemented the comprehensive Central Mediterranean Sea Initiative, and has held a Protection Dialogue in December 2014, to further develop the Global Initiative for Protection at Sea. The main aim of both initiatives is to devise concrete steps forward – in collaboration with various key actors and States – in averting the loss of lives at sea. The Committee of Ministers also draws attention to the work of the International Chamber of Shipping in this area.

4. The Committee of Ministers takes note of the Assembly’s request for guidelines on how to implement the *Hirsi Jamaa and Others v. Italy* case of the European Court of Human Rights (ECtHR). In this context, it also takes note of the Assembly’s initiative to tackle this issue further in a follow-up Motion for Resolution on “The Implementation of the Hirsi judgment: have push-backs come to an end?” the outcome of which remain to be seen. It is aware of the far-reaching impact of this judgment as to the applicability of the Convention to persons intercepted outside of territorial waters (see also the Committee of Ministers reply to Parliamentary Assembly [Recommendation 2047 \(2014\)](#), paras. 3 and 4).

5. The Committee of Ministers takes note of the Assembly’s proposal of organising a thematic debate on the issues raised in the Assembly’s recommendation and of the CDDH availability to further contribute to the examination of these matters.

1. Adopted at the 1217th meeting of the Ministers’ Deputies (21 January 2015).

