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International obligations of Council of Europe member States: to protect life at sea

Reply to Recommendation¹: Recommendation 2137 (2018)
Committee of Ministers

1. The Committee of Ministers has closely examined Parliamentary Assembly [Recommendation 2137 \(2018\)](#) on “International obligations of Council of Europe member States: to protect life at sea”. It transmitted the Recommendation to the Steering Committee for Human Rights (CDDH), to the Group of Experts on Action against Trafficking in Human Beings (GRETA) and to the Ad hoc Committee for the Rights of the Child (CAHENF) for information and possible comments.

2. The Committee of Ministers is appalled by the high number of migrants, refugees and asylum seekers who have lost their lives in the Mediterranean Sea, in their attempt to reach Europe’s shores. The protection of the right to life is part of the core of the European Convention on Human Rights and one of the fundamental values of the democratic societies that make up the Council of Europe. It is imperative for member States to fully respect their legal obligations with regard to protecting human life at sea and given the very high stakes would call on all governments to remain highly vigilant in this regard.

3. In this respect, the Committee of Ministers would also recall the mass arrivals of migrants experienced by some States and the many duties assumed by their authorities, including rescue at sea, but notes that these factors cannot exempt States from their obligation to guarantee conditions that are compatible with respect for human dignity to all individuals.

4. With regard to paragraph 1.1 of the Recommendation, the Committee of Ministers refers, in particular, to its reply to the Parliamentary Assembly’s [Recommendation 2046 \(2014\)](#) “The left-to-die boat”: actions and reactions”, and maintains its position that it is essential to promote a common, coherent and effective implementation of the legal framework for search and rescue policies in Europe and to help member States to strengthen their solidarity. It also underlined the importance, *inter alia*, 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.

5. With regard to paragraph 1.2, whilst noting international law duties towards all persons in distress at sea, which are required of both States and captains of vessels, the Committee of Ministers fully agrees that it is necessary to devote special attention to the risks incurred by children and women arriving in Europe by sea. Children are particularly vulnerable due to their limited capacities to ensure their own protection and survival and their vulnerability is undeniably increased during maritime travel, regularly involving exposure to violence, exploitation, abuse, smuggling, illness, drowning and/or death. This leads to an increased responsibility for their protection and requires careful consideration from a human rights perspective, taking into account States’ positive obligations to protect children at risk of losing their lives at sea, whether stemming from the law of the sea or human rights treaties. During interception, transport and transfer operations, child-specific measures and procedures should be in place at all appropriate stages to ensure their protection and safety, and to address their specific needs.

1. Adopted at the 1337th meeting of the Ministers’ Deputies (13 February 2019).



6. The Committee of Ministers would also draw attention to the important work of the Group of Experts on Action against Trafficking in Human Beings (GRETA) with regard to the monitoring of the implementation of the Convention on Action against Trafficking in Human Beings and which pays close attention to the issues raised in [Recommendation 2137 \(2018\)](#).

7. Finally, the Committee of Ministers informs the Assembly that it discusses on a regular basis issues related to the question of migration and refugees, also in the framework of its dialogue with Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees. In this respect, it will bear in mind the Assembly's suggestion for a possible thematic debate as outlined in paragraph 1.3 of the Recommendation.