Parliamentary Assembly
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COUNCIL OF EUROPE
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Recommendation 2161 (2019)[1]

Pushback policies and practice in Council of Europe member States

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2299 (2019) on pushback policies and practice in Council of Europe member States.

2. The Assembly is concerned about the persistent and increasing practice and policies of pushbacks, which are in clear violation of the rights of asylum seekers and refugees, including the right to (seek) asylum and the right to protection against *refoulement*, which are at the core of international refugee and human rights law.

3. In view of the gravity of the human rights violations involved, the Assembly urges the governments of member States to provide adequate protection to asylum seekers, refugees and migrants arriving at their borders, and thus to refrain from any pushbacks, to allow for independent monitoring, and to fully investigate all allegations of pushbacks. There are persistent reports and evidence of inhuman and degrading treatment of migrants by member States and their agencies in the framework of those pushbacks, through intimidation, confiscation or destruction of belongings, and even through violence and deprivation of food and basic services.

4. The Assembly therefore recommends that the Committee of Ministers:

4.1. exhort the governments of all member States to reject and prevent any form of pushback policy and action;

4.2. promote the reconsideration of any bilateral agreements between member States on controlling borders between neighbouring countries which jeopardise the human rights of migrants, refugees and asylum seekers arriving at their borders or trying to arrive there;

4.3. ensure the swift execution of the relevant judgments of the European Court of Human Rights, including the implementation of interim measures;

4.4. promote the work of national and international non-governmental organisations (NGOs and INGOs) as partners, refraining from action that undermines their legitimate activities aimed at saving human lives; refrain from using stigmatising rhetoric against NGOs assisting migrants; and invite the Council of Europe Conference of INGOs to work on recommendations in this area for national NGOs;

4.5. consider drafting guidelines for border policing practices along the lines of the "Intercultural Cities Manual on Intercultural Community Policing" of the Council of Europe Intercultural Cities Programme; and examine how this programme could be used as a model;

4.6. consider inviting the relevant Council of Europe committee to work on guidelines on ensuring access to rights for migrants arriving at borders or attempting to arrive there, including aspects such as access to complete and comprehensible information, to translation and interpretation services, to legal assistance at all stages of reception and asylum processes, to continued and child- and gender-sensitive medical, social and psychological services, and to decent accommodation, prohibiting inhuman and degrading treatment in violation of Council of Europe and other international conventions.

1. *Assembly debate* on 28 June 2019 (27th Sitting) (see Doc. 14909, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Tineke Strik). *Text adopted by the Assembly* on 28 June 2019 (27th Sitting).

5. Finally, the Assembly also asks the Committee of Ministers to formally encourage European Union member States to accelerate their work on an improved, revised Dublin Regulation in a way that furthers equal responsibility-sharing in order to relieve the burden for frontline States and in the interest of asylum seekers themselves. Meanwhile, the Committee of Ministers should encourage more efficient relocation programmes, to ease the pressure on Europe's external borders, which can lead to pushbacks.