



**Doc. 13629**

07 October 2014

## The implementation of the *Hirsi* judgment: have push backs come to an end?

### Motion for a resolution

tabled by Ms Tineke STRIK and other members of the Assembly

---

This motion has not been discussed in the Assembly and commits only those who have signed it

---

On 23 February 2012 the European Court on Human Rights judged in the *Hirsi Jamaa* case that so-called 'push backs' violate the obligations of the European Convention on Human Rights, even if it takes place outside the territory of a member State. According to this judgment, a member State is not allowed to return a migrant without a proper examination on the safety of the return for the individual migrant. This judgment was a landmark decision, creating important safeguards for refugees.

Despite this clear prohibition, victims and human rights organisations increasingly report on alleged 'push back' operations, at sea as well as on the land along the eastern border of Europe. Although it is difficult to find evidence, it is important to collect and assess those allegations and to examine how authorities deal with these allegations.

More generally, it is worthwhile to assess how member States have implemented the *Hirsi* judgment in law and in practice. An investigation of the implementation at the land and sea borders can provide best practices and reveal weaknesses at the same time. Both outcomes can help the Parliamentary Assembly bring forth recommendations on how to further implement the *Hirsi* judgement.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

STRIK Tineke, Netherlands, SOC  
BLANCO Delia, Spain, SOC  
ELZINGA Tuur, Netherlands, UEL  
FRANKEN Hans, Netherlands, EPP/CD  
GROSS Andreas, Switzerland, SOC  
HUNKO Andrej, Germany, UEL  
KATRIVANOOU Vasiliki, Greece, UEL  
KOX Tiny, Netherlands, UEL  
MARUSTE Rait, Estonia, ALDE  
MAURY PASQUIER Liliane, Switzerland, SOC  
NICOLETTI Michele, Italy, SOC  
ORELLANA Luis Alberto, Italy, ALDE  
RIGONI Andrea, Italy, ALDE  
SAAR Indrek, Estonia, SOC  
SCHENNACH Stefan, Austria, SOC  
TRIANAFYLLOS Konstantinos, Greece, SOC  
TÜRKEŞ Ahmet Kutalmış, Turkey, ALDE  
VALAVANI Olga-Nantia, Greece, UEL  
VILLUMSEN Nikolaj, Denmark, UEL  
VRIES Klaas, de, Netherlands, SOC

---

1. ALDE: Alliance of Liberals and Democrats for Europe  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group  
UEL: Group of the Unified European Left