

Opinion of the CDDH on Recommendation of the Parliamentary Assembly 2016(2013) - “Frontex: human rights responsibilities”

CDDH : 78th meeting – 25/28 June 2013 CDDH(2013)R78

1. The Steering Committee for Human Rights (CDDH) takes note with interest of this Recommendation.
2. The CDDH shares the views expressed by the Assembly in its recommendation as regards the importance of ensuring that Frontex is supported and encouraged in human rights matters, and that relevant Council of Europe standards as those mentioned in the Recommendation are taken into account in Frontex work. In this respect, the CDDH would also suggest to refer to other relevant instruments adopted in the last years by the Committee of Ministers, such as the 2009 “Guidelines on human rights protection in the context of accelerated asylum procedures” and the 2005 “Twenty Guidelines on forced return”.
3. The CDDH recognises the important role of ombudspersons and national human rights institutions and supports possible future developments in the area of co-operation with them (in the context of a new “peer-to-peer network” project or otherwise) which could focus notably on areas of interest for Frontex. It looks with interest at co-operation with partners already active in assisting Frontex, such as the European Union Agency for Fundamental Rights. It also expresses its availability to take part in regular exchanges of views on participation and input of the Council of Europe in Frontex’s Consultative Forum on Fundamental rights.

Recommendation 2016 (2013)¹

Provisional version

Frontex: human rights responsibilities

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1932 \(2013\)](#) on Frontex: human rights responsibilities.
2. It welcomes the fact that the European Union and the European Agency for the Management of Operational Co-operation at the External Borders of the member States of the European Union, known as Frontex, have recently taken a range of measures to deal with human rights concerns arising from the work of the Agency. In this respect, it notes that Frontex has endorsed a Fundamental Rights Strategy and a Code of Conduct and that the Frontex regulations have been changed to include the requirement to protect fundamental rights, especially by creating a post of Fundamental Rights Officer and by setting up a Consultative Forum on Fundamental Rights, on which the Council of Europe is represented. Both are now operational.
3. While these changes are welcome, there remain concerns about whether these changes are sufficient and whether they are operable and effective.
4. It is in this context that the Assembly calls on the Committee of Ministers to support and encourage Frontex in human rights matters, and more specifically to:
 - 4.1. ensure, via its representative on the Consultative Forum on Fundamental Rights, that the Council of Europe takes an active part in Frontex’s human rights related activities, and that there is feedback and a regular exchange of views within the Council of Europe on participation in this Forum and the Council of Europe’s input;
 - 4.2. promote the relevant Council of Europe standards, in particular those developed in the case law of the European Court of Human Rights, the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and

those of the Group of Experts on Action against trafficking in Human Beings (GRETA), and recommend that they are duly taken into account in Frontex training curricula and operational procedures;

4.3. assist Frontex in strengthening its monitoring mechanisms, including the one devised for monitoring joint return operations, through enhanced co-operation with the CPT, GRETA and other relevant sectors of the Council of Europe;

4.4. assist Frontex in its efforts to protect and promote human rights, ensuring that the Council of Europe uses its privileged ties with the respective national preventive mechanisms established under the OPCAT (“European National Prevention Mechanisms (NPM) Network”) and with the Ombudsmen and national human rights institutions of its member States (“Peer-to-Peer Network”).