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Human rights as a prerequisite for accessing the Schengen area

Declaration¹

The Committee declares the following:

The Parliamentary Assembly's Committee on Migration, Refugees and Displaced Persons welcomes the enlargement of the Schengen Area as more people will enjoy the benefits of free movement across Europe. While controls at the external borders of the Schengen Area are required, they must not involve excessive measures that result in breaches of refugees' and migrants' human rights. This is in line with the European Parliament's 10 November 2022 resolution (P9 TA(2022)0385), recalling that the Parliament and the Commission should perform evaluations of the application of the Schengen acquis and fundamental rights in the context of border management.

On the eve of the Council of the European Union's decision on the full application of the provisions of the Schengen acquis regarding Bulgaria, Croatia and Romania, the Committee would like to recall the Assembly's Resolution 2462 (2022) on 'Pushbacks on land and sea: illegal measures of migration management', in which it deplored a profound disregard of international standards and observed a widespread practice of collective returns of refugees and migrants at the EU external borders.

The Committee reiterates that the right to seek asylum must be respected and underscores the need to ensure the individual and fair assessment of protection needs. The Committee firmly supports the work of civil society organisations, European and international bodies, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as journalists in upholding democratic values and fundamental rights. Council of Europe member States are called upon to take effective measures to prevent pushbacks, to protect the victims of pushbacks, and to prosecute those responsible. When deciding on accession to the Schengen area, the EU must ensure that investigation and redress mechanisms are in place, including truly independent border monitoring mechanisms.

¹ Declaration proposed at the initiative of Mr Julian Pahlke (Germany, SOC).