












Procedure file

Basic information		
INI - Own-initiative procedure	2020/2116(INI)	Procedure completed
Human rights protection and the EU external migration policy		
Subject		
6.10.09 Human rights situation in the world		
7.10.08 Migration policy		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Foreign Affairs	 STRIK Tineke Shadow rapporteur	02/04/2020
		 LÓPEZ GIL Leopoldo  KÖSTER Dietmar  GOERENS Charles  KARSKI Karol  MARIANI Thierry	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Development  Civil Liberties, Justice and Home Affairs  Women's Rights and Gender Equality	The committee decided not to give an opinion.	
European Commission	Commission DG Migration and Home Affairs	Commissioner JOHANSSON Ylva	

Key events			
17/09/2020	Committee referral announced in Parliament		
17/03/2021	Vote in committee		
25/03/2021	Committee report tabled for plenary	A9-0060/2021	Summary
	Debate in Parliament		

18/05/2021			
19/05/2021	Decision by Parliament	T9-0242/2021	Summary

Technical information	
Procedure reference	2020/2116(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFET/9/03577

Documentation gateway					
Committee draft report		PE660.103	06/11/2020	EP	
Amendments tabled in committee		PE662.125	14/12/2020	EP	
Committee opinion	LIBE	PE658.862	15/01/2021	EP	
Committee opinion	DEVE	PE658.918	18/01/2021	EP	
Committee report tabled for plenary, single reading		A9-0060/2021	25/03/2021	EP	Summary
Text adopted by Parliament, single reading		T9-0242/2021	19/05/2021	EP	Summary

Human rights protection and the EU external migration policy

The Committee on Foreign Affairs adopted an own-initiative report by Tineke STRIK (Greens/EFA, NL) on human rights protection and the EU external migration policy.

The report contains recommendations on the protection of human rights within the framework of the EU's external migration and asylum policy, which aims at ensuring the EU's cooperation with third countries on migration respects and promotes the human rights of migrants and refugees across the globe.

The external dimension of EU migration policy

Members recalled that, in accordance with Articles 3(5) and 21 of the EU Treaty and the Charter of Fundamental Rights, the European Union and the Member States must uphold human rights in their external and extraterritorial actions, agreements and cooperation in the fields of migration, borders and asylum.

These obligations require not only the recognition of the applicability of the relevant standards, but also their appropriate implementation through instruments allowing for effective protection and guarantees as well as a human rights-based approach to the whole migration policy cycle, with specific attention to migrant women and unaccompanied minors.

In this respect, the report stressed that Member States must take the best interests of the child as a primary consideration and must ensure non-discrimination and procedural guarantees, such as the right to an effective remedy and the right to family reunification, and prevent the separation of children from their parents or legal guardians.

External cooperation

Members believe that the EU must strengthen its external cooperation with countries of origin and work towards the sustainable and effective readmission of persons subject to a returnees. They called on the EU to ensure that readmission agreements and border management cooperation agreements are only concluded with third countries that explicitly commit to respecting human rights, including the principle of non-refoulement and the rights enshrined in the UN Convention relating to the Status of Refugees.

The report called on the Commission to:

- ensure that transparent risk assessments are performed by independent EU bodies, such as the European Union Agency for Fundamental Rights, on the impact of any formal, informal or financial EU cooperation with third countries on the rights of migrants and refugees;
- establish an independent, transparent and effective monitoring mechanism which includes periodic reports on the implementation of formal, informal and financial agreements with third countries that could have an impact on the rights of migrants and refugees and the work of human rights defenders.

Human rights compliance and EU actors implementing the external migration policy

Stressing the increased role of Frontex in practical and operational cooperation with third countries, as well as the importance of status agreements in ensuring a legal framework for cooperation between Frontex and third country border management authorities, Members called on the Commission to set up an independent monitoring mechanism for Frontex activities.

They also called on Frontex to regularly inform Parliaments Subcommittee on Human Rights, Committee on Foreign Affairs and Committee on Civil Liberties, Justice and Home Affairs about any activities involving cooperation with third country authorities, and in particular the operationalisation of human rights as part of such activities.

The report recommended the extension of the mandate, competences and budget of the Fundamental Rights Agency to allow it to effectively monitor the external dimension of EU asylum and migration policies.

EU cooperation with third countries and financial assistance

Noting the increasing use since 2016 of enhanced conditionality between development cooperation and migration management, including return and readmission, Members stressed that EU development cooperation and assistance must be aligned with the sustainable development goals.

The report called for a needs-based approach to humanitarian assistance, which should respect humanitarian principles, international human rights law, international humanitarian law, and international refugee law. It also stressed that making humanitarian aid and emergency aid conditional on cooperation with the EU on migration is not compatible with humanitarian principles.

Members insisted that a significant proportion of EU funding is earmarked for the improvement of human rights, international protection, and the future prospects of refugees. The Commission should regularly and publicly report to Parliament on the funding of migration-related cooperation programmes in third countries and their human rights impact.

The EU's external policy and migration objectives

Members recalled that the EU and its Member States have committed themselves, in the context of the Global Compact on Refugees, to sharing responsibility for the effective and comprehensive protection of refugees and to alleviating the pressure on host countries.

In this respect, the report stressed that the EU and its Member States should increase resettlement pledges, ensuring that resettlement is not conditional on the cooperation of the transit country on readmission or border control, and strengthen safe and legal pathways of entry and prevent forced refugee returns from hosting countries.

Members called on the EEAS, the Commission and Member States to engage in dialogue with third countries on migrants' rights as an integral part of the EU's human rights policy. They insisted that the nexus between human rights and migration be taken into account in the EU's bilateral human rights dialogues with the countries concerned.

Human rights protection and the EU external migration policy

The European Parliament adopted by 358 votes to 309, with 26 abstentions, a resolution on human rights protection and the EU external migration policy.

The framework of migration policy and its external dimension

Parliament stressed that, alongside the Treaty obligation to uphold the values of respect for human dignity, the EU and its Member States have human rights obligations towards third-country nationals when cooperating on migration with third countries and other third-country actors.

These obligations require not only recognition of the application of relevant standards, but also proper implementation through instruments that provide effective protection and safeguards, as well as a human rights-based approach to the whole migration policy cycle, with specific attention to migrant women and unaccompanied minors.

Concerned about the increasing number and lack of protection of unaccompanied minors travelling through irregular migration pathways, Members recalled the obligation to take the best interests of the child as a primary consideration in the field of migration. They called on the EU to ensure that Member States and third countries report on the mechanisms applied to protect children's rights.

Readmission agreements

Since 2016, the EU and some individual Member States have multiplied the number of informal agreements and arrangements with third countries, aiming to strengthen their operational capacities in border control and management, and the fight against human trafficking.

These informal agreements do not establish a predictable policy or a stable and coherent legal framework in the field of irregular migration.

Members believe that the EU must strengthen its external cooperation with countries of origin and work towards the sustainable and effective readmission of returnees. They called on the EU to ensure that readmission agreements and border management cooperation agreements are only concluded with third countries that explicitly commit to respecting human rights, including the principle of non-refoulement and the rights enshrined in the UN Convention relating to the Status of Refugees.

The EU should always try in the first instance to have a person readmitted to their country of origin, as far as circumstances permit.

The Commission is called on to:

- ensure that transparent risk assessments are performed by independent EU bodies, such as the European Union Agency for Fundamental Rights, on the impact of any formal, informal or financial EU cooperation with third countries on the rights of migrants and refugees;
- establish an independent, transparent and effective monitoring mechanism which includes periodic reports on the implementation of formal, informal and financial agreements with third countries that could have an impact on the rights of migrants and refugees and the work of human rights defenders.

Human rights compliance and EU actors implementing the external migration policy

Underlining Frontex's increased role in practical and operational cooperation with third countries, Members called on the Commission to set up an independent monitoring mechanism for Frontex's activities, in addition to the already established internal complaints mechanism.

Frontex should regularly inform Parliament's Subcommittee on Human Rights, the Committee on Foreign Affairs and the Committee on Civil Liberties, Justice and Home Affairs of any activities involving cooperation with third country authorities, and in particular of the implementation of human rights in the context of these activities.

Members also called for a coordinated European approach to ensure rapid identification procedures for people who die while attempting to cross the Mediterranean.

Parliament called for a needs-based approach to humanitarian aid, respecting humanitarian principles, international human rights law, international humanitarian law and international refugee law. It stressed that making humanitarian and emergency aid conditional on cooperation with the European Union on migration was incompatible with humanitarian principles.

The Commission is invited to ensure full transparency, including a clear overview of all instruments under the EU budget used to finance cooperation with third countries in the field of migration management. It should provide Parliament with regular and public information on the financing of migration cooperation programmes in third countries and their impact on human rights.

The EU's external policy and migration objectives

Members recalled that the EU and its Member States have committed themselves, in the context of the Global Compact on Refugees, to sharing responsibility for the effective and comprehensive protection of refugees and to alleviating the pressure on host countries.

In this respect, the resolution stressed that the EU and its Member States should increase resettlement pledges, ensuring that resettlement is not conditional on the cooperation of the transit country on readmission or border control, and strengthen safe and legal pathways of entry and prevent forced refugee returns from hosting countries.

Members called on the EEAS, the Commission and Member States to engage in dialogue with third countries on migrants' rights as an integral part of the EU's human rights policy. They insisted that the nexus between human rights and migration be taken into account in the EU's bilateral human rights dialogues with the countries concerned.