Human rights protection and the EU external migration policy

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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.