



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 May 2013

9679/13

**PE 228
COHOM 91
JAI 390
ASIM 39
ASILE 19
MIGR 51**

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Summary of the meeting of the European Parliament Subcommittee on Human Rights (DROI), held in Brussels on 16 May 2013

The meeting was chaired by Ms Lochbihler (Greens, DE). The agenda was adopted as proposed. The Chair informed DROI that the state of Maryland (US) officially repealed death penalty on 2 May.

Item 4 on the agenda

Exchange of views on FRONTEX: new responsibilities to protect human rights under the amended regulation

The Chair introduced the debate by recalling that at the time of the revision of the FRONTEX mandate the position of a Fundamental Rights Officer and the Consultative Forum were created at the initiative of the EP.

The first invited speaker, Ms Arnaez Fernandez, FRONTEX, Fundamental Rights Officer presented the new responsibilities of FRONTEX to protect human rights notably in cooperation with third countries. She stressed that she had taken up her position recently and was primarily focusing her work on establishing procedures and mainstreaming human rights in all FRONTEX activities. The policy was still being developed, and for the time being there were no liaison officers deployed in third countries.

The second invited speaker Mr Kessler, Co-chair of FRONTEX Consultative Forum spoke about the role and working methods of the FRONTEX Consultative Forum. He presented the following key areas of focus : recommendations regarding the code of conduct for border guards, the mechanisms and procedures on human rights, and the development of training curricula. He stressed that the Consultative Forum was not a decision making body and could only engage in constructive discussions with the Management Board which was the ultimate decision maker. He was critical that issues such as the distribution of powers and responsibility between Member States, FRONTEX and the Commission remained opaque and called for more clear regulation on the matter. He also emphasised that the work of the Consultative Forum, given its lack of capacity and democratic legitimacy, could not substitute for the EP's overview of FRONTEX. He raised the particularly pressing issue of migrants returned to Morocco by the Spanish authorities, in view of the extremely difficult situation migrants faced in this country.

The third invited speaker Ms Dumery, Member of the Parliamentary Assembly of the Council of Europe (PACE), Committee on Migration, Refugees and Displaced Persons outlined the main elements of the Council of Europe resolution on FRONTEX (Resolution 1932 (2013) from 25 April 2013). She in particular highlighted the following issues of concern : the absence of democratic scrutiny of agreements with third country authorities and the role of the EP, the need for adequate staffing of the office of the Fundamental Rights Officer in order to enable her to carry out her functions in a meaningful way.

The fourth invited speaker Mr d'Auchamp, Deputy of OHCHR's Regional Office for Europe, Brussels read out a statement on behalf of Mr Crépeau, the Special Rapporteur on the Human Rights of migrants, on the main findings of his study on "Management of the External Borders of the EU and its Impact on the Human Rights of Migrants". He was critical of the EU's continued focus on stopping irregular migration through strengthened external border controls (for example detention, pushback's, readmission) and not addressing the issues of pull factors or possibility of temporary legal migration for work purposes. He proposed a number of recommendations in order to adopt a more human rights based approach to migration.

In the subsequent discussion MEPs raised the following issues : gender aspects of migration, the deployment of the civilian CSDP mission to support the Libyan authorities in enhancing border security, the independence of FRONTEX's Fundamental Rights Officer in practice.

In her replies Ms Arnaez Fernandez explained that the planned civilian CSDP mission was not an operational one, but concerned technical capacities and training activities for border management coordinated by the EEAS with only marginal involvement of FRONTEX. She confirmed that she was particular attentive to the gender aspect of migration and in particular the issue of trafficking of women. Regarding her independence vis-à-vis the Director of FRONTEX she explained it was too early to make an assessment but that the fact that she also reported to the Consultative Forum provided a degree of balance. Mr Kessler agreed with the need for the EP to scrutinize operational agreements concluded by FRONTEX with third country authorities.

Item 5 on the agenda

European Parliament recommendation to the Council on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief 2013/2082(INI)

Rapporteur: Laima Liucija Andrikienė (PPE) PR – PE510.559v01-00

Responsible: AFET –

- **Consideration of amendments**

A very brief discussion with no shadow rapporteur participating. Ms Andrikienė explained that she had received 76 amendments and that she had prepared 10 compromise amendments. She would propose a number of practical measures *inter alia* a creation of a common tool kit, which would include a monitoring mechanism and appropriate standardized check lists/indicators in order to be able to compare situations in various countries.

The EEAS representative explained that the guidelines were still being discussed in COHOM and should be ready for the adoption by FAC in June. The vote in AFET is planned for 29 May.

Item 6 on the agenda

Exchange of views on the revised "EU Guidelines on death penalty"

Mr Nicolas, Amnesty International, presented the AI latest report on Death penalty in the world 2012 published on 10 April 2013. He outlined the main findings and stressed that the trend towards abolition continued, with the number of executions remaining stable for the second consecutive year, taking into account however that data for China was not made available. He gave a very positive assessment of the new guidelines.

The EEAS representative made a detailed presentation of the various elements contained in the revised guidelines adopted by the FAC on 22 April. The Commission representative presented the various projects supported by the Commission in promoting the abolition of death penalty around the world and explained that the EU provided real added value as a donor, taking into account the fact that the US or Japan do not promote the abolitionist cause.

The following issues were raised during the discussion : medicines used in lethal injections and the EU Regulation on such exports; the need to discuss death penalty issues with strategic partners, namely China, India and US; the incompatibility between the abolition of death penalty and Islam as a religion ; and executions for drug offences in Iran.

Date of next meeting

- **27 May 2013, 15.00 – 18.30**
- **28 May 2013, 9.00 – 12.30 and 15.30 – 19.00**