



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Foreign Affairs*

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**2013/2024(INI)**

7.6.2013

## **DRAFT OPINION**

of the Committee on Foreign Affairs

for the Committee on Legal Affairs, the Committee on Civil Liberties, Justice  
and Home Affairs and the Committee of Constitutional Affairs

on the mid-term review of the Stockholm Programme  
(2013/2024(INI))

Rapporteur: Jean-Jacob Bicep



## SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Urges the Commission and the EEAS to take practical steps to ensure greater coherence and consistency between EU external and internal policies, in line with the commitments set out notably in the Communication on an Action Plan Implementing the Stockholm Programme;
2. Regrets the continued refusal of the Commission to draft a Human Rights Action Plan to promote EU values in the external dimension of freedom, security and justice policies, as called for by the Council in the Stockholm Programme, and notes that the EU Strategic Framework for Human Rights and the related Action Plan cannot constitute a substitute for the former;
3. Strongly believes that the EU and its Member States should not sign agreements with third countries in the field of freedom, security and justice (FSJ), where there is a serious risk of violation of human rights and where the rule of law is not upheld; stresses that any agreement in this field should be concluded after a careful human rights impact assessment and include a suspension clause in relation to human rights; calls on the Commission to develop monitoring mechanisms which allow for public scrutiny of FSJ policies, including by involving civil society in third countries; calls on the Commission to explain what safeguards are applied to ensure that information provided by third countries through Europol agreements is not obtained through torture or ill-treatment;
4. Expresses concern at the increasing demands being placed on neighbourhood countries in relation to the EU's migration and border management policies; calls for a human rights-based approach to EU migration and border management which ensures that the rights of regular and irregular migrants and other vulnerable groups are always the first consideration; recalls the extra-territorial application of the European Convention on Human Rights in the implementation of EU migration policy, as ruled by the European Court of Human Rights;
5. Repeats its call for a compulsory refugee resettlement scheme, in line with Article 21 of the TEU, which obliges the EU to assist populations confronting natural or man-made disasters; notes with concern the observation made by the UN Special Rapporteur on the human rights of migrants on the widespread lack of adherence to basic human rights principles in the course of the increasing, EU-encouraged and -promoted practice of detaining migrants wanting to enter the EU's borders<sup>1</sup>; calls on the Commission to report on what steps are being taken to prevent arbitrary detention of migrants by third countries, in line with its commitment 14(d) under the EU Action Plan on Human Rights;
6. Expresses alarm at the number of deaths and the human rights abuses which continue to

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<sup>1</sup> Report of the Special Rapporteur on the human rights of migrants, François Crépeau – Regional study: Management of the external borders of the European Union and its impact on the human rights of migrants A/HRC/23/46

occur in the course of irregular migrants' attempts to enter the EU; requests that the Commission consult Parliament prior to the conclusion of any agreement between Frontex and a third country; insists that these agreements must provide for adequate safeguards to ensure that human rights standards are fully respected, including with regard to return, joint patrolling, search and rescue or interception operations;

7. Expresses deep concern about the fate of third country nationals (TCNs) and stateless persons readmitted under EU readmission agreements (EURAs), including cases of indefinite detention, legal limbo or refoulement to their country of origin, and requests the exclusion of TCN clauses from these agreements; underlines the importance of implementing the recommendations made in the Commission's evaluation of readmission agreements; calls on the Commission to allow NGOs and international organisations to participate in Joint Readmission Committees; urges the Commission and the Member States to suspend immediately the application of an EURA in the event of human rights violations;
8. Calls on the Commission to extend the remit of the Fundamental Rights Agency to cover all candidate countries and neighbourhood countries, giving it a specific role in advising EU institutions on how to ensure coherence and consistency between internal and external policies on human rights;
9. Calls on the Commission and the Member States to take the necessary legislative and administrative steps to allow the issuance of emergency visas and facilitate the provision of temporary shelter for human rights defenders at risk in third countries; calls for an evaluation of the existing mobility partnerships, particularly the interdependence between development aid, regular migration and irregular migration, as defined in the Global Approach to Migration;
10. Stresses that the continued refusal of Member States to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which is a core international human rights convention, undermines the fundamental principle of the indivisibility of human rights and diminishes the credibility of the EU when engaging with third countries on human rights issues;
11. Calls for a more joined-up approach between human rights dialogues and justice, liberty and security subcommittees established in the framework of agreements with third countries, notably in the European Neighbourhood region;
12. Calls for enhanced focus by the EU on the issue of statelessness in third countries, including through the development of a joint framework between the Commission and the EEAS for raising such matters with third countries, which was announced in the EU Action Plan on Human Rights;
13. Welcomes the continued efforts of EU institutions and Member States to advance universal support for the International Criminal Court (ICC), as an essential means of promoting respect for international humanitarian and human rights law; encourages all the Member States to sign agreements with the ICC on witness relocation and on enforcement of sentences adopted by the Court.