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**AOB - EU Statement on the human rights of migrants**

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A few days ago the EU General Affairs Council discussed internal and external aspects of the EU's migration policies in preparation of the Council meeting of EU Heads of State and Government in December, including on the Partnership Framework on migration and the results achieved concerning the compacts with the selected African countries. Earlier this week, the Foreign Affairs Council discussed EU CSPD missions, which includes EU Naval Force Mediterranean Operation Sophia, which contributes to the wider EU efforts to disrupt the business model of criminal networks in the Central Mediterranean.

We have previously discussed the issue of human rights of migrants and the EU remains fully committed to address migration issues within the OSCE with a view to adopt a decision at the Ministerial Council. Let me take this opportunity to add a few words on this issue today.

We recall that the EU has actively increased its efforts to address both the immediate and long-term challenges of managing migration flows, including by saving over 400,000 lives at sea last year, providing humanitarian assistance to enable migrants and refugees to stay closer to home, and helping the development of third countries in line with the Sustainable Development Goals in order to address the root causes of irregular migration. We have spent more than €15 billion in 2015-16 in support of these actions.

The European Union is firmly committed to the promotion and protection of the human rights of refugees and migrants. EU policies and measures are founded on the principles of non-discrimination, proportionality, solidarity and responsibility, non-refoulement, access to justice and the best interest of vulnerable persons, especially minors. The respect for and protection of fundamental rights is an essential

component of an effective border management. The complaint mechanism on fundamental rights adopted by FRONTEX in October 2016 is one example of this.

Disrupting the business model of human smuggling and trafficking networks, and preventing loss of life remain key objectives for the EU. On 12 November, another 1,400 migrants were rescued by EU operations in the Mediterranean. The use of weapons in such operations is subject to the principles of necessity and proportionality. For example, in cases where traffickers attempt to violently ram a patrol vessel, shots can be fired at the engine of the offensive vessel in order to stop actions that put the lives of migrants in danger or in self-defence. Trafficking in human beings and migrants smuggling is, unfortunately, a global phenomenon. It is morally and legally unacceptable and has to be stopped. The EU has put in place a strong and forward-looking legislative framework to do this. One of the tools is substantially reinforced cooperation with third countries with trafficking in human beings being one of the main areas of cooperation with Western Balkan countries, Turkey and African countries.

We further recall the recently signed "EU-Afghanistan Joint Way Forward on migration issues" covers the returns of irregular migrants who have no legal basis to stay in the EU based on a thorough individual assessment, or who never applied for asylum. They need to be returned in an organised and dignified way, after the necessary procedures have been duly carried out by the national authorities, and when their appeal possibilities have been exhausted. People will not be returned to the areas affected by conflict and the returns will happen after individual assessment of all existing possibilities on the ground.