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From:	Presidency
To:	MOCADEM Roundtable

Subject:	Follow-up to previous discussions on a Human rights-based approach to migration cooperation
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In view of the Mocadem Roundtable meeting of 28 November 2025 delegations will find attached the "Follow-up to previous discussions on a Human rights-based approach to migration cooperation".

Introduction

With reference to document 11681/25 of 3 September 2025 and the related discussion in EMWP on a Human rights-based approach (HRBA) to migration cooperation on 10 September 2025, a number of delegations agreed that the HRBA should regularly be put on the agenda for discussion in the relevant Council formations.

Following up on the EMWP discussion in the Council, on 3 October the Presidency, together with the Danish Institute for Human Rights, held an informal session about the HRBA at the Danish Permanent Representation. It was intended primarily for the MOCADDEM and CODEV communities, and was attended by representatives of the European Commission, the External Action Service, the IOM, UNHCR and the OHCHR, among others. One of the key takeaways from this event was that any EU-supported action on migration must follow a human rights-based approach (HRBA). The Commission's guidelines on the HRBA provides a good basis for further operationalisation. Furthermore, a strong monitoring structure should be in place to enable an effective response to human rights violations.

Additionally, in the light of Treaty obligations, the EU action plan on Human Rights and Democracy, the Council conclusions of December 2024 and the EU's own staff guidance from 2025 on the HRBA in Migration and Forced Displacement, the Presidency considers it important to ensure a consistent approach across all work strands when it comes to strengthening not only coordination between all those involved in implementing the external dimension of migration, but also by bringing to the forefront that the HRBA has already been and will continue to be applied in the EU's cooperation with third countries.

In particular to meet MOCADDEM's requirements as regards preparing for and proposing 'operational actions'¹ relating to the means and leverages to be mobilised to implement the Union's objectives for each third country concerned', it scarcely requires mentioning that those operational actions need to be in line with abovementioned Treaty obligations.

Nonetheless, when reading across more than three years of MOCADDEM action fiches/implementation reports, route-based matrices and horizontal fiches, it becomes evident that there is still room to reiterate and underline those obligations by specifically accentuating the HRBA, but also in general by upholding and respecting human rights through the very mention of an HRBA.

Well-known to the MOCADDEM community, a typical country fiche consists of an introduction/objective followed by actions and then annexes – typically one annex on Member State actions, and possibly also a second annex with common messages, depending on how

¹ An 'operational action' means any action the implementation of which is likely to contribute to the attainment of the objectives of the Union in its relations with a third country in the field of migration, including:

- a political or diplomatic approach,
- an action in support of the third country concerned, including in the area of capacity building or development cooperation,
- the mobilisation of any available leverage, for example financial support, or the tools of visa policy or any other policy, and
- the development of targeted communication strategies.

Source: Council Implementing Decision (EU) 2022/60 of 12 January 2022 on the Operational Coordination Mechanism for the External Dimension of Migration, https://eur-lex.europa.eu/eli/dec_impl/2022/60/oj/eng.

far a fiche dates back, since the current matrix format for all the action files was agreed under the Hungarian Presidency. Route matrices are similar but do not contain an introduction/objective. The few horizontal fiches we have created in this community follow a similar structure; the one on instrumentalisation, however, includes a toolbox. In one country action fiche, 'human rights' are mentioned 21 times, while in another fiche they are not mentioned at all. In four country fiches, an HRBA is mentioned specifically under the common messages.

In order to make reference to human rights and the HRBA in a more consistent and harmonised manner, the Presidency therefore suggests to MOCADDEM that ideally all of the suggestions below should be implemented the next time the fiches and matrices are updated.

First, the following sentence, which already appears in three country fiches, should be a standard bullet point in the introduction of every fiche:

'The protection of the human rights of all migrants and forcibly displaced people and the full respect for international law are the guiding principles for the EU's engagement.'

Second, consideration could be given to whether to mention the HRBA in parallel in the introduction of every fiche, as a standard in the introduction/objective in each country fiche, and in the route-specific/thematic fiches.

Alternatively, the current practice of referring to the HRBA in the annex for common messages could be made more consistent as part of regular updates to the fiches, although the HRBA could still be mentioned elsewhere in the documents/fiches as well, e.g. under 'actions' or in the annexes whenever relevant.

The delegations are invited to give their approval to one or both of the practices suggested above, with a view to possibly seeking further strategic direction at a later stage, as per previous procedure.

The Presidency considers that no 'automatism' would potentially be created since the suggested baseline amendments to the fiches would be made only when a fiche is to be updated, taking into account the relevant context as regards the third countries at that time.

Annex 1: Use of 'human rights' (HR) and 'HRBA' in MOCADDEM fiches*

Use of 'Human Rights' (HR) and 'HRBA' in MOCADDEM fiches *	Intro/(specific) objectives	Action Points	Annex 1 MS Actions	Annex 2 Common Messages
Afghanistan	'respecting human rights and the principle of non-refoulement'	[HR mentioned five times]	N/A	
Bangladesh	'The protection of the human rights of all migrants and the full respect for international law are the guiding principles for the EU's engagement.'	[HR mentioned twice]	'Stress the importance of adhering to human rights principles, respecting the principle of non-refoulement and of protecting vulnerable groups of Rohingya refugees and displaced people in Bangladesh.'	
**Central Med. Route	-	[HR mentioned three times]	[No mention of HR]	
**Eastern Med. Route	-	[No mention of HR, but once of rights-based approach]	[No mention of HR, but of the rights and responsibilities of refugees]	
Egypt	'Contribute to securing effective land and sea border management with a view to preventing irregular departures and combating migrant smugglers and human traffickers, while protecting the human rights of migrants'	[Mention of HR twice]	[Mention of HR twice]	
Ethiopia & Somalia	[No mention of HR]	[No mention of HR]	'Underline the importance for the EU and Ethiopia to continue a permanent dialogue on migration, following a holistic and human rights-based approach, in order to anchor cooperation in a jointly defined and mutually beneficial framework.'	
Iraq	[No mention of HR]	[No mention of HR]	'Welcome the regular informal migration meetings and the successful completion of the cycle of technical Subcommittees (Human Rights and Democracy, Development Cooperation, Trade and Energy) in the past two years'	
Libya	'This whilst fostering full respect for human rights of migrants	[HR mentioned 15 times]	'The protection of human rights in the Libyan migration context is of key importance. The EU will continue to support the Libyan	

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	and international obligations of the Libyan authorities and improving access to and quality of protection. Protection of human rights of migrants is a guiding principle for all EU action in Libya. Actions and programmes carried out in Libya must be carefully monitored, risks analysed, and results assessed. Engagement conditions must be carefully assessed.'			authorities to ensure respect of human rights of all migrants. Vulnerable groups require particular attention.'
Mauretania	'The parties will strengthen the regular dialogue, within the framework of the Joint Declaration from March 2024, (...) – including through the creation of opportunities for the youth, better managing the borders, (...), while respecting human rights and international standards pertaining to persons in need of international protection, as applicable to Mauritania and the EU.'	[HR mentioned once]		'underline the importance to maintain a regular dialogue on migration, following a holistic and human rights-based approach, in order to work on the implementation of the Joint Declaration.'
Niger (impl. report)	[HR not mentioned]			
Nigeria	[HR not mentioned]			
*** Operational approach to return (Bangl. & Pakistan)	[HR not mentioned]	'EU Delegation: ██████████ ██████████ ██████████		

Use of 'Human Rights' (HR) and 'HRBA' in MOCADEM fiches *	Intro/(specific) objectives	Action Points	Annex 1 MS Actions	Annex 2 Common Messages
		██████████ where appropriate.'		
Pakistan	'The protection of human rights of all migrants and the full respect of international law are guiding principles for EU engagement.'	[HR mentioned once]	'Stress the importance of adhering to human rights principles, respecting the principle of non-refoulement and of protecting vulnerable groups of Afghan refugees and displaced people in Pakistan, in particular women, children, and other individuals potentially at risk in case of return to Afghanistan'	
*** Preventing and countering the instrumentalisation of migrants and forcibly displaced people at the EU's external border	'The toolbox allows for a selection of appropriate non-legislative tailor-made measures, depending on the character of the particular situation, while respecting European and international law, including the Fundamental Rights'	'the exploitation of migrants and ensure respect for the rights of migrants'.(...), 'in full compliance with fundamental rights'	'The EU remains committed to respect their fundamental rights, dignity and vulnerabilities.' (...) 'in full compliance with EU and international law and respecting fundamental rights.'	
Senegal	[HR not mentioned]	'Specific measures such as monitoring will be deployed to ensure that human rights and protection standards are respected and guaranteed.'	' Underline the importance for the EU and Senegal to continue a permanent dialogue on migration, following a holistic and human rights-based approach,' (...) 'In relation to EU-funded projects in the areas of border management, smuggling of migrants or return and reintegration of irregular migrants, it is important they include safeguards and tools ensuring and monitoring the respect of human rights.'	
The Gambia (implementation report)	[HR not mentioned]	'countering migrant smuggling and trafficking in human beings and dismantling criminal networks in compliance with	'Underline the importance for the EU and The Gambia to maintain a permanent dialogue on migration, following a holistic and human rights-based approach'	

Use of 'Human Rights' (HR) and 'HRBA' in MOCADDEM fiches *	Intro/(specific) objectives	Action Points	Annex 1 MS Actions	Annex 2 Common Messages
		international human rights law'		
Tunisia	'The protection of human rights of all people on the move and the full respect of international law should be underlined in all engagements as guiding principles for the EU.'	'to discuss projects and compliance with human rights.' (...) 'while ensuring the safeguard of human rights of migrants.'	'based on mutual commitments, shared priorities, democratic values, and the respect for human rights.' [HR mentioned five more times in this section]	
**Western Balkans	-		'the EU is committed to continue providing material, technical, financial and operational assistance to ensure that the asylum and reception systems of Western Balkan partners are able to manage increased migration flows, while ensuring democratic values, respect for human rights and the rule of law'	
**Western Mediterranean and Atlantic routes – Implementation Report	-	[HR mentioned twice]	'This approach is reflected in the EU's Action Plan on the Western Mediterranean and Atlantic migration routes, which aims to address the worryingly high level of irregular arrivals through a whole-of-route approach and in an operational way. It is based on strengthening engagement with Morocco and West African countries in a balanced, coherent and comprehensive manner, guided by the principles of solidarity, partnership and shared responsibility, as well as the respect of human rights.'	

* This informal overview has been carried out by simple search, and provides only indications without the full context, e.g. as regards EU and Member State contributions only short and descriptive excerpts of programmes are emphasised in the context of action fiches.

** Route-based fiche, not in the same format as country fiches.

*** Horizontal/thematic fiche, not in the same format as country fiches.