



**2022/2025(INI)**

16.6.2022

# **OPINION**

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the recommendations on the negotiations for a cooperation agreement  
between the European Union and the International Criminal Police  
Organization (ICPO-Interpol)  
(2022/2025(INI))

Rapporteur for opinion: David Lega

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## 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 into its motion for a resolution:

- having regard to the Treaty on the Functioning of the European Union, in particular Articles 88 and 218 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 49 thereof,
- having regard to the Universal Declaration of Human Rights, in particular Article 9 thereof,
- having regard to the Constitution of the International Criminal Police Organization (ICPO-Interpol), in particular Article 2, which requires the organisation to act in the spirit of the Universal Declaration of Human Rights, and Article 3, which, in accordance with the principle of neutrality, strictly forbids the organisation from undertaking any intervention or activities of a political, military, religious or racial character,
- having regard to the 1957 European Convention on Extradition, updated by additional protocols in 1975, 1978, 2010 and 2012,
- having regard to the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms of 9 December 1998, in particular Article 6 thereof,
- having regard to the Geneva Convention and to the Protocol relating to the Status of Refugees, in particular Article 8 thereof,
- having regard to the International Covenant on Civil and Political Rights, in particular Article 5 thereof,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the European Parliamentary Research Service briefing of November 2018 entitled ‘EU support for human rights defenders around the world’,
- having regard to the study commissioned by its Subcommittee on Human Rights and drawn up by the Policy Department for External Relations of its Directorate-General for External Policies of the Union in January 2019 entitled ‘Misuse of Interpol’s Red Notices and impact on human rights – recent developments’,
- having regard to the report of the Parliamentary Assembly of the Council of Europe (PACE) of 15 October 2019 entitled ‘Interpol reform and extradition proceedings: building trust by fighting abuse’,
- having regard to Resolution No 2315 of the PACE of 29 November 2019 entitled

‘Interpol reform and extradition proceedings: building trust by fighting abuse’,

- having regard to Council Decision (EU) 2021/1312 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-Interpol)<sup>1</sup>,
  - having regard to its resolution of 16 September 2021 on the case of human rights defender Ahmed Mansoor in the United Arab Emirates<sup>2</sup>,
  - having regard to the Civil Society Resolution adopted in advance of the 89th General Assembly of Interpol held in Istanbul from 23 to 25 November 2021,
- A. whereas Interpol is the world’s largest international criminal police organisation; whereas the EU, as the largest donor of funds to Interpol, has an important role to play in influencing the functioning of the organisation, notably in improving its transparency and accountability;
- B. whereas in December 2021, the Commission entered into negotiations on behalf of the EU on an international agreement seeking reinforced cooperation with Interpol, including access to the organisation’s databases, and strengthening operational and strategic cooperation; whereas the Commission expects to conclude these negotiations by the end of 2022;
- C. whereas the agreement would allow the EU agencies to access Interpol’s databases in line with their mandates and should be consistent with the EU’s data protection regime and human rights standards;
- D. whereas Regulation (EU) 2019/818<sup>3</sup> (the Interoperability Regulation) explicitly prevents the transfer or making available of personal data to any non-EU country, any international organisation or any private party;
- E. whereas a reasonable balance must be struck between preventing impunity for serious crimes and respecting the rights of persons whose data is exchanged by or with Interpol;
- F. whereas the number of Red Notices has increased dramatically over the last decade;
- G. whereas Interpol has reformed and strengthened the review processes for its Red Notices; whereas, however, serious concerns remain that data sharing is being abused by authoritarian states to persecute human rights defenders, journalists, lawyers, civil society activists and political opponents through deliberate targeting and other forms of abuse;
- H. whereas the sharing of Interpol data, including for Red Notices and Diffusions, can have a serious negative impact on the human rights of the persons targeted, including the

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<sup>1</sup> OJ L 287, 10.8.2021, p. 2.

<sup>2</sup> OJ C 117, 11.3.2022, p. 109.

<sup>3</sup> Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 8.

rights to liberty and security and the right to a fair trial;

- I. whereas politically motivated Red Notices and Diffusions are enabling authoritarian regimes to persecute human rights defenders, civil society activists, journalists, lawyers and political opponents in violation of international human rights standards;
- J. whereas according to its own rules, Interpol is obliged not to assist members that act in violation of international human rights law; whereas Article 131 of Interpol's Rules on the Processing of Data provides for the possibility to suspend access to Interpol databases if a national central bureau or international entity encounters difficulties when processing data in the Interpol information system or does not fulfil its obligations;
- K. whereas the PACE has repeatedly called for reform of Interpol; whereas it has also noted with regret that several recommendations have not yet been implemented, in particular those intended to improve the transparency of Interpol's work and to strengthen accountability for states whose national central bureaux misuse Interpol's instruments;
- L. whereas Parliament has expressed deep concern about the candidacy and election of the current president of Interpol; whereas on 11 May 2022, investigations into claims of torture against Interpol's president were opened in France;
  1. Stresses that cooperation and information sharing are important tools to combat crime and terrorism and pursue justice, but need to be fully consistent with international human rights standards and the principles of necessity, proportionality, legality and cooperation based on upholding the rule of law;
  2. Believes that it is paramount to ensure that the final agreement contributes to the fight against impunity for serious crimes, while guaranteeing respect for the rights of persons whose data is exchanged by or with Interpol, notably their rights to data protection and privacy and their right to a fair trial; regrets the lack of a human rights impact assessment by the Commission prior to the launch of the negotiations for the agreement; calls for such an assessment to be carried out as a matter of urgency; calls for the results of the human rights impact assessment to be shared with the co-legislators;
  3. Calls on the Member States to honour the commitment they made in the framework of Europol cooperation agreements and to support Interpol in promoting and enhancing the highest level of human rights standards, including in the area of human trafficking in all its forms, and in further reinforcing the gender perspective; calls on the Commission to develop specific guidelines to mainstream gender and human rights expertise in the activities of law enforcement authorities, in particular in its cooperation with other international law enforcement authorities;
  4. Urges the EU and Europol to intensify cooperation with Interpol with the aim of improving exchanges of information and supporting cross-border investigations into trafficking in human beings for the purpose of sexual exploitation, among other serious crimes; calls on the Commission, in this regard, to provide the necessary financial support to Europol to enable it to strengthen its cooperation with Interpol in this field;
  5. Underscores the data misuse by some Interpol members; underlines the need, therefore,

for the EU and Interpol to take more effective action against Interpol members by suspending those that fail to respect international law and Interpol's own rules, thereby denying them access to the databases of the EU and non-EU countries;

6. Strongly demands a reform of election criteria for the top positions at Interpol, which must be held by individuals with undisputed human rights records; stresses the need to ensure that Interpol's leaders adhere to high moral standards; underlines the need to introduce requirements for Interpol leaders to have a high moral character, be impartial, have integrity and adhere to human rights standards, including its president, vice-presidents and members of the Executive Committee and the General Secretariat; calls for the EU to propose that these recommendations be included in the Interpol Constitution; insists that the Commission and the Member States press the organisation to ensure transparency and introduce robust vetting procedures for the selection of Interpol's leaders by the General Assembly; expresses serious concerns regarding the recent appointment of the current president of Interpol and the impact this nomination may have in terms of fundamental rights and the functioning and credibility of the organisation; stresses that lawsuits continue to be filed against him;
7. Strongly condemns the abuse by some states of Interpol's Notice and Diffusion system in order to persecute political opponents, journalists, lawyers, human rights defenders and civil society activists beyond their borders and calls on Interpol to carry out its activities in line with its constitutional provisions, notably as regards human rights; considers that the recent reform of the Red Notice review process does not effectively address this phenomenon or ensure accountability and transparency in this process;
8. Calls on the Executive Committee of Interpol to take immediate action to suspend the memberships and processing rights to Interpol's database of countries responsible for deliberate abuse of the Notice and Diffusion systems, such as Russia and Belarus, as the risks of misuse and serious breaches of fundamental rights and the targeting of dissidents is high; calls on the Commission and the EU Member States to push for the implementation of mitigating measures to limit the risk of such abuse;
9. Calls on the Commission, as the guardian of the Treaties, to make use of its influence within Interpol to support the necessary reforms so that Interpol fully upholds human rights while remaining an effective tool for legitimate international police cooperation, by demanding measures to:
  - a. ensure that any exchange of information between the EU and Interpol, in line with existing EU legislation, is sufficiently protected from misuse, by including adequate safeguards in the agreement, and that no direct or indirect access to EU databases is granted to Interpol or non-EU countries that does not comply with EU laws; ensure, furthermore, that any personal data transferred by non-EU countries stems from information provided through legal means and is not initiated by and does not relate to countries or territories under occupation;
  - b. enhance preventive measures such as human rights risk assessment guidelines, including a gender perspective, the application of consistent human rights standards for processing Red Notices and Diffusions and enhanced check, review and monitoring systems and ex post scrutiny; require further human and financial

resources to be made available for the ex ante and ex post control of Red Notices and Diffusions within Interpol's General Secretariat;

- c. improve efficiency to shorten the process of revoking Notices;
- d. increase transparency, notably by disclosing statistical data on how many requests for Interpol alerts are received and refused annually (including the reasons for these refusals);
- e. facilitate a more efficient complaints mechanism by making it faster, more interactive and more transparent; enhance the human and financial resources of the Commission for the Control of Files (CCF); set up an independent appeals body against CCF decisions; explore the possibility of setting up a compensation fund for victims of politically motivated Red Notices and Diffusions;
- f. ensure that the agreement upholds the rights to administrative and judicial redress for any person whose data is protected under this agreement;
- g. put a stop to politically motivated Notices, including by more effectively imposing corrective action, including temporary suspension from Interpol, on states that frequently break Interpol's rules;
- h. further develop the legal framework and its applicability to Interpol mechanisms to ensure consistent handling of Red Notices and Diffusions under Articles 2 and 3 of the Interpol Constitution;
- i. write an annual implementation report on these recommendations and report back to Parliament on progress;
- j. allocate funding to projects specifically aimed at improving the clarity and transparency of the processing and screening of Red Notices and Diffusions to avoid human rights violations, with effective involvement of stakeholders and non-governmental organisations.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	14.6.2022
<b>Result of final vote</b>	+:               53 -:                2 0:                2
<b>Members present for the final vote</b>	Alexander Alexandrov Yordanov, François Alfonsi, Maria Arena, Petras Auštrevičius, Traian Băsescu, Anna Bonfrisco, Susanna Ceccardi, Katalin Cseh, Giorgos Georgiou, Raphaël Glucksmann, Klemen Grošelj, Bernard Guetta, Peter Kofod, Dietmar Köster, Andrius Kubilius, David Lega, Leopoldo López Gil, Antonio López-Istúriz White, Claudiu Manda, Lukas Mandl, Thierry Mariani, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Javier Nart, Matjaž Nemeč, Demetris Papadakis, Tonino Picula, Giuliano Pisapia, Thijs Reuten, Nacho Sánchez Amor, Jacek Saryusz-Wolski, Sergei Stanishev, Tineke Strik, Dominik Tarczyński, Viola Von Cramon-Taubadel, Isabel Wiseler-Lima, Salima Yenbou, Bernhard Zimniok
<b>Substitutes present for the final vote</b>	Vladimír Bilčík, Corina Crețu, Angel Dzhambazki, Nicolaus Fest, Arba Kokalari, Andrey Kovatchev, Karsten Lucke, Erik Marquardt, Marisa Matias, Alessandra Moretti, Paulo Rangel, Javier Zarzalejos
<b>Substitutes under Rule 209(7) present for the final vote</b>	Asim Ademov, Stéphane Bijoux, Virginie Joron, Liudas Mažylis, Bettina Vollath



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>53</b>	<b>+</b>
ECR	Angel Dzhambazki, Jacek Saryusz-Wolski, Dominik Tarczyński
ID	Anna Bonfrisco, Susanna Ceccardi, Nicolaus Fest, Peter Kofod, Bernhard Zimniok
PPE	Asim Ademov, Alexander Alexandrov Yordanov, Traian Băsescu, Vladimír Bilčík, Arba Kokalari, Andrey Kovatchev, Andrius Kubilius, David Lega, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Lukas Mandl, Liudas Mažylis, Vangelis Meimarakis, Francisco José Millán Mon, Paulo Rangel, Isabel Wiseler-Lima, Javier Zarzalejos
RENEW	Petras Auštrevičius, Stéphane Bijoux, Katalin Cseh, Klemen Grošelj, Bernard Guetta, Javier Nart, Salima Yenbou
S&D	Maria Arena, Corina Crețu, Raphaël Glucksmann, Dietmar Köster, Karsten Lucke, Claudiu Manda, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Demetris Papadakis, Tonino Picula, Giuliano Pisapia, Thijs Reuten, Nacho Sánchez Amor, Sergei Stanishev, Bettina Vollath
VERTS/ALE	François Alfonsi, Erik Marquardt, Tineke Strik, Viola Von Cramon-Taubadel

<b>2</b>	<b>-</b>
ID	Virginie Joron, Thierry Mariani

<b>2</b>	<b>0</b>
THE LEFT	Giorgos Georgiou, Marisa Matias

### Key to symbols:

- + : in favour
- : against
- 0 : abstention