To the attention of:

**Committee against Torture (CAT)**  
Human Rights Treaties Division (HRTD)  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais Wilson – 52, rue des Pâquis  
CH-1201 Geneva

Switzerland

Vienna, 20 February 2017

Ref: 2017-outgoing-000227

Subject: **FRA contribution to the call for written submissions to the Committee against Torture on the draft revised general comment "on the implementation of article 3 of the Convention in the context of article 22"**

Dear Sir/Madam,

With reference to the above mentioned call for written submissions, please find attached a recent report of the EU Fundamental Rights Agency entitled “*Scope of the principle of non-refoulement in contemporary border management: evolving areas of law*” (also available via our website at: <http://fra.europa.eu/en/publication/2016/scope-principle-non-refoulement-contemporary-border-management-evolving-areas-law>).

This report aims to encourage fundamental-rights compliant approaches to border management, including by highlighting potential grey area (see e.g. chapter 2.1 and the scenarios therein). As a recent trend, EU Member States are increasingly involved in border management activities on the high seas (chapter 2.2), within – or in cooperation with – third countries, and at the EU’s external borders (chapter 2.3). Such activities entail risks of violating the principle of *non-refoulement*, the cornerstone of the international legal regime for the protection of refugees and beyond, which prohibits returning individuals to a risk of persecution or to a country they would face the serious risk of torture or cruel, inhuman or degrading treatment or punishment.

The analysis presented in the report is complemented by concrete guidance on how to reduce the risk of *refoulement* in these situations – a practical tool (10 suggestions to EU Member States) developed with the input of experts during a meeting held in Vienna in March 2016.

Sincerely yours,

**Adriano SILVESTRI**

Head of Sector

Asylum, Migration and Border Sector

Annex: FRA report – “Scope of the principle of non-refoulement in contemporary border management: evolving areas of law”