



**Doc. 12415**

15 October 2010

## Improving the quality and consistency of asylum decisions in the Council of Europe member states

**Reply to Recommendation<sup>1</sup>:** Recommendation 1889 (2009)  
Committee of Ministers

1. The Committee of Ministers has closely examined Parliamentary Assembly [Recommendation 1889 \(2009\)](#) on “Improving the quality and consistency of asylum decisions in the Council of Europe member states”, as well as its [Resolution 1695 \(2009\)](#). It has transmitted the recommendation to the member states’ governments and to the steering committees concerned. The comments of the latter have been taken into account in drafting the reply.
2. The Committee of Ministers shares the opinion of the Parliamentary Assembly that greater efforts should be made to improve the quality and consistency of asylum decisions in member states, in their interest and that of the persons concerned.
3. The Committee of Ministers is aware that the shortcomings in the implementation of current regulations referred to in the report of the Parliamentary Assembly raise serious human rights issues which need to be addressed. It wishes to underline the importance that work underway in, or envisaged by, other international organisations and institutions on these issues is seriously considered and taken into account before similar activities are undertaken. This is not only to avoid overlapping activities, but also conflicting guidelines and policies.
4. The Committee of Ministers agrees with the statement made by the Assembly in its [Recommendation 1917 \(2010\)](#) on “Migrants and refugees: a continuing challenge for the Council of Europe” according to which “The Council of Europe is a value-based organisation, which was created to protect the rights of all people within Europe. Migrants, refugees, asylum seekers and displaced persons are often some of the most vulnerable people in Europe. There is a need not only to strengthen their rights but also to monitor that these rights are guaranteed in practice.” The Council of Europe can and should provide an added value at pan-European level by considering refugee policies from a human rights perspective.
5. However, the Committee of Ministers recalls that the European Union is very active on asylum issues. Discussions are underway for setting up a Common European Asylum System (CEAS) by 2010, with a view to establishing a common asylum procedure and a uniform status for those who are granted asylum or complementary protection. Furthermore, in 2009, the European Commission proposed the setting-up of a European Asylum Support Office, which is intended to provide assistance to those countries which receive the most asylum applications, assist member states in comparing good practices, organise training at European Union level and facilitate practical co-operation between EU member states and non-member states. A European Asylum Curriculum (EAC) has been developed specifically for the people involved in the asylum procedures. The European Union’s Network of Asylum practitioners (EURASIL) pools country information and the European Migration Network provides for the exchange of statistical data on immigration and asylum.

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1. adopted at the 1095th meeting of the Ministers’ Deputies (13 October 2010)



6. Nevertheless, the Committee of Ministers considers that there is room for targeted action by the Council of Europe in this field, even though it may be necessary with respect to certain questions to wait for the work undertaken within the European Union to be completed. The Committee also sees opportunities for co-operation with the European Union on issues such as data collection and training.

7. In this context, the Committee of Ministers underlines that it is presently considering the follow-up to [Resolution No. 1](#) on access to justice for migrants and asylum seekers, adopted at the 28th Conference of European Ministers of Justice (25-26 October 2007, Lanzarote, Spain).

8. In respect of the Assembly's call for the establishment of "a monitoring mechanism to assess the quality and consistency of asylum decisions across Europe" and for "a new permanent committee within the Council of Europe with a mandate to examine asylum issues to replace the Ad hoc Committee of experts on the legal aspects of territorial asylum, refugees and stateless persons (CAHAR)", the Committee of Ministers recalls the valuable work of existing Council of Europe monitoring mechanisms. It agrees with the Assembly about the important role played in the past by the CAHAR. The subject calls for a transversal and multidisciplinary approach. Although the present budgetary climate does not allow for the establishment of a new permanent committee, the Committee of Ministers will reflect on other possibilities and means for ensuring the necessary co-ordination in this field.

9. The Committee of Ministers calls on member states to follow its Guidelines on human rights protection in the context of accelerated asylum procedures adopted on 1 July 2009.

10. Finally, the Committee of Ministers does not consider it necessary at this stage to incorporate the right of asylum into the European Convention on Human Rights.