Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1149 (1991)[1]

Europe of 1992 and refugee policies

Parliamentary Assembly

1. Completion of the internal market in the European Community by the end of 1992 will ensure freedom of movement for persons, goods, services and capital in its twelve member states.

2. This freedom of movement will be accompanied by the abolition of all police and customs formalities for people crossing the internal frontiers of the European Community.

3. However, the implementation of such measures requires concerted action by member states of the European Community in relation to their external frontiers and, in particular, strict control of admission of non-Community nationals.

4. In June 1990, Belgium, France, the Federal Republic of Germany, Luxembourg and the Netherlands, already parties to the Treaty of Schengen, and Italy signed a new convention regulating the admission of persons, including refugees, into their common territory.

5. The new Schengen convention aims at putting an end to the practice of returning asylum-seekers to other states parties to the convention. However, by preventing asylum-seekers from presenting multiple applications for asylum, the new convention raises some concern among organisations dealing with refugee problems. At the same time, the final communiqué of the Vienna Conference of ministers on the movement of persons from Central and Eastern European countries (24-25 January 1991) specifically recommends the implementation of measures to prevent such multiple applications for asylum.

6. Also in June 1990, the member states of the European Community concluded in Dublin a convention determining the state responsible for examining applications for asylum, which not only sets out criteria for considering requests but provides for an exchange of information between national authorities on asylum-seekers.

7. A draft convention on the crossing of the external borders of the member states of the European Community sets further measures for tighter controls. It is expected to propose common visa policies and common conditions for admission of nationals of non-member states.

8. As a consequence of these restrictive policies, many Council of Europe member states not members of the European Community, which apply less stringent controls on entry, would be confronted with a new situation created by the arrival of large numbers of refugees and asylum-seekers.

9. The Assembly considers that co-ordination of European refugee policies cannot just be based on common restrictive measures and limited to the twelve member states of the European Community.

10. The Geneva Convention of 1951 relating to the Status of Refugees and the European Convention on Human Rights should be taken as the basis for the harmonisation of policies and rules on asylum in all Council of Europe member states.

11. It is a matter of the greatest concern to see that, as a result of the increasing number of bogus applications for political asylum, some European states implement in a restrictive way the provisions contained in the Geneva Convention of 1951.

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1. Assembly debate on 23 April 1991 (3rd Sitting) (see Doc. 6413, report of the Committee on Migration, Refugees and Demography, Rapporteur : Sir John Hunt). Text adopted by the Assembly on 23 April 1991 (3rd Sitting).

12. The Assembly shares the principles defined in the final communiqué of the Vienna Conference, which should be used as the guidelines for the harmonisation of national refugee policies.

13. The Assembly therefore recommends that the Committee of Ministers :

13.1. promote harmonisation of refugee and asylum-seeker policies in member states in consultation with the Commission of the European Communities, taking into account the principles defined by the ministers and the heads of delegation attending the Vienna Conference ;

13.2. support the co-operation process initiated at the Vienna Conference ;

13.3. examine in a constructive way and in close co-operation with the Office of the United Nations High Commissioner for Refugees the practical implementation of the 1951 Geneva Convention relating to the Status of Refugees by the Council of Europe member states, notably with a view to solving the specific problems of de facto refugees ;

13.4. invite the Council of Europe member states to intensify their co-operation policies that will contribute to a better protection of human rights and greater social and economic development in the asylum-seekers' countries of origin so as to slow down the population flows towards Europe.