Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1278 (1995)[1]

Refugees and asylum-seekers in central and eastern Europe

Parliamentary Assembly

1. The countries of central and eastern Europe, not involved in large-scale movements of refugees until the democratic reforms of 1989, now face the arrival of asylum-seekers, including people for whom asylum is a means of getting away from difficult living conditions in their countries of origin. They are also confronted with the arrival of refugees and asylum-seekers from the former Yugoslavia.

2. Most of the countries in the region concerned serve mainly as transit points for asylum-seekers on their way to the countries of western Europe, which, on account of their high standard of living, are more attractive to refugees. In comparative terms, the number of asylum-seekers recorded in central and eastern Europe is undoubtedly lower. Nevertheless, with favourable economic development, certain countries of central and eastern Europe will, in turn, become receiving countries.

3. The Assembly points out that the central and east European region is not a homogeneous entity, but is made up of states each of which has its own characteristics and its political, economic and social priorities. Therefore, it considers that the refugee protection systems in some countries of central and eastern Europe may be expected to differ to some extent from those in operation in western Europe.

4. In the face of a large increase in the number of asylum-seekers, most of the countries of western Europe have adopted restrictive measures. This toughening has prompted grave concern in the countries of central and eastern Europe, which are afraid of becoming host countries by default and even refoulement areas. Therefore these last-named countries are often obliged to adopt similar restrictive measures.

5. The Assembly emphasises the need to ensure that everyone fleeing persecution enjoys protection consistent with international legislation and with humanitarian principles and is persuaded that this aim can be achieved only through more intensive pan-European co-operation. Nevertheless, it recognises that the material level of that protection can only be in keeping with the economic and social capabilities of the host countries in central and eastern Europe.

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

6.1. in accordance with the proposals in Recommendation 1236 (1994) on the right of asylum, re-examine the possibility of amending the Convention for the Protection of Human Rights and Fundamental Freedoms in order to include therein the right of asylum, or draw up a separate agreement in this field;

6.2. following the disbanding of the Vienna Group, set up within the Council of Europe a permanent forum for co-operation and for the co-ordination of policies on refugees and migration, enjoying sufficient political weight, which might be based upon the existing bodies, on condition that their terms of reference, membership and means are redefined;

6.3. give particular attention to the setting up of this forum at the Conference of European Ministers responsible for Migration Affairs, to be held in Poland in 1996;

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1. Assembly debate on 25 September 1995 (25th Sitting) (see Doc. 7368, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Iwinski). Text adopted by the Assembly on 25 September 1995 (25th Sitting).

6.4. take the initiative of setting up a multilateral assistance fund responsible for providing, in co-operation with the intergovernmental organisations concerned, financial and logistic assistance to the countries of central and eastern Europe in order to enable them to meet their needs in the matter of asylum, including the costs of repatriating persons whose requests for asylum have been rejected;

6.5. actively involve itself in the organisation of the regional conference to address the problems of refugees, returnees, displaced persons and related migratory movements in the Commonwealth of Independent States and relevant neighbouring countries, which is to be held by the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Organisation for Security and Co-operation in Europe (OSCE) in 1996;

6.6. invite the member states:

a. to harmonise their asylum policies according to the highest standards in order to ensure both the protection and the fair distribution of asylum-seekers within Europe;

b. to include in the readmission agreements to which they are parties provisions containing guarantees to protect asylum-seekers;

c. to examine the asylum requests of any persons sent back under a readmission agreement and, in the event of such persons being consecutively sent back to a country other than their country of origin, to make sure that their life and liberty will not be in danger there and that they will have a genuine opportunity to lodge an application for asylum there;

d. to respect the principles contained in the Committee of Ministers' resolutions and recommendations concerning refugees and asylum-seekers and, in particular:

> *Resolution (67) 14 on asylum to persons in danger of persecution, which invites the member states to act in a particularly liberal and humanitarian spirit in relation to the persons who seek asylum on their territory;*
>
> *Recommendation No. R (94) 5 on guidelines to inspire practices of the member states concerning the arrival of asylum-seekers at European airports;*

e. to strictly oppose the increasingly noticeable abuse of the right of asylum without impeding a fair and equitable examination of all requests for asylum, notably at airports and border points. This is not only necessary because of financial reasons, but because everything must be done to counteract the reasons which give rise to xenophobic sentiments in individual countries. Part of this is to firmly and clearly combat the abuse of the right of asylum;

6.7. invite the countries of central and eastern Europe:

a. to ratify, without reservations, if they have not already done so, the 1951 Geneva Convention relating to the Status of Refugees and its Protocol of 1967;

b. to bring their legislation and their administrative structures and practice in the refugee field into line with that convention and its protocol;

c. to co-operate closely with the competent international organisations, particularly the UNHCR, and to comply with the latter's interpretation of international legislation relating to refugees;

d. to become members of the Social Development Fund of the Council of Europe and to make full use of its resources in order to help solve the social problems to which the presence of refugees on their territory gives rise;

6.8. invite the countries of western Europe to give financial and technical assistance to the countries of central and eastern Europe in order to enable them to fulfil their humanitarian obligations towards refugees and to support programmes of assistance set up by the international organisations in this area;

6.9. invite the UNHCR and IOM to step up their assistance to the countries of central and eastern Europe, taking account, in the solutions proposed, of the conditions specific to each country of this region.