Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1475 (2000)[1]

Arrival of asylum seekers at European airports

Parliamentary Assembly

1. Since the mid-1980s the member states of the Council of Europe have been increasingly confronted with growing numbers of asylum seekers, many of whom arrive at airports. Besides the problem of ensuring that all asylum seekers are treated in accordance with international refugee law, this increase in numbers has created a specific problem with regard to airport reception facilities. Officials need to be clear that their role is to uphold asylum and not to be the agents of deterrence. The challenge is particularly serious for the airports receiving the greatest numbers of applicants (such as Frankfurt, Paris or London), and those which have been confronted with this problem for a relatively short time (to be found mainly in central, eastern and southern European countries).

2. The handling of requests for asylum at this stage is an important part of the refugee status determination procedure as a whole. Access to a country's procedure for the granting of refugee status is essential to the concept of international protection. Yet asylum seekers arriving at airports may be denied access to this procedure, resulting in the risk of refoulement and violation of their human rights.

3. Moreover, incoherent and unjustifiably lengthy procedures, in particular combined with difficult conditions at the airport (for example, unsatisfactory reception centres) may cause undue hardship to asylum seekers.

4. The harmonisation of national asylum policies at European level is more than ever necessary. In this context, the Assembly recalls and reaffirms its past recommendations designed to improve the protection and treatment afforded to asylum seekers, in particular its Recommendation 1163 (1991) on the arrival of asylum seekers at European airports; Recommendation 1236 (1994) on the right of asylum; Recommendation 1309 (1996) on the training of officials receiving asylum seekers at border points; Recommendation 1327 (1997) on the protection and reinforcement of the human rights of refugees and asylum seekers in Europe; Recommendation 1374 (1998) on the situation of refugee women in Europe; and Recommendation 1440 (2000) on the restrictions on asylum in the member states of the Council of Europe and the European Union. The Assembly stresses the need for sustained co-ordination of asylum and immigration policies between the European Union and the Council of Europe.

5. The Assembly notes with satisfaction that in general reception conditions at the visited airports have considerably improved since it adopted Recommendation 1163 on the subject. It also welcomes the adoption of Recommendation No. R (94) 5 of the Committee of Ministers to member states on guidelines to inspire practices of the member states of the Council of Europe concerning the arrival of asylum seekers at European airports.

6. Nevertheless, the Assembly notes with concern that basic problems subsist at several airports receiving asylum seekers, including shortage of accommodation and inadequate material conditions and equipment. Further improvement may in some cases require a review of the nature and characteristics of the authority in charge of managing the airport.

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1. Assembly debate on 26 September 2000 (27th Sitting) (see Doc. 8761, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Gross). Text adopted by the Assembly on 26 September 2000 (27thSitting).

7. The Assembly notes with particular concern that the material and humanitarian conditions in which asylum seekers are received at certain airports are well below acceptable standards. Even if in some cases these can be partly explained by poor economic conditions in the country itself, or by the large number of applicants, the relevant national authorities should be urged to improve the situation as quickly as possible.

8. The Assembly welcomes the initiative of the Netherlands in setting up an ad hoc parliamentary committee to investigate the conditions in which asylum seekers are received at Schiphol airport. This example should be followed by all Council of Europe member states in the framework of a wider investigation into the treatment received by asylum seekers in general, throughout the whole refugee status determination procedure.

9. The Parliamentary Assembly recommends that the Committee of Ministers:

9.1. step up the monitoring of member states' compliance with international refugee law with reference to the reception of asylum seekers, and with the relevant recommendations of the Committee of Ministers;

9.2. instruct the appropriate committee to ensure that the situation at those airports where particular shortcomings have been noted are improved by the member states concerned;

9.3. further intensify Europe-wide co-operation in the field of asylum with a view to undertaking a general overview of the situation of asylum seekers in the light of international refugee instruments;

10. The Assembly also recommends that the Committee of Ministers urge the member states to:

10.1. review their national legislation and practices with reference to the reception of asylum seekers, and in particular:

a. to include guarantees to protect asylum seekers in the readmission agreements to which they are parties;

b. to ensure that the "safe third country" and "safe country of origin" principles are not applied in an arbitrary manner, and that clear criteria are used for designating certain countries as "safe" on the basis of those recommended by the Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR);

c. to provide that in every case, a rejected asylum seeker should have a right to appeal, and that such an appeal should have a suspensive effect;

d. to define the maximum duration of stay at an airport, as well as at any reception or detention centre pending the outcome of the determination procedure;

e. to improve the conditions of detention of asylum seekers, and in particular to make sure that they are not detained together with common criminals;

f. to re-examine the procedures used during forced deportations with a view to the elimination of inhuman or degrading treatment;

10.2. review, and, where necessary improve the material and humanitarian conditions of reception at the airports, and in particular:

a. to provide separate accommodation for women and men, except for families, which preferably should stay together, even for a short stay;

b. to give particular attention to unaccompanied minors, and to ensure that they are interviewed by an appropriately qualified adult, and given absolute priority;

c. to give special attention to refugee women in accordance with Parliamentary Assembly Recommendation 1374;

d. to provide rooms which are properly heated and ventilated, and which have natural lighting for applicants staying at airports;

e. in the case of long stays, to provide applicants with access to fresh air outdoors for at least one hour each day;

f. to provide regular and nourishing meals;

g. to guarantee access to medical care during the stay at the airport;

h. to ensure the presence of interpreters not only during the formal procedure, but, in case of a prolonged stay, also outside the procedure;

i. to provide applicants with the immediate opportunity to contact family members and with the possibility, in case of prolonged stays, of telephoning them and receiving visits from them;

j. ensure that the above requirements are also met in reception or detention centres located outside the airport, to which applicants are transferred for the duration of the determination procedure;

k. strengthen relations with non-governmental organisations concerned with human rights, and promote the networking of their activities;

11. Finally, the Assembly recommends that the Committee of Ministers invite the Commission of the European Communities to give greater priority within its Odysseus Programme to training border officials from countries in central and eastern Europe through visits and exchanges, with a particular view to learning about the most humane airport reception procedures and conditions in the European countries with most experience in this field (for example, Denmark and the Netherlands).