Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1489 (2001)[1]
Final version

Transit migration in central and eastern Europe

Parliamentary Assembly

1. The Assembly recalls and reaffirms its Recommendation 1306 (1996) on migration from the developing countries to the European industrialised countries, Recommendation 1327 (1997) on the protection and reinforcement of the human rights of refugees and asylum seekers in Europe, Recommendation 1440 (2000) on restrictions on asylum in the member states of the Council of Europe and the European Union, and Recommendation 1467 (2000) on clandestine immigration and the fight against traffickers.

2. The Assembly is aware that central and eastern European countries have been increasingly confronted with large-scale movements of people heading for the European Union who consider them as transit countries. This relatively new migration phenomenon has a number of direct and indirect political, economic and social consequences for the countries concerned.

3. The Assembly is particularly concerned by the fact that the two major characteristics of transit migration are its illicit nature and an elaborate criminal organisation. In addition to migration issues the problem of trafficking of any human being is foremost one of human rights.

4. Among the rising number of illegal migrants transiting the region, there are believed to be a number who would qualify for asylum, but who prefer not to file their request in countries of central and eastern Europe for different reasons, not least due to lack of confidence in the eventual success of such a step, a concern partly justified in the past, before proper legal instruments had been introduced. The Assembly strongly emphasises that those escaping persecution and seeking international protection must under no circumstances be prevented from gaining access to asylum procedures, and that proper consideration of their applications should be guaranteed.

5. There is pressure on central and east European governments from their western neighbours to make their refugee and immigration policies more restrictive. On the other hand, there are obviously concerns among central and east European countries that the European Union harmonisation process in the field of migration, and the restrictive measures it implies, will result in the shifting of the migration burden to their territories. Along with the implementation of readmission agreements, these concerns have proved to be largely justified. The provisions of the Schengen Agreement are having a considerable impact on the increase in pressure on central and east European countries' borders.

6. One of the main ways to stem illegal transit migration is to prevent trafficking. The Assembly welcomes the action of the Budapest Group. The Council of Europe is well placed to stimulate and co-ordinate a pan-European action in this area.

7. The Assembly stresses that the most effective way to combat illegal migration is to deal with the root causes in the countries of origin of clandestine immigrants. It is necessary to increase overseas development assistance.

1. Assembly debate on 22 January 2001 (1st Sitting) (see Doc. 8904, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Iwiński, and Doc. 8937, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Shishlov). Text adopted by the Assembly on 22 January 2001 (1st Sitting).

8. The Assembly, therefore, recommends that the Committee of Ministers:

i. instruct its relevant committee to review national migration policies in all Council of Europe member states with a view to harmonising regulations regarding legal opportunities for legitimate migration;

ii. take steps to promote experience- and information-sharing between the member states on this subject involving representatives of possible employers and immigrant communities;

iii. instruct its relevant committee to examine the state of co-operation between Council of Europe member states in combating illegal migration and trafficking in aliens with a view to strengthening it;

iv. give greater priority to programmes aimed at combating illegal migration and trafficking in human beings – as well as preventing its causes, including economic ones;

v. invite member states:

a. to review their national legislation with a view to adopting a new management approach, in particular to facilitate legal short-term migration;

b. to explore the experience gained by countries that provide migrants with legal opportunities for legitimate migration;

c. to make a clear distinction between asylum seekers and other migrants transiting the countries of central and eastern Europe and guarantee access to the status determination procedure for every potential asylum seeker;

d. to fully co-operate with each other in combating illegal migration and trafficking, in particular, to share information and statistics on all aspects of the problem;

e. to step up their financial and technical resources devoted to combating human trafficking;

f. to institute a campaign against migration connected to trafficking and prostitution, mainly affecting young women living in large cities;

g. to review their own immigration and asylum policies with a view to guaranteeing access to their territory and to their asylum procedures to all persons seeking international protection;

h. to re-examine readmission agreements with a view to guaranteeing access to the asylum procedure for every potential asylum seeker;

i. to raise their official development assistance in compliance with the internationally recognised target level of 0.7% of their gross national product, if this has not yet been done;

j. to provide increased economic resources for migration-related development projects, such as programmes to encourage return, assistance in the locality of origin, population programmes, and so on;

k. to boost resources devoted to information and education programmes on the experience of illegal migrants, in co-operation with the International Organization for Migration;

vi. invite the European Union:

a. to refrain from legitimising regulations and practices that might increase the pressure of illegal migrants on the countries of central and eastern Europe;

b. to provide these countries with adequate financial and technical assistance devoted to combating illegal migration and trafficking in human beings.