

Recommendation 1525 (2001)¹

UNHCR and the 50th anniversary of the Geneva Convention

Parliamentary Assembly

1. The fiftieth anniversary of the 1951 Geneva Convention relating to the Status of Refugees provides an opportunity to remind member states of the Council of Europe of the close relationship they have with founding and promoting the international regime for the protection of refugees.
2. The 1951 convention was a response to the European refugee crisis of the second world war and the convention, as written, was limited to refugees from that time and place. Unfortunately, refugee problems have proved to be timeless and universal. European states were therefore among those who took the lead in drafting the 1967 Protocol relating to the Status of Refugees, in order to extend international protection to refugees regardless of their country of origin or date of displacement.
3. The 1951 convention provides an internationally agreed definition of refugee status, including conditions for terminating such status or excluding a refugee from it. It sets forth the rights and obligations of refugees as well as the specific obligations of the states. The most important right codified by the 1951 convention is the right to be protected from refoulement, or forcible return to the country from which the refugee has fled.
4. During the last four decades, the Parliamentary Assembly has regularly reviewed issues pertaining to the treatment of refugees and asylum seekers, trying to provide adequate solutions to the difficulties faced by the international protection regime. One of its latest recommendations ([Recommendation 1440 \(2000\)](#) on restrictions on asylum in the member states of the Council of Europe and the European Union) identified new trends in the refugee policies of its member states. The accession of new member states from central and eastern Europe to the Council of Europe and to the 1951 convention has also brought about new challenges, of which the opening of borders across the continent to a considerable number of persons is not the least important.
5. However, the causes of flight from countries of origin have been little altered by the changes which have occurred in Europe since 1989. While asylum seekers are now mixed with other categories of persons, the response of member states to the increasing number of arrivals has been indiscriminate and the immigration measures introduced undoubtedly affect asylum seekers.
6. The Assembly is concerned that the measures adopted by most of the member states of the Council of Europe have somewhat weakened the effective application of the 1951 convention. Some measures envisaged by the European Union regarding common migration policies may compromise the full and fair implementation of the 1951 convention. The Assembly therefore shares the United Nations High Commissioner for Refugees' (UNHCR) concern over the quality of the protection provided by some legislation in force in Europe. As an organisation regrouping some of the key architects of the international protection regime, the Council of Europe should reflect on the consequences of such a trend.

1. Assembly debate on 27 June 2001 (20th Sitting) (see [Doc. 9105](#), report of the Committee on Migration, Refugees and Demography, rapporteur: Mrs Aguiar). Text adopted by the Assembly on 27 June 2001 (20th Sitting).



7. Moreover, it must be stressed that the protection of refugees is part of the protection of human rights, which is one of the primary responsibilities of the Council of Europe. In this regard, the principles of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights, notably on the right not to be returned to places where there is a risk of mistreatment or on the guarantees relating to detention, have considerably reinforced and completed refugee law.

8. The Assembly also considers that public officials and media outlets should refrain from presenting asylum issues in a sensational way for the purpose of short-term political gains. The multiplication of discriminatory practices and racist attacks, often targeting refugees and asylum seekers and sometimes with tragic consequences, is one of the repercussions of such misrepresentations. Instead, public authorities, along with non-governmental organisations and the media, should contribute to a better understanding of refugee flows and provide a fair picture of the situation and of the problems faced by these persons and by the communities which host them.

9. The Assembly wishes to acknowledge and support the UNHCR for its work on behalf of refugees and others in need of international protection.

10. The Assembly is, however, concerned about contemporary challenges faced by states, the European Union, the UNHCR, and non-governmental organisations in providing protection for refugees and others in need. It takes note that certain existing legal principles have been interpreted in an excessively restrictive fashion by some states and by the European Union, and notes also that certain protection issues are not covered fully, or at all, by the 1951 convention.

11. The Assembly considers that the initiative of the UNHCR to launch multilateral discussions, the "Global consultations", on the situation of the international protection regime, is an essential element for the revitalisation of asylum in Europe and in the world at large.

12. The Parliamentary Assembly therefore recommends that the Committee of Ministers:

- a. continue to support the process of global consultations on international protection launched by the UNHCR in 2000 in order to revitalise the international protection regime and to address current challenges;
- b. keep developing, in a constructive way through its appropriate committee, legal interpretations and policy opinions in the field of refugee law;
- c. maintain a permanent dialogue with the European Union with the aim of preventing the incorporation of a restrictive interpretation of the provisions of the 1951 convention into European Union legislation.

13. The Assembly also recommends that the Committee of Ministers urges its member states to:

- a. consider, with a view to progressively integrating them into their legislation, the various recommendations made by the Parliamentary Assembly and the Ad hoc Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (Cahar) on issues relating to refugees and asylum seekers;
- b. reaffirm that the 1951 Geneva Convention relating to the Status of Refugees (and its 1967 Protocol) constitute the foundation of international refugee law and as such, are pivotal in securing refugee protection;
- c. accede to the 1951 convention for those member states of the Council of Europe who have not yet done so: these are Andorra, Moldova, San Marino and Ukraine;
- d. reconsider the reservations made to some of the provisions of the 1951 convention, notably those concerning the geographic application of the definition of refugee status and the extent of integration rights of refugees;
- e. refrain from and remain vigilant towards misrepresentation of asylum and refugee issues;
- f. welcome favourably and contribute actively to the global consultations on international protection, notably by appointing high-level delegations to attend the formal meeting of states parties to the 1951 convention to be held in Geneva (Switzerland) on 12 December 2001, and by adopting a joint declaration