



## Recommendation 1850 (2008)<sup>1</sup>

# Europe's boat people: mixed migration flows by sea into southern Europe

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1637 \(2008\)](#) on Europe's boat people: mixed migration flows by sea into southern Europe.
2. The Council of Europe has an important role to play in ensuring that the rights of irregular migrants, refugees and asylum seekers arriving on Europe's southern shores are guaranteed and that their humanitarian needs are met.
3. Important work is already carried out in this respect by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in the course of its visits to member states. The Council of Europe Commissioner for Human Rights has also put the issue of rights of irregular migrants and states' special responsibilities towards refugees and asylum seekers under international law on his list of priorities and has made a number of visits to reception and detention centres.
4. Furthermore, the body of case law of the European Court of Human Rights which has particular relevance for irregular migrants, refugees and asylum seekers is growing.
5. Therefore, the Assembly recommends that the Committee of Ministers:
  - 5.1. prepare, with the assistance of the CPT, guidelines for minimum standards to be applied to the detention of irregular migrants and asylum seekers. The European Prison Rules exist, but they do not apply to the detention of irregular migrants and asylum seekers, and they are based on carceral rather than non-carceral detention;
  - 5.2. instruct the European Committee on Migration (CDMG) and the Steering Committee for Human Rights (CDDH) to hold a round table exchange of views with directors and high-ranking officials of reception and detention centres receiving irregular migrants, refugees and asylum seekers in southern Europe. Priority should be given to exchanging experiences on reception conditions and access to legal rights and to drawing on the expertise and findings of the CPT and the Council of Europe Commissioner for Human Rights;
  - 5.3. prepare a co-operation programme and an assistance programme for directors of reception and detention centres to give them the opportunity to visit other such facilities and learn from the experience of their counterparts in other member states of the Council of Europe;
  - 5.4. develop further the systematic training of competent state organs, especially in border areas, as well as of lawyers involved in asylum claims in view of the poor quality of advice and assistance in many member states. This training should cover, *inter alia*, the European Convention on Human Rights (ETS No. 5) and its relevance to asylum claims, as well as international refugee law;

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1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 November 2008 (see [Doc. 11688](#), report of the Committee on Migration, Refugees and Population, rapporteur: Mr Østergaard).*



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5.5. invite the CPT to continue to give priority to its visits to reception and detention facilities for irregular migrants, refugees and asylum seekers. The CPT should pay particular attention to these centres during large-scale arrivals and cover centres which have not been visited in the past, such as in Turkey;

5.6. consider the steps to be taken by the Council of Europe to tackle illegal criminal networks responsible for the trafficking and smuggling of irregular migrants, refugees and asylum seekers, including steps to protect victims of trafficking, informers, etc.