



## Recommendation 1889 (2009)<sup>1</sup>

# Improving the quality and consistency of asylum decisions in the Council of Europe member states

Parliamentary Assembly

1. Referring to its [Resolution 1695 \(2009\)](#) on improving the quality and consistency of asylum decisions in the Council of Europe member states, the Parliamentary Assembly draws attention to significant divergences in the recognition rates of asylum seekers between Council of Europe member states.
2. The Assembly considers that much greater efforts should be made to improve the quality and consistency of asylum decisions in member states in the interest of the member states and the persons concerned. It therefore invites the Committee of Ministers to:
  - 2.1. produce guidelines to improve the quality of asylum decisions in Council of Europe member states. These guidelines should take into account seven particular concerns: difficulties in accessing the asylum process; insufficient procedural safeguards in the asylum proceedings; restrictive and divergent interpretation of eligibility criteria; lack of objective and reliable country of origin information; poor evidential assessment; political pressure on the asylum process and lack of training of the relevant authorities and their personnel. Furthermore, these guidelines should take into account the case law of the European Court of Human Rights and texts including the Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees of the Office of the United Nations High Commissioner for Refugees (UNHCR), as well as standards set out in the UNHCR Guidelines on International Protection and the UNHCR Quality Initiative developed, *inter alia*, in the United Kingdom;
  - 2.2. produce guidelines for the collection and harmonisation of asylum data across Council of Europe member states, indicating clear benchmarks regarding the exchange of data and taking into account the existing European Parliament and Council Regulation (EC) No. 862/2007 of 11 July 2007 on community statistics on migration and international protection (2007 – OJ L 199/23);
  - 2.3. review the asylum curriculum for all member states, taking into account work already being carried out and best practices of member states, relevant principles of refugee law, case law of the European Court of Human Rights and other relevant Council of Europe standards;
  - 2.4. develop training programmes and tools for those involved in asylum procedures, notably in the specific areas of interview techniques, working with vulnerable applicants and with interpreters, finding and using country of origin information, developments in international human rights and refugee law, and drafting of decisions;
  - 2.5. encourage member states to share available country of origin information and important case law decisions by, *inter alia*, setting up a common database for Council of Europe member states;
  - 2.6. examine in more detail the extent of the problem of lack of legal representation and lack of legal aid for asylum seekers in member states as a limitation of the right of access to justice;
  - 2.7. consider establishing a monitoring mechanism to assess the quality and consistency of asylum decisions across Europe;

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1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 20 November 2009 (see [Doc. 11990](#), report of the Committee on Migration, Refugees and Population, rapporteur: Mr Cilevičs).*



- 2.8. establish a new permanent committee within the Council of Europe with a mandate to examine asylum issues, replacing the Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR);
  - 2.9. ensure that the guidelines on accelerated asylum procedures, as adopted by the Committee of Ministers, are implemented in a way that is not oriented towards the lowest common denominators among Council of Europe member states;
  - 2.10. identify and promote best training methods throughout the Council of Europe member states.
3. The Assembly also invites the Committee of Ministers to take renewed note of [Recommendation 1440 \(2000\)](#) on restrictions on asylum in member states of the Council of Europe and the European Union, and to:
- 3.1. draw up a European instrument for the harmonisation of asylum policies, with a view to improving the standard of protection for refugees and asylum seekers in Europe;
  - 3.2. instruct the Steering Committee for Human Rights to further examine the proposal of incorporating the right to asylum into the European Convention on Human Rights, with a view to ensuring the same level of protection as provided by the European Union Charter on Fundamental Rights.