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Migration and asylum: mounting tensions in the Eastern Mediterranean

Reply to Recommendation¹: Recommendation 2010 (2013)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 2010 (2013) on "Migration and asylum: mounting tensions in the Eastern Mediterranean", which it has transmitted to a number of intergovernmental committees or bodies.²
2. The Committee of Ministers is fully aware of the considerable strains put on the South-Eastern Mediterranean countries by the continued large-scale flow of irregular migrants, asylum seekers and refugees, in particular as a result of political upheavals in North Africa and the Middle East. The situation has been discussed on several occasions within the Committee of Ministers, where strong encouragements have been expressed with regard to assisting member States facing these challenges.
3. The Committee of Ministers reiterates the particular importance of ensuring respect for international law and obligations in the field of migration and asylum, in particular the 1951 Convention relating to the Status of Refugees and the rulings of the European Court of Human Rights. It would recall that the Council of Europe itself has a wide range of relevant conventions, guidelines and recommendations. The priority is to ensure that all relevant legally binding obligations are respected. To this end, co-ordination and co-operation must be enhanced with all international bodies which are particularly active in this field, especially the European Union and the Office of the United Nations High Commissioner for Refugees, with a view to avoid overlapping or parallel tracks and to achieving goals with added value.
4. The Committee of Ministers has taken good note of the other suggestions enumerated in paragraph 4 of the recommendation and brought them to the attention of the member States. Resettlement and relocation, as proposed by the Parliamentary Assembly, is one solution for sharing the burdens in the spirit and practice of solidarity highlighted in the recommendation. In this respect, the Committee of Ministers will bear in mind the suggestion as to the possible usefulness of holding a round table in this context.
5. The Committee of Ministers would recall the pertinent work of the European Commission against Racism and Intolerance (ECRI). For example, in assisting member States in dealing with backlogs of asylum cases, ECRI recommends in its country reports ways in which States could speed up or otherwise improve the refugee determination procedure, for example by increased access to legal aid at all stages, provision of relevant information in a wide variety of languages, access to the assistance of NGOs and availability of interpretation and translation services. Furthermore, ECRI regularly makes recommendations on steps which can be taken to combat racism, racial discrimination, xenophobia and intolerance against migrants, refugees and asylum seekers. For example, it has encouraged the organisation of campaigns to promote a positive image of asylum seekers and refugees and ensure that the need for international protection is understood by the public and respected.

1. Adopted at the 1181st meeting of the Ministers' Deputies (16 October 2013).

2. The Steering Committee for Human Rights (CDDH), the European Commission against Racism and Intolerance (ECRI), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the European Commission for the Efficiency of Justice (CEPEJ) and the Council of Europe Development Bank (CEB).



6. As far as the return of asylum seekers to Greece under the Dublin Regulation is concerned, the Committee of Ministers, like the Assembly, would encourage member States of the Council of Europe to maintain the moratorium for the time being in the light of the judgment of *M.S.S v. Belgium and Greece*. The former case is highly evocative, as pointedly commented by the Council of Europe Human Rights Commissioner in his report regarding his recent visit to Greece,³ of the immense pressure that the Greek asylum system sustains “facing large inflows of migrants, including asylum seekers”.

7. Finally, the Committee of Ministers would recall that aid to refugees, migrants and displaced persons is one of the CEB's two statutory priorities (Article II of the Articles of Agreement)⁴ of the Council of Europe Development Bank (CEB). Projects in this sector are therefore eligible, particularly when they involve the construction and repair of reception structures (such as reception centres, temporary and permanent social housing), programmes of preventive and curative medicine, education and vocational training, as well as the technical infrastructure and basic equipment necessary to meet the immediate needs of populations victims of exceptional situations. The CEB co-operates closely with pertinent departments of the Council of Europe to identify the needs of the member States and to co-ordinate possible action.

3. See document CommDH(2013)6 of 16 April 2013.

4. “The primary purpose of the Bank is to help in solving the social problems with which European countries are or may be faced as a result of the presence of refugees, displaced persons or migrants consequent upon movements of refugees or other forced movements of populations (...)”.