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Ensuring human rights compliant asylum procedures

Motion for a resolution

tabled by Mr Paul GAVAN and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Recalling that States determine the conditions for entry and stay on their territory, the full respect of their international obligations in the field of migration is paramount. While the 1951 Geneva Convention and the European Convention on Human Rights set limits to the acceptability of those conditions, particularly regarding the prohibition of torture, inhuman and degrading treatment, the respect for family life and the prohibition of discrimination, others, among which the Convention on Action against Trafficking in Human Beings and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), aim at preventing criminal activities related to the exploitation of migration, such as human trafficking, smuggling and sexual exploitation. Both are indispensable.

While UNHCR considers that States may under certain conditions make arrangements with other States to ensure international protection, the initiatives of some Council of Europe member States to delocalise asylum requests to third countries would challenge the non-penalisation, non-discrimination and non-refoulement principles enshrined in the 1951 Geneva Convention. Processing asylum applications prior to arrival may seem to facilitate access to international protection provided closer to the regions of conflict. Such practices, however, raise risks related to safeguards in the asylum procedure, reception conditions, access to solutions for refugees, and return of rejected asylum seekers.

To ensure human rights compliant asylum procedure, including by integrating a gender equality perspective, the Assembly should provide guidance to national parliaments on how to implement existing binding international standards so as to allow member States to determine the conditions of entry to their territory while protecting the human rights of those fleeing war, persecution, violence and the consequences of climate change.

Signed (see overleaf)



Signed¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
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