Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2238 (2022)[1]

Safe third countries for asylum seekers

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2461 (2022) "Safe third countries for asylum seekers" and emphasises the need for greater co-ordination among Council of Europe member States in order to effectively protect the human rights of asylum seekers and the right to asylum in Europe.

2. Welcoming Recommendation No. R (97) 22 of the Committee of Ministers of the Council of Europe to member States containing guidelines on the application of the safe third country concept, the Assembly recommends that the Committee of Ministers:

2.1. review this Recommendation in the light of relevant jurisprudence of the European Court of Human Rights, develop new standards to enable member States to improve their assessment of the safety of third countries and regularly update them in accordance with future legal developments and jurisprudence;

2.2. consider setting standards on the transfer, return and readmission of asylum seekers and refugees, taking due account of the effective protection of their human rights under the European Convention on Human Rights (ETS No. 5) and their right to apply for asylum under international refugee law;

2.3. seek co-operation of the Council of Europe and its member States with the European Union Agency for Asylum, in order to prevent discrepancies in the application of the safe third country concept in Europe to the detriment of human rights and the right to apply for asylum;

2.4. invite member States to inform the Committee of Ministers about their practice regarding the safe third country concept as well as their practice as regards procedural means available to rebut the presumption of safety of a country.

1. *Assembly debate* on 12 October 2022 (31st sitting) (see Doc. 15592, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Stephanie Krisper). *Text adopted by the Assembly* on 12 October 2022 (31st sitting).