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Safe third countries for asylum seekers

Reply to Recommendation¹: Recommendation 2238 (2022)

Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2238 \(2022\)](#) “Safe third countries for asylum seekers”, which has been forwarded to the Steering Committee for Human Rights (CDDH) and the Special Representative of the Secretary General (SRSG) on Migration and Refugees for information and possible comments. The Committee of Ministers commends the Assembly’s efforts towards greater protection of refugees and asylum seekers.

2. As concerns paragraph 2.1, the Committee of Ministers acknowledges that since the adoption of its Recommendation Rec(97)22 to member States containing guidelines on the application of the safe third country concept some 25 years ago, there have been many legal developments. Various sectors of the Council of Europe have established standards relevant to the application of the safe third country concept. These include [Guidelines on human rights protection in the context of accelerated asylum procedures](#), containing a section on the safe third country concept. As noted by the Assembly in its accompanying [Resolution 2461 \(2022\)](#), the European Court of Human Rights has examined issues relating to removal of asylum seekers to third countries in a number of judgments delivered since the adoption of Recommendation Rec(97)22.

3. In light of the above, the Committee of Ministers considers that these standards could form the basis of a study on the need for and feasibility of updating Committee of Ministers’ Recommendation Rec(97)22, and is envisaging entrusting such a task to the CDDH in its terms of reference for 2024-2027. It invites the CDDH also to bear in mind the Assembly’s recommendation in paragraph 2.2 regarding setting standards on the transfer, return and readmission of asylum seekers.

4. Regarding paragraphs 2.3 and 2.4, the Committee of Ministers considers that the measures called for by the Assembly are already in place. It recalls that the role of the SRSG, as set out in her mandate, is to “liaise and exchange information with relevant international organisations and specialised agencies, as well as with migration authorities in member States”. In 2020, the SRSG coordinated a joint publication of the Council of Europe and the European Union Agency for Fundamental Rights entitled “Fundamental rights of refugees, asylum applicants and migrants at the European borders”. This addresses, among others, the return to a country where an asylum applicant would be safe, in line with existing ECHR standards.

5. Moreover, the Committee recalls that the SRSG chairs the Network of Focal Points on Migration, whose main objective is to facilitate the sharing of information in the field of migration. At its recent meeting in June 2023, the Network held an exchange of views with Ms Stephanie Krisper, rapporteur on the Assembly’s [Resolution 2461 \(2022\)](#) and [Recommendation 2238 \(2022\)](#). The Network will continue exchanging on relevant domestic practices also in the future.

1. Adopted at the 1482nd meeting of the Ministers’ Deputies (29 November 2023).

