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Readmission agreements: a mechanism for returning irregular migrants

Reply to Recommendation¹: Recommendation 1925 (2010)
Committee of Ministers

1. The Committee of Ministers notes with interest [Recommendation 1925 \(2010\)](#) on “Readmission agreements: a mechanism for returning irregular migrants”, which has been transmitted, for comments, to the Steering Committee for Human Rights (CDDH) and the European Committee on Legal Co-operation (CDCJ).
2. The Committee of Ministers observes that a large number of member states have concluded readmission agreements among themselves or with “third countries” either bilaterally or, where applicable, at the European Union level, in order to facilitate the rapid readmission of persons in an irregular migration situation to their country of origin or transit. These readmission agreements generally define the reciprocal obligations, procedures and deadlines for readmission procedures. Accordingly, they constitute one of the key components of the migration management policy of the countries concerned.
3. The Committee of Ministers takes note of the Assembly’s recommendations that member states ensure that the human rights of irregular migrants and asylum seekers are respected and protected in the context of negotiating and implementing readmission agreements. It encourages member states to ensure in particular that the recommendations based directly on the instruments adopted by the Council of Europe are put into practice. In this context, it draws attention to the Guidelines on human rights protection in the context of accelerated asylum procedures adopted at its 1062nd meeting (1 July 2009). Although these guidelines relate primarily to accelerated asylum procedures, they also contain relevant principles for the situation of irregular migrants and asylum seekers. This is true, in particular, of Guideline V “The safe country of origin concept”, Guideline VI “The safe third country concept” and Guideline VII “Non-refoulement and return”. Account should also be taken of Recommendation Rec(97)22, adopted by the Committee of Ministers at its 609th meeting (25 November 1997), which sets out guidelines on the concept of safe third country. The Committee of Ministers also draws attention to the Twenty Guidelines on forced return adopted at its 925th meeting (4 May 2005), which brings together all the standards and guidelines drawn up in the Council of Europe applicable in this field and identifying best practice. The first of the Twenty Guidelines calls on member states to promote voluntary return.
4. The Committee of Ministers refers to the general principle whereby an individual may not be subject to a return measure unless that measure was consistent with the obligations falling to the state in question under the European Convention on Human Rights or other relevant international treaties, such as the Geneva Convention relating to the status of refugees, even where there is a readmission agreement between the states concerned. It refers to the relevant case law of the European Court of Human Rights concerning measures to deport aliens and, in particular, the case law developed in respect of Articles 3 and 8 of the Convention.
5. The Committee of Ministers informs the Assembly that at present, in view of the budgetary context and the reform process currently taking place, it is not able to respond positively to the request that it define criteria for the selection of countries (3.1) and draw up guidelines on how to negotiate and implement readmission

1. adopted at the 1110th meeting of the Ministers’ Deputies (30-31 March 2011)



agreements (3.2). Furthermore, it notes that the various principles and instruments referred to in this reply already provide to governments of member states a framework for negotiating and implementing readmission agreements.