

Doc. 11103
23 November 2006

Improving the quality and consistency of asylum decisions in the Council of Europe member states

Motion for a recommendation
presented by Mrs Vermot-Mangold and others

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

1. In recent years, the number of asylum applications submitted in industrialized countries has continuously dropped reaching the lowest level since 1987, with Europe receiving some eighty percent of the total. This downward trend can be attributed to, *inter alia*, improved conditions in some of the main countries of origin of asylum seekers as well to the introduction of more restrictive asylum and immigration policies.
2. The Parliamentary Assembly is however alarmed to note the significant divergences in the recognition rates of asylum seekers between Council of Europe member States. In 2005, the recognition rates for refugee status under the 1951 Geneva Convention and other forms of subsidiary protection ranged from 1.9 % to 48.7 % for countries receiving larger numbers of asylum seekers. The divergences are even wider when examining recognition rates in relation to asylum seekers of specific nationalities.
3. The Parliamentary Assembly is deeply concerned about these differences, which underscore the diverging interpretations between the Council of Europe member states of the eligibility criteria for granting international protection and the dramatic variations of the quality of asylum procedures.
4. The Parliamentary Assembly believes that these discrepancies cannot only be explained by differences regarding the validity of the claims submitted in the Council of Europe member States. The very low recognition rates in certain countries may rather result from the lack of procedural safeguards, the restrictive interpretation of eligibility criteria, the lack of training of the eligibility determination authorities, as well as the lack of objective and reliable country of origin information.
5. In this context, the Parliamentary Assembly recalls that the respect of fundamental procedural guarantees, including the right to a personal interview, the right to receive information and to communicate with UNHCR, the right to legal assistance and representation, the right to an interpreter and the right to an effective legal remedy, is critical to ensure that asylum claims are efficiently and fairly assessed. The Parliamentary Assembly expressed, in particular, its concerns regarding the increased use of accelerated asylum procedures with lesser guarantees in the Council of Europe member states in its Recommendation 1717 (2005) and its Resolution 1471 (2005).

6. While acknowledging that the transposition and the implementation of the Qualification Directive of 29 April 2004¹ as well as the current EU efforts to strengthen practical cooperation² may contribute to partially bridging these gaps, the Parliamentary Assembly concludes that additional efforts should be made to improve the quality of the asylum procedures in the interest of the member States and the persons concerned. Greater consistency in State practices in terms of a quality oriented procedure would reduce the incentive for secondary movements between member States and would ensure that persons in genuine need of international protection are identified through a fair and efficient process.

7. In view of the relatively high number of decisions overturned on appeal, and given the potentially serious consequences of wrong decisions at first instance, primary consideration should be given to strengthening the first instance procedures, which should, over time, reduce the number and duration of appeals. In this connection, the "Quality Initiative" which UNHCR and the United Kingdom Home Office have been implementing since 2004 could serve as a useful example.

8. The Assembly therefore asks the Committee of Ministers to examine the reasons for the differences in recognition rates of persons applying for international protection between Council of Europe member States, and to address the causes of these differences in accordance with the following guidelines.

9.1. In regard to procedural safeguards in the asylum systems:

9.1.1. the use of accelerated asylum procedures should be limited to clearly well-founded or clearly abusive or manifestly unfounded cases;

9.1.2. basic procedural safeguards in the regular procedures should allow a fair and efficient identification of all the protection needs of the persons concerned;

9.2. in regard to the improvement of the decision making in the field of asylum:

9.2.1. greater quality and consistency in the decision making of the Council of Europe member States regarding asylum should ensure that protection is indeed extended to all those who need it;

9.2.2. all authorities responsible for determining the international protection needs of the asylum seekers should be adequately trained to ensure a coherent and consistent interpretation and application of international refugee and human rights law between the Council of Europe member States;

9.2.3. training programmes and tools should be developed for decision-makers involved in asylum procedures, notably in the specific areas of interview techniques, working with vulnerable applicants, working with interpreters, finding and using country of origin information, developments in international human rights and refugee law, and drafting of decisions;

9.2.4. best training practices should be identified and promoted throughout the Council of Europe member states;

9.2.5. all authorities responsible for determining the international protection needs of the asylum seekers should have access to objective and reliable country of origin information.

Signed (see overleaf)

¹ Council Directive on "Minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted", [2004/83/EC](#), 29/04/2004.

² Communication from the Commission to the Council and the European Parliament on "Strengthened Practical Cooperation New structures, new approaches: Improving the quality of decision making in the Common European Asylum System", COM(2006) 67 final, 17/02/2006.

*Signed*¹:

VERMOT-MANGOLD, Ruth-Gaby, Switzerland, SOC
ARJAKAS, Küllö, Estonia, NR
BILOZIR, Oksana, Ukraine, EPP/CD
BOUSAKLA, Mimount, Belgium, SOC
BRAUN, Márton, Hungary, EPP/CD
ÇAVUŞOĞLU, Mevlüt, Turkey, EDG
DEBONO, GRECH, Joseph, Malta, SOC
ERR, Lydie, Luxembourg, SOC
GÜLÇİÇEK, Ali, Riza, Turkey, SOC
HENDERSON, Doug, United Kingdom, SOC
ILAŞCU, Ilie, Romania, NR
LAMBERT, Geert, Belgium, SOC
Lord BURLISON, United Kingdom, SOC
MENDONÇA, Ana, Catarina, Portugal, SOC
OLIN, Kalevi, Finland, SOC
PREDA, Cezar, Florin, Romania, EPP/CD
PYSARENKO, Valeriy, Ukraine, SOC
SHARANDIN, Yuri, Russian Federation, EDG
van THIJN, Ed, Netherlands, SOC
ZERNOVSKI, Andrej, "the former Yugoslav Republic of Macedonia", ALDE

¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group