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Guaranteeing asylum seekers minimum social rights

Motion for a recommendation
presented by Mr Østergaard and others

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

The number of refugees across the world has fallen to its lowest level in 25 years. This decline has been particularly steep for certain countries in Europe, where the number of asylum seekers has plummeted.

The reasons for this decline are varied. On the one hand there has been an improvement of the situation in a number of countries of origin of asylum seekers. On the other hand countries in Europe have taken steps to make it more difficult for asylum seekers to enter Europe and have adopted measures to make Europe less attractive to asylum-seekers.

Some of the policies adopted by European countries impact directly on the social rights of asylum seekers, in particular in terms of their rights to accommodation, health care, education, social benefits and work.

Research shows, that these measures have great impact on the physical and mental condition of asylum seekers and their children, but little effect on their willingness to accept the outcome of the asylum claim even when rejected.

Standards vary considerably from country to country, and may even vary within the regions of one country. The hardening of the approach of many Governments towards asylum seekers has led to a situation where Governments appear to be competing with one another to see who can be the toughest on asylum seekers with the aim of keeping to a minimum the number of asylum seekers wishing to enter their respective European countries.

Attempts have been made by the European Union to lay down minimum standards for the reception of asylum seekers, i.e. Council Directive 2003/9/EC of 27 January 2003. These standards, while representing a welcome attempt to harmonise reception efforts, do not however go far enough to protect the social rights of asylum seekers and risk reducing those standards, especially where countries already have high standards for the reception of asylum seekers.

Practices in European states continue to vary considerably. Accommodation for example may be in open or closed institution, or in private households. Whether or not detention can be reverted to, and for how long, varies tremendously from country to country. Some countries even allow detention for an unlimited period of time. Benefits may be in cash, vouchers or in other kind. They may also, for example, be provided by the State or by UNHCR or by charitable organisations. Health care may be limited to emergency health care and psychological assistance, or it may also extend to primary health care. Education for children may be limited in certain countries to primary level. It may take place in separate institutions for children of asylum seekers. Asylum seekers are generally not allowed to work, impairing them in the ability to work when asylum is granted or they are returned.

There are therefore many ways in which States can differentiate their approach to asylum seekers and potentially restrict the social rights of persons belonging to this group.

The Parliamentary Assembly therefore recommends that the Committee of Ministers should prepare guidelines for member states on the minimum social rights of asylum seekers under their care before, during and after their claim has been processed, and in particular encourage member states to:

- a. provide adequate accommodation for asylum seekers
- b. refrain from detaining asylum seekers and if detained, limit the period of detention
- c. provide health care covering not only emergency health care, but also primary health care and psychological assistance
- d. provide for adequate benefits allowing asylum seekers to live in dignity
- e. provide education for children of asylum seekers up to and including secondary level
- f. provide for increased possibilities for asylum seekers to work.
- g. in general, refrain from conducting their asylum processes in a way that is damaging to the physical and mental health of asylum-seekers and their families.

Signed ¹:

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