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## **Second Colloquy on the European Convention on Human Rights and the Protection of Refugees, Asylum Seekers and Displaced Persons**

*Consolidation and Development of the Asylum-Related Jurisprudence of the European Court of Human Rights*

**19 - 20 May 2000**

**Human Rights Building, Council of Europe, Strasbourg.**

### **EXPLANATORY NOTE**

#### **I. Background**

The last colloquy on the European Convention on Human Rights (ECHR) and the protection of refugees, asylum seekers and displaced persons organised by the Council of Europe and the United Nations High Commissioner for Refugees (UNHCR) was held in 1995. It was attended by members of the European Commission and Court of Human Rights, governmental experts, members of the Parliamentary Assembly of the Council of Europe, representatives of other intergovernmental organisations and non-governmental organisations. They came together to discuss the potential of the ECHR to complement the protection regime set up by the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.

Five years later the complementary role of the ECHR has been developed and consolidated. The European Court of Human Rights, fundamentally reformed and strengthened by the entry into force of the 11<sup>th</sup> Protocol to the ECHR in 1998, has delivered an increasing number of judgements touching upon a wide range of protection issues, such as detention, family reunification, expulsion, and access to effective remedies. The relevance of the Convention for the protection of refugees in Europe has therefore been confirmed and the Court's jurisprudence is being used and applied before and by domestic courts.

Since 1995, eight more States have become parties to the ECHR, bringing to 41 the total number of European States bound by its provisions and potentially concerned by the Court's refugee-related jurisprudence. The harmonisation process undertaken by the European Union member States in the field of asylum represents a further challenge to refugee protection, which extends beyond the limits of the European Union. This year marks the 50th Anniversary of the European Convention on Human Rights and the founding of the UNHCR. These factors together make it a timely moment once again to stand back and

examine the potential of the ECHR for the protection of refugees and asylum seekers. Such an examination must look equally into the importance of the execution of the judgments of the European Court by the national authorities and their impact on other international treaty bodies.

The work of the CPT, the Committee set up under the European Convention for the Prevention of Torture, which celebrated its 10<sup>th</sup> anniversary in 1999, and the provisions of the European Social Charter, which will celebrate its 40<sup>th</sup> anniversary in 2001, must also be considered in the context of refugee protection.

By bringing together governmental and non-governmental experts from the field of human rights and refugee protection, the Council of Europe and the UNHCR hope to provide an opportunity to review developments and to share knowledge and experience in the implementation of the Court's jurisprudence and to identify ways and means to achieve full implementation by the member States of the Council of Europe of their international obligations.

## **II. Structure of the Sessions**

The Friday morning session will be devoted to a review of the developments of the jurisprudence of the European Court of Human Rights to date and the further potential of the ECHR in relation to case of expulsion and extradition of persons in need of international protection. The CPT's work to prevent ill-treatment during detention and deportation of asylum seekers will also be discussed.

The afternoon session will focus on the status of refugees in the country of asylum. In particular, the discussion will examine how the ECHR and its jurisprudence can complement the protection of refugees afforded by the 1951 Convention in relation to freedom of movement, right to peaceful enjoyment of property and right to liberty and security. Access to welfare and social benefits and non-discrimination of refugees will also be discussed. In this context, the European Social Charter will be presented as a tool for strengthening the social rights of refugees in the host countries.

The Saturday morning session will aim at identifying the ways in which the standards elaborated under the ECHR have been, and can be, used in the national context and in other international fora. The final session will also provide an opportunity to discuss the Dublin Convention and the Amsterdam Treaty in the light of the ECHR and the jurisprudence of the European Court of Human Rights.

Each session will feature two keynote speakers and an interactive discussion led by a small panel which will start the discussion after each session with short contributions. Apart from the two keynote statements, the emphasis will be on short interventions from participants rather than set-piece speeches. Keynote speakers and members of the panels will react to those interventions and, more generally, seek to animate the discussions. In order to make the most profitable use of the limited time available, and to enable as many persons as possible to express their views, participants who wish to take the floor are requested to be concise and to target specific issues.

At the end of the colloquy a wrap up session will seek to draw together the different threads of the debate.