



pace

Parliamentary Assembly

Council of Europe

Search

- News
Documents
Index A-Z

The News

- Latest news
Newsletter

Meetings

- The week ahead
Session calendar
Conferences and colloquies
All meetings

Documents

- Adopted texts
Working documents
Reports under preparation
Verbatim records
How to search?

Functioning

- PACE in brief (PDF)
- Origin
- Working structure
- Procedures
- Committees
Rules of procedure
Secretariat

Members

- List from A to Z
By political group
By national delegation
By committee
Other bodies
Members since 1949

Political groups (www)

- EPP/CD
SOC
EDG
ALDE
UEL

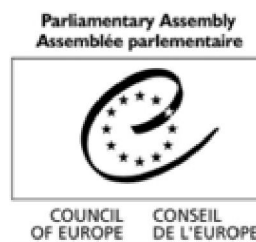
Links

- Council of Europe
National parliaments
International partners

Download

- PACE's logo
Photographs

Parliamentary Assembly
Assemblée parlementaire



Doc. 9871

10 July 2003

Accelerated asylum procedures in Council of Europe member states

Motion for a recommendation

presented by Mr Cilevičs and others

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

- 1. In recent years, a number of Council of Europe member states have introduced accelerated procedures to process more speedily certain asylum applications, such as manifestly unfounded applications, applications from people coming from safe countries of origin or safe third countries where they could have applied for asylum, multiple applications and others. These procedures have been introduced in traditional asylum countries as well as new asylum or transit countries, such as eastern European member states.
2. Even if accelerated procedures have the aim of increasing efficiency, they may raise concerns over the full and fair consideration of each case and the effective access to a right of appeal or judicial review.
3. In the paper 'Fleeting refuge: the triumph of efficiency over protection in Dutch asylum policy' (April 2003), the international non-governmental organisation Human Rights Watch has expressed concern over the compliance with human rights and international refugee law of the Netherlands' accelerated asylum procedure in reception centres (so-called 'AC procedure'). According to HRW, 60% of asylum applications are processed and rejected under the AC procedure, including those 'lodged by people fleeing countries torn by war, ethnic strife and grave human rights abuse. It is also used to decide applications involving complex legal or factual issues or severe trauma, which can only be given cursory consideration'. The Dutch government has responded to HRW's criticism in a prompt press release dated 9 April 2003, refuting the allegations and defining the AC procedure as an efficient and careful manner to deal with asylum applications within a relatively short time frame.
4. The debate around the Dutch AC procedure highlights the urgency for the Council of Europe to review member states' law and policy relating to the processing of asylum applications under accelerated procedures and make political recommendations to ensure their compliance with the 1951 Geneva Convention on Refugee Status and the European Convention on Human Rights and UNHCR standards. Moreover, the current debate highlights a gap, since even if accelerated procedures have been mentioned in a number of Assembly recommendations, there is no Council of Europe instrument focusing specifically on this issue, despite its widespread recourse from member states.
5. The Parliamentary Assembly regrets that, within the European Union context, the amended proposal on minimum standards for granting and withdrawing refugee status places greater emphasis on the need to 'speed up' the asylum procedure rather than on legal and procedural guarantees to be complied with in accelerated asylum procedures.
6. The Assembly recalls UNHCR recommended standards to be applied to accelerated asylum procedures, and in particular EXCOM Conclusions No. 8 on refugee status determination procedures and No. 30 on manifestly unfounded claims.

7. The Assembly is convinced that the need to process asylum applications within a reasonable time-frame should not be prejudicial to the effective access to procedural rights, protection and assistance for those who would face persecution or human rights violations upon return.

8. The Assembly therefore asks the Committee of Ministers to:

i. conduct in-depth research on accelerated asylum procedures in Council of Europe member states;

ii. on such basis, address a recommendation to member states according to the following guidelines:

a. the recourse to the accelerated asylum procedure should be limited to particular cases, such as when there is strong evidence that the application is manifestly unfounded. In cases concerning applicants coming from safe third countries, member states should fully comply with Recommendation No. R (97)22 of the Committee of Ministers;

b. the high quality of the decisions taken through an accelerated asylum procedure should be ensured through the provision of at least the same standards of training and access to information which is provided to the authorities in charge of deciding asylum applications within the ordinary procedure;

c. it should never be possible to process an asylum application under an accelerated procedure when:

- the applicant is an unaccompanied minor/separated child;

- there are credible indications that the applicant has suffered trauma or is a victim of torture;

- the application implies complex factual or legal issues, including the possible operativity of exclusion clauses;

d. even within the context of accelerated asylum procedures, each asylum application should be considered on its merits;

e. each applicant should be given the possibility of making out the reasons for applying for asylum in full, through effective access to interpretation in a language that s/he understands and the provision of independent and qualified legal advice or representation;

f. it should always be possible to challenge the negative decision over an asylum application taken through an accelerated asylum procedure before an appellate authority on its merits or through judicial review. Such appeal or application for judicial review should have suspensive effect on deportation; asylum seekers should be given reasonable time to seek independent legal advice and lodge an appeal or an application for judicial review;

g. asylum seekers whose application is processed through an accelerated procedure should be given access to accommodation and other benefits of the same level and at the same conditions as asylum seekers whose application is considered under an ordinary procedure.

*Signed (see overleaf)*

*Signed <sup>1</sup>:*

Cilevičs, Latvia, SOC

Agramunt, Spain, EPP/CD

Akselsen, Norway, SOC

Bušić, Croatia, EPP/CD

De Zulueta, Italy, SOC

Guardans, Spain, LDR

Ivanov, Estonia, LDR

Judd, United Kingdom, SOC

Olin, Finland, SOC

Soendergaard, Denmark, UEL

---

- 1 SOC: Socialist Group
- EPP/CD: Group of the European People's Party
- EDG: European Democratic Group
- LDR : Liberal, Democratic and Reformers' Group
- UEL: Group of the Unified European Left
- NR: not registered in a group