



Strasbourg, 26 March 2010

MG-S-ROM (2010)11

COMMITTEE OF EXPERTS ON ROMA AND TRAVELLERS

(MG-S-ROM)

Opinion of the MG-S-ROM on

PACE Recommendation 1889 (2009) – "Improving the quality and consistency of asylum decisions in the Council of Europe member states"

Adopted by the MG-S-ROM
at its 29th meeting in Strasbourg on 25-26 March 2010

The Committee of Experts on Roma and Travellers (MG-S-ROM), having examined Recommendation 1889 (2009) on improving the quality and consistency of asylum decisions in the Council of Europe member states, makes the following comments:

There is no doubt that the shortcomings in the implementation of current regulations outlined in the report raise serious human rights issues which need to be tackled. However, it is important that work done or envisaged by other international organisations and institutions on these same issues be seriously considered and taken into account before undertaking similar activities, not only to avoid duplication but also conflicting guidelines and orientations.

As stated in the Assembly report, the European Union is very active on asylum issues. Discussions are under way for setting up a **Common European Asylum System (CEAS)** by 2010 with a view to establishing a common asylum procedure and a uniform status for those who are granted asylum or complementary protection.

Within this context the following instruments are under discussion for revision:

- the Dublin II Regulation, designed to ensure that asylum seekers can only claim asylum in one member state;

- the Procedures Directive, which includes provisions on the first asylum country, safe third country and safe country of origin, is being revised, *inter alia*, to set up a single, common asylum procedure, leaving no room for disparate procedural arrangements in member states;
- the Receptions Directive, which sets down minimum standards for detention centres, is also being revised to address the issue of access to justice for asylum seekers;
- the Qualification Directive, which aims at ensuring that member states apply common criteria for the identification of persons genuinely in need of international protection.

In 2009, the European Commission proposed the setting up of a **European Asylum Support Office** which is intended to provide assistance to those countries which receive the most asylum applications, assist member states in comparing good practices, organise training at European Union level and facilitate practical cooperation between Community states and non-member states. The Office will work closely with the UNHCR.

A **European Asylum Curriculum (EAC)** has been developed specifically for the people involved in the asylum procedures.

EURASIL pools country information and the **European Migration Network** provides the exchange of statistical data on immigration and asylum.

The **UNHCR** has published:

- a Handbook on Procedures and Criteria for determining Refugee Status;
- Guidelines on International Protection;
- A 10-Point Plan of Action for integrating refugee protection considerations into migration and border control policies;
- a study on the implementation of the qualification directive.

Having in mind that ECRI and the Office of the Commissioner for Human Rights country monitoring mechanisms cover asylum issues, the MG-S-ROM suggests that the Committee of Ministers urges member states to take careful note of the comments and recommendations made by these institutions.

The MG-S-ROM also suggests that a thematic report on asylum issues be prepared by one of these bodies or alternatively that ECRI considers preparing a General Policy Recommendation on Asylum procedures and decisions in Council of Europe Member States.

As concerns the development of training programmes and tools for those involved in asylum procedures (paragraph 2.4 of the PACE Recommendation), the MG-S-ROM recommends including non EU-member states in those training courses to ensure consistency of asylum policies.

Regarding the specific situation of Roma asylum seekers originating from Kosovo (as referred to in paragraph 30 of Mr. Cilevičs' report), the EU competent bodies and member states should take into consideration the opinion and recommendations of various Council of Europe bodies (such as the Parliamentary Assembly, the Human Rights Commissioner and the MG-S-ROM itself) relating to Roma from Kosovo.