

Opinion of the CDDH on Recommendation of the Parliamentary Assembly 2010(2013) – “Migration and asylum: mounting tensions in Eastern Mediterranean”

CDDH : 77th meeting – 19/22 March 2013 CDDH(2013)R77

1. In respect of this Recommendation, the Steering Committee for Human Rights (CDDH) would like to submit the following.
2. The CDDH notes the Council of Europe must make sure that its core values (protection of human rights and rule of law) are also respected in the field of migration and asylum. The CDDH notes that the Council of Europe already has a wide range of conventions, guidelines and recommendations, and that new standard-setting activities should be avoided unless specific needs are identified. It is crucial that the institutions, such as the monitoring bodies, co-ordinate their work among themselves and cooperate with, e.g., the European Union and the Office of the United Nations High Commissioner for Refugees to avoid overlapping or parallel tracks and to achieve goals with added value.

Recommendation 2010 (2013)¹

Final version

Migration and asylum: mounting tensions in the eastern Mediterranean

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1918 \(2013\)](#) on asylum and migration: mounting tensions in the eastern Mediterranean.
2. The Assembly considers that the Council of Europe has a role to play in assisting member States in the Mediterranean facing challenges due to the large-scale flow of irregular migrants, asylum seekers and refugees. It is clear that Greece, Turkey and the other Mediterranean countries, notwithstanding the steps that they have taken, are unable to deal with the current challenges they face. If they are realistically expected to deal with these challenges, for the benefit of all of Europe, while fully respecting Council of Europe standards, then they will need much greater assistance and support.
3. The Assembly is aware that the European Union has a particular responsibility in this matter, but the Council of Europe should also play a role in the spirit and practice of solidarity.
4. The Assembly therefore recommends that the Committee of Ministers:
 - 4.1. encourage member States to continue the moratorium on returning asylum seekers to Greece, under Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining the asylum application lodged in one of the Member States by a third-country national (the “Dublin” Regulation), in the light of the judgment of the European Court of Human Rights in the case of *M.S.S. v. Belgium and Greece*;
 - 4.2. hold a round table discussion on the issue of resettlement and relocation, in order to propose ideas and solutions, taking into account experiences of countries such as Malta which have been active on the issue and have experience to share. In this discussion, particular attention could be paid to proposals the Council of Europe could put forward for resettlement and relocation of unaccompanied minors, women and other vulnerable persons;

- 4.3. examine how member States can assist Greece or other countries in dealing with large backlogs of asylum cases, taking into account the Council of Europe's expertise in the field of administration of justice;
- 4.4. explore whether innovative pilot projects could be put forward by the Council of Europe for Greece in order to help alleviate the growing racism and xenophobia towards migrants, refugees and asylum seekers, using, *inter alia*, the European Commission against Racism and Intolerance (ECRI) and the European Youth Centres, possibly in co-operation with the Council of Europe's Development Bank.
- 4.5. examine how member States of the Council of Europe can assist Greece in its important work of dismantling people-smuggling networks;
- 4.6. encourage member States of the Council of Europe and the European Union to take a stronger stand against countries refusing the return of their nationals who have entered Greece and Turkey without legal authority and are not asylum seekers or refugees.