



26 October 2007

MJU-28 (2007) Resol. 1E

*28th Conference of the European Ministers of Justice
(Lanzarote, Spain, 25-26 October 2007)*

**RESOLUTION No. 1
on access to justice for migrants and asylum seekers**

THE MINISTERS participating in the 28th Conference of the European Ministers of Justice (Lanzarote, 25-26 October 2007),

1. Having regard to the report of the Minister of Justice of Spain on “Emerging issues of access to justice for vulnerable groups, in particular: migrants and asylum seekers, children, including children perpetrators of crime” and welcoming the contributions made by other delegations;
2. Having discussed “Emerging issues of access to justice for migrants and asylum seekers”;
3. Recognising that immigration is posing a major challenge for Europe;
4. Having regard to the extensive standards developed by the Council of Europe in this field and underlining that these standards should be widely disseminated, promoted and fully implemented;
5. Having regard also to international standards and national rules and procedures on immigration and asylum;
6. Being aware of the difficulties migrants and asylum seekers often have in accessing justice and observing that other persons such as refugees, stateless persons and internally displaced persons (IDPs) may be in similar situations;
7. Taking due account of the rights enshrined in the European Convention on Human Rights and the case-law of the European Court of Human Rights; the ongoing work of the Council of Europe Human Rights Commissioner, the Steering Committee for Human Rights (CDDH) and the European Committee on Migration (CDMG);

8. Underlining that the Memorandum of Understanding is now a new basis for cooperation between the Council of Europe and the European Union for any activity undertaken in this matter;
9. Convinced of the need to ensure and facilitate the full exercise and protection of the rights of migrants and asylum seekers;
10. Underlining also the need to ensure and facilitate access to appropriate information on the rights of migrants and asylum seekers;
11. Recognising the importance of providing proper conditions for such vulnerable persons in case of deprivation or limitation of liberty;
12. Underlining the particular vulnerability of children in the situations described in this resolution;
13. Referring to the Declaration and Action Plan adopted during the Third Summit of Heads of State and government of the Council of Europe and in particular its Chapters on Strengthening democracy, good governance and the rule of law in member states and on managing migration.

14. AGREE on the importance of securing the fundamental rights of, and facilitating their exercise by, migrants and asylum seekers, through access to information, to an effective remedy, to a fair trial and, where appropriate, to representation, interpretation and assistance;
15. RECOGNISE the necessity to take into account the situation of children specifically regardless of the legal status of their parents;
16. INVITE the Committee of Ministers to entrust the European Committee on Legal Co-operation (CDCJ), in co-operation with the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH) and other competent bodies of the Council of Europe, to examine:
 - a. access to justice for migrants and asylum seekers by identifying means and measures with a view to facilitating and ensuring this access, including the provision of legal aid and assistance;
 - b. the specific issue of access to justice, legal representation, age assessment and deprivation or limitation of liberty of unaccompanied and separated children with a view to determining the feasibility of and the need for additional Council of Europe action in this field;
 - c. the relationship of asylum procedures with extradition procedure;

17. INVITE the Committee of Ministers to promote the Council of Europe's standards in this field and support and develop cooperation activities dedicated to the training of judges, prosecutors, civil servants and any other persons dealing with requests for asylum, granting residence, managing complaints lodged or in the enforcement of the right to *non-refoulement*;
18. RECOMMEND that the Secretary General of the Council of Europe pursues co-operation with the European Commission, the United Nations High Commissioner for Refugees and other competent bodies;
19. ASK the Secretary General of the Council of Europe to present a report on the steps taken to give effect to this Resolution, on the occasion of their next Conference.