

70th anniversary of the 1951 Refugee Convention: the Council of Europe and the international protection of refugees

Resolution 2408 (2021)

Author(s):

Parliamentary Assembly

Origin

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- 1.** In the year of the 70th anniversary of the 1951 United Nations Convention relating to the Status of Refugees (the 1951 Refugee Convention), the Parliamentary Assembly welcomes ongoing initiatives aimed at consolidating and making more effective the international protection of refugees and asylum seekers, and warns against certain negative tendencies.
- 2.** The Assembly is highly concerned by the increasing number of refugees and asylum seekers in the world, including, most recently, from Afghanistan. At the end of 2020, there were 82.4 million people displaced worldwide with 20.7 million refugees under the mandate of the United Nations High Commissioner for Refugees (UNHCR). An estimated 34 million (42%) of the 82.4 million forcibly displaced persons are children below the age of 18.
- 3.** The Assembly is concerned about the increasing frequency of expulsions and pushbacks of refugees and asylum seekers at Europe's borders, and recalls that the 1951 Refugee Convention and the European Convention on Human Rights (ETS No. 5) require States to protect the rights of people to seek asylum and ensure protection from refoulement, even if they enter a country irregularly. The Assembly emphasises the importance of preserving access to territories and asylum procedures and calls on Council of Europe member States to uphold their existing commitments to refugee protection by admitting asylum seekers at their borders and enabling the submission of asylum applications.
- 4.** The Assembly also warns against the tendency to criminalise solidarity with refugees and life-saving activities. It deplores the fact that people who have helped asylum seekers and refugees have been investigated, charged and, in some cases, convicted just for providing assistance in the saving of lives, for monitoring human rights or for standing in solidarity with migrants and asylum seekers.
- 5.** The Assembly calls upon national parliaments to prevent misuse of anti-human trafficking laws to curb solidarity and humanitarian acts intended to protect the rights of refugees and asylum seekers. It is convinced that saving lives is not a crime, that feeding starving people is not a crime and that providing shelter to families in need is not a crime. These activities are based on the fundamental values that the Council of Europe was set up to defend.

6. The Assembly emphasises, therefore, the urgent need to strengthen Council of Europe member States' commitment to upholding fundamental rights of those who flee persecution for reasons specified in the 1951 Refugee Convention. Marking the 70th anniversary of the 1951 Refugee Convention, the Assembly underscores the need to enhance the international protection of refugees and asylum seekers. The Assembly, therefore, calls upon member States' parliaments to ensure full support for UN-led initiatives for the protection of refugees and asylum seekers, to support the relevant Council of Europe actions and to take specific actions at national level, as follows:

6.1 with regard to ensuring full support for UN-led initiatives, the Assembly:

6.1.1 recognises the importance and achievements of the 1951 Refugee Convention and its 1967 Protocol and recommits itself to the core values at the heart of these instruments – including non-refoulement, non-penalisation and non-discrimination, and ensuring access to international protection for those who need it, among other human rights;

6.1.2 recognises that, while circumstances may change in the light of political, social, environmental and cultural developments, great care should be taken to ensure that nothing weakens or diminishes respect for the convention's core values or dampens the spirit of liberality and co-operation which lies at the heart of its provisions;

6.1.3 reaffirms its commitment to the role and mandate of the UNHCR and honours its achievements over the years while recognising the scale of the problems facing it, and the international community, at the present time. It understands how political instability across the globe, the ravages of the Covid-19 pandemic and the climate change crisis are likely to see the number of people seeking refuge and international protection increase. It resolves to work hand in hand with the UNHCR as it works with States to address these paramount issues;

6.1.4 while recognising the fact that governments must implement the principles of the 1951 Refugee Convention in the context of their own domestic law, urges all States to ensure that, in all such cases, they align themselves with the interpretation of the convention put forward by the UNHCR;

6.1.5 recognises the priority established by the UNHCR to support programmes that give refugees the opportunity to become self-reliant, wherever possible. It welcomes the fact that, increasingly, proposals to achieve this are being fostered by community-sponsored initiatives and recommends that member States provide their full support to these;

6.1.6 welcomes the widespread support elicited by the UN Global Compact on Refugees and calls upon national parliaments to actively promote its implementation. This is a programme which offers a framework for more predictable and equitable responsibility sharing in the treatment of refugees and is directly in line with the major thrust of the 1951 Refugee Convention. The

Assembly looks forward to receiving the report from the high-level meeting to be held in December 2021 and to scrutinising and assessing what happens afterwards;

6.2 with regard to supporting relevant Council of Europe action, the Assembly:

6.2.1 recalls that the Council of Europe has extensive experience in addressing human rights issues, including the protection of the rights of refugees and asylum seekers, in accordance with international human rights standards set by the 1951 Refugee Convention and its 1967 Protocol and other relevant international treaties;

6.2.2 notes that recent Council of Europe action plans formulated in the migration sphere, which have focused on the protection of children and vulnerable persons, are set to conclude in 2025. For the period following that date, as part of a succession plan, the Council of Europe, through its Special Representative of the Secretary General on Migration and Refugees, should consider aligning itself with the UNHCR and its “Strategy on Resettlement and Complementary Pathways”. This strategy has set target figures for resettlement of one million refugees and two million others through complementary pathways such as family reunification or labour mobility schemes – targets to be achieved by 2028. A new pan-European action plan to support resettlement and enhance refugees’ self-reliance in the period from 2025 to 2028, in concert with work already being done by UNHCR on the subject, would effectively address a vital aspect of efforts being made for the protection of refugees;

6.2.3 recommends that all relevant expert bodies and intergovernmental committees give priority attention to refugee and migrant issues, enhancing co-ordination on this matter, in close co-operation with the UNHCR. This will require co-ordinating responses from across a number of fields (education, health, access to employment, legal status and housing, for example) to meet the needs of refugees and asylum seekers;

6.3 With regard to the call for taking specific action at national level, the Assembly:

6.3.1 notes that the 1951 Refugee Convention was the work of States working together internationally. But it is the governments of member States which must put its principles and values into practice. Each State will do this within its own domestic law and this will inevitably lead to variations in the specific means of doing so. The Assembly recognises that the efficient and expeditious return of persons found not to be in need of international protection is key to maintaining the integrity of asylum systems in Europe and to the international protection system as a whole. The Assembly urges, therefore, the governments of all Council of Europe member States to put in place efficient asylum procedures that maintain fairness safeguards and adhere to international law, including the principle of non-refoulement. All who lay claim to asylum, whatever the outcome, should be treated humanely and with respect;

6.3.2 urges parliamentarians across member States to press their governments to offer support to countries of origin from which refugees and migrants move towards Europe. Development aid should be offered in order to build capacity, achieve political stability, strengthen protection of human rights and allow people to enjoy economic improvement in these countries, as well as in countries which host large refugee populations. This would allow for a focus on the root causes of migration and displacement, and go some way towards destroying the “business models” of those involved in people-smuggling;

6.3.3 underscores the key role that needs to be played by members of parliaments, as outlined in [Resolution 2379 \(2021\)](#) “Role of parliaments in implementing the United Nations global compacts for migrants and refugees”. The Assembly reaffirms its recent agreements on this matter and reiterates the opportunities open to parliamentarians in their various functions – representative, legislative and oversight – and also in the realm of international diplomacy;

6.3.4 stresses that Assembly members, acting in their capacity as members of their own respective parliaments, should become catalysts and/or multipliers for the task of raising awareness of, and assisting with the implementation of, the 1951 Refugee Convention and its 1967 Protocol.

7. Finally, the Assembly recognises that the UNHCR cannot exist without the support and political will of States Parties to the 1951 Refugee Convention. The fact that it has achieved so much in the last seventy years is because of States’ commitment and generosity, and the Assembly hopes that all Council of Europe member States will continue to support the UNHCR for the next seventy years.

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