

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (98) 15

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE TRAINING OF OFFICIALS

WHO FIRST COME INTO CONTACT WITH ASYLUM SEEKERS,

IN PARTICULAR AT BORDER POINTS

*(Adopted by the Committee of Ministers on 15 December 1998,
at the 652nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Recalling the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees as well as other provisions relevant to refugees and asylum seekers, adopted by the Council of Europe and other competent international fora;

Having regard to Resolution 1309 (1996) of the Parliamentary Assembly on the training of officials receiving asylum seekers at border points;

Bearing in mind that, in order to fulfil their important tasks in an effective manner and to prevent *refoulement* and the turning away of the asylum seeker at the border as well as to ensure unimpeded access to the asylum procedure by those seeking asylum, officials who first come into contact with asylum seekers, in particular those fulfilling their duties at border points, need appropriate and adequate, initial and in-service training on how to recognise requests for protection and handle specific situations in connection with asylum seekers;

Stressing that the responsibility for providing appropriate and adequate training and the selection of training methods for officials who first come into contact with asylum seekers lies primarily with

member States and that international co-operation, both between states and between states and competent international organisations, is of high importance, with particular relevance to those member states which consider themselves in need of a special international assistance for such training;

Without prejudice to the guarantees enshrined in international and applicable regional provisions concerning training and instruction for officials who first come into contact with asylum seekers;

Noting that in member states, different practices and competences exist for the reception and processing of asylum requests;

Considering that in the respective practices of member States, there are different categories of officials who first come into contact with asylum seekers;

Recognising, therefore, the importance of member states' agreeing to common principles relating to certain asylum issues which can guide their respective practices,

Recommends to member states that officials who first come into contact with asylum seekers should receive training on how to recognise requests for protection and handle specific situations in connection with asylum seekers.

1. For those of such officials who are required to refer these asylum seekers to the competent asylum authority, their training should lead to the acquisition of:

1.1. basic knowledge of the provisions of national legislation related to the protection of asylum seekers and refugees, including the relevant administrative issues and knowledge of internal instructions, wherever applicable, on how to deal with asylum seekers;

1.2. basic knowledge of the provisions of the 1951 Convention and 1967 Protocol Relating to the Status of Refugees and general principles of refugee protection as provided by international law, in particular the prohibition of *refoulement* and the situation of refugees staying unlawfully in the country of refuge;

1.3. basic knowledge of the provisions relating to the prohibition of torture and inhuman or degrading treatment or punishment as enshrined in the European Convention on Human Rights;

1.4. basic knowledge concerning limitations under national and international law to the use of detention;

1.5. skills to detect and understand asylum requests even in cases where asylum seekers are not in a position clearly to communicate their intention to seek asylum, as well as basic communication skills concerning how to address asylum seekers, including those with special needs;

1.6. the skill to make the correct choice and use of an interpreter when necessary.

2. For those officials whose responsibility is to receive and also to process asylum applications, and also whose responsibility might be to take a decision, bearing in mind that a decision on an asylum request shall be taken only by a central authority, their training should lead to the acquisition of:

2.1. detailed and thorough knowledge of all the provisions and skills listed under 1.1 to 1.6;

2.2. interviewing techniques, including skills of interpersonal and intercultural communication;

2.3. knowledge concerning the human rights situation in the countries of origin of asylum seekers and in other relevant third countries;

2.4. skills in establishing the identity of asylum seekers;

2.5. knowledge of the application of the «safe third country» concept by some member states.

3. Training on the issues enumerated under paragraphs 1 and 2 above should be included in initial and in-service training programmes for the officials concerned. Those responsible within the national administration for such training for officials should be familiarised with available materials prepared, and participate in special programmes when they are made available, by competent international governmental or non-governmental agencies and by national agencies in the framework of bilateral or multilateral co-operation.