

## **WORLD HUMANITARIAN SUMMIT (Istanbul, 23 May 2016)**

### **COUNCIL OF EUROPE COMMITMENT**

On 23 May 2016 at the World Humanitarian Summit in Istanbul, Secretary General Thorbjørn Jagland made these commitments on behalf of the Council of Europe:

#### **Leaving No One Behind – A Commitment to Address Forced Displacement**

*Core Commitment 4: Commit to collectively work towards a Global Compact on responsibility sharing for refugees to safeguard the rights of refugees, while also effectively and predictably supporting States affected by such movements*

**1. The Secretary General commits to prioritising the protection of the rights of refugees and asylum seekers across the Council of Europe’s 47 member states in his diplomatic efforts with political leaders and in the Organisation’s cooperation with the European Union. The Secretary General will send his Special Representative on Migrants and Refugees to areas where national authorities may need support in meeting international human rights standards, in particular in the processing of asylum applications and with regard to living conditions.**

The Secretary General (SG) continues to raise the issue of the protection of the rights of refugees and asylum seekers in his high-level meetings with Heads of State and relevant ministers from governments across Europe. Promoting the protection of migrants’ rights, as well as their integration into wider society, has been a key objective of numerous visits including to Greece, Turkey and Germany.

The SG is in regular contact with his interlocutors in Brussels with a view to raising more awareness of the existing obligations of European Union (EU) member states to migrants, as set out by the European Convention on Human Rights and other Council of Europe instruments. In the framework of the “European Union - Council of Europe Horizontal Facility for the Western Balkans and Turkey 2016-2018”, launched in April 2016, justice reform and efforts at combatting discrimination and protecting the rights of vulnerable groups including migrants are supported in transit countries along the Western Balkans route.

The Secretary General’s Special Representative on Migration and Refugees (SRSG) collects information on the human rights situation of refugees and migrants, including through fact-finding missions; strengthens the co-ordination between different Council of Europe bodies supporting migrants’ rights, in order to enhance the Organisation’s overall impact; and helps align the Organisation’s efforts with those of its international partners. The SRSG has regular contacts with the EU institutions.

In 2016, the SRSG carried out fact-finding missions to Greece, “the former Yugoslav Republic of Macedonia”, Turkey, France, the United Kingdom and Italy. Reports on these fact-finding missions are published and include concrete proposals for reform,

which the Council of Europe can assist member states in delivering. These reports are followed-up with the relevant authorities. For up-to-date details of the SRSG's missions and activities please see [www.coe.int/migrants](http://www.coe.int/migrants).

**2. The Secretary General commits to using all means available to him to ensure that legislation introduced by Council of Europe member States to control the flow of migrants and asylum seekers into their territories complies with the European Convention on Human Rights and the case law of the European Court of Human Rights, including rules governing administrative detention, expulsion and family reunification.**

The Secretary General continually conveys the concerns of the Organisation when legislative amendments or practices in member states raise questions under the European Convention on Human Rights.

In April 2016, the Secretary General contacted the Heads of Government in Council of Europe member states most affected by the migration crisis to offer the assistance of his Special Representative.

In June 2016, the Secretary General called on the governments of member states to make the protection of migrant and asylum-seeking minors from sexual abuse a top priority. The Council of Europe launched an urgent monitoring procedure to better ascertain the situation on the ground. The Lanzarote Committee will adopt a report concluding this round of monitoring, highlighting major challenges and putting forward recommendations to improve protections against sexual exploitation and sexual abuse for migrant children.

The lack of alternatives to detention is one of the most damaging structural problems affecting children and urgently needs to be addressed. The Council of Europe has begun codifying existing international standards on the conditions under which migrants are held in administrative detention and promotes effective alternatives to the detention of migrants.

As part of its monitoring mandate, the European Committee for the Prevention of Torture (CPT) has responded to the wide use of migration detention by conducting ad hoc visits to frontline states. The CPT monitors respect for the procedural rights of those subject to return procedures, even when removal operations are co-ordinated by the European Border and Coast Guard.

The human rights of migrants, including asylum seekers and refugees, is a priority area for the Commissioner for Human Rights, Nils Muižnieks. The Commissioner uses his missions and reports to help ensure that member states comply with their legal obligations under the European Convention on Human Rights and the case law of the European Court of Human Rights and supports national authorities in developing alternatives to the detention of minors.

**3. The Council of Europe commits to training civil servants, police and other officers working in member States on the human rights of migrants and refugees.**

The Council of Europe continues to train civil servants, police and other officials working in member states on the human rights of migrants and refugees. The European Programme for Human Rights Education for Legal Professionals (HELP) supports member states in implementing the European Convention on Human Rights at national level.

In this context, a course on the Convention and asylum was launched in 10 countries for pilot groups of legal professionals including lawyers, judges and prosecutors. In Greece and Italy the course has been launched for groups of legal practitioners in close cooperation with national training institutions for judges and prosecutors, in line with the recommendations of the SRSG.

**4. The Secretary General commits to seeking political support from the Council of Europe's 47 member States for a new pan-European Action Plan to protect the rights of asylum seeking and refugee children. In particular the Action Plan will aim to prevent these children from falling victim to violence, abuse, exploitation and trafficking, including through the rapid appointment of legal guardians for unaccompanied children and the provision of suitable and safe accommodation. The Action Plan will seek to commit member states to making every effort to end the placement of children in immigration detention facilities and to taking a gender-sensitive approach when dealing with asylum-seeking and refugee children.**

Following up on decisions taken at the Council of Europe ministerial conference in May 2016, an Action Plan is currently under preparation and is due to be adopted soon. It will cover three priority areas: access to rights and child-friendly procedures, effective protection and children's integration. The Action Plan will be implemented in 2017-2019. In the framework of the Action Plan, the Council of Europe will work on guardianship and age assessment. It will also take action to support member states to end the detention of children on immigration grounds.

The Secretary General's Special Representative on Migration and Refugees published a thematic report on migrant and refugee children on 22 March, based on his fact-finding missions. Key challenges identified in the report include the detention of children on immigration grounds, a lack of appropriate age-assessment measures, the need to improve guardianship systems and the need to ensure access to information and education.

**5. In order to provide greater protection in particular to women and child migrants and refugees, the Secretary General commits to actively seeking ratification of the Council of Europe Convention on protection of children against sexual exploitation and sexual abuse (the "Lanzarote Convention") from the six member States, out of 47, who are yet to ratify it: Armenia, Azerbaijan, Estonia, Ireland, Norway and the United Kingdom; ratification of the Council of Europe Convention on action against**

**trafficking in human beings from the two member States who are yet to ratify it: the Czech Republic and the Russian Federation; and ratification of the Council of Europe Convention on preventing and combatting violence against women and domestic violence (the “Istanbul Convention”) from the 26 member states who are not yet parties to it. The Secretary General also commits to making full use of the findings of the respective monitoring mechanisms of these conventions to protect women and child migrants from violence, exploitation and abuse.**

Estonia has now ratified the Lanzarote Convention and progress towards ratification is being made in Armenia, Azerbaijan and Ireland. The Lanzarote Committee’s work has also focused on ratification by Norway and the United Kingdom. A special report on protecting children affected by the refugee crisis from sexual exploitation and sexual abuse was adopted on 3 March 2017 by the Lanzarote Committee.

The Czech Republic has now ratified the Council of Europe Convention on action against trafficking in human beings.

Regarding the Istanbul Convention, Bulgaria, Ireland, Czech Republic, Germany and Ukraine are all working towards ratification. Moldova signed on 6 February and the UK Parliament has expressed its support for ratification. Furthermore, the EU has shown interest in signing and joining the Istanbul Convention. In a joint statement issued in Malta on 6 February 2017, the Council of EU, the European Commission and the European Parliament called on EU member states to ratify the Istanbul Convention and made a recommendation “to conclude and finalise the decision on the EU accession to the Istanbul Convention”.

The Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) identifies gaps in the procedures and capacity to identify victims of trafficking. Following an ad hoc visit to Italy, GRETA published an urgent procedure report on Italy, which assesses the specific situation of forced returns of victims of trafficking from Italy and the identification of victims of trafficking among asylum seekers and migrants. GRETA has published a new guidebook for national authorities based on examples of good practice identified in over 50 country-specific evaluation reports.

**6. The Secretary General recalls the action taken by the Council of Europe Development Bank in setting up the Migrant and Refugee Fund to assist its member states in building additional capacity for adequately accommodating refugees and migrants. Grants have been approved for projects in Croatia, Greece, Serbia, Slovenia and “the former Yugoslav Republic of Macedonia” for reception service facilities, refurbishing accommodation centers, providing medical aid, as well as facilitating assistance to refugees and migrants.**

The Migration and Refugee Fund, which is a grant-based facility of the Council of Europe Development Bank (CEB), continues to help member states deal with migrant inflows and has proved to be a useful instrument in furthering the goals of the New York

Declaration for Refugees and Migrants and the Comprehensive Refugee Response Framework.

Since October 2015 (and as of March 2017), the CEB has allocated €18 million to emergency projects in Croatia, Greece, Slovenia, Serbia and “the former Yugoslav Republic of Macedonia”. Priority is given to the financing of reception and transit centres.

In addition to helping member states deal with emergency situations, the CEB will continue to support the longer-term social integration of migrants and refugees. The CEB is stepping up its efforts to support the integration of migrants and refugees in the labour markets of destination countries and has approved projects in areas such as social housing, job creation and public infrastructure development benefitting vulnerable populations, including migrants and refugees.

**7. The Secretary General commits to helping member states develop early integration measures for newcomers, including, by setting out before the end of the year, a roadmap for implementation of Article VII of the Lisbon Recognition Convention, relating to the recognition of refugees’ qualifications.**

The Council of Europe supports its member states in putting in place smart policies to successfully integrate refugees, asylum seekers and migrants. Member states adopted an Action Plan on Building Inclusive Societies (2016-2019) in March 2016. It has three main areas of focus: education, combating intolerance and discrimination and support for effective integration policies.

The Commissioner for Human Rights, Nils Muižnieks also focuses on integration related issues in his visits. The Commissioner’s issue paper “Time for Europe to get migrant integration right” provides national authorities with guidance in designing and implementing successful integration policies.

The Council of Europe’s European Commission against Racism and Intolerance (ECRI) continues to highlight difficulties for migrants in various areas of everyday life. In March 2016, ECRI adopted its General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination.

Fake news targeting minorities and vulnerable groups may be linked, in many instances, to cybercrime, in particular when criminal conduct, as defined in the Protocol to the Budapest Convention on Xenophobia and Racism, is involved. Both the case law of the European Court of Human Rights and the Protocol to the Budapest Convention on Xenophobia and Racism give states a solid basis on which to criminalise material which promotes or incites hatred, discrimination or violence, while still protecting freedom of expression.

The Council of Europe helps remove language barriers for migrants. The Organisation is developing a toolkit for volunteers and non-governmental organisations teaching the

language of the host country to migrants and refugees. The toolkit is expected to be completed in the coming months and will be first implemented in Italy.

Regarding Article VII of the Lisbon Recognition Convention Committee, 70% of the Parties to the Convention indicated that they have not taken measures to implement this provision. The Council of Europe has therefore taken two important initiatives:

A pilot project on the recognition of refugees' qualifications is being implemented in co-operation with the Greek Ministry of Education and with the participation of the national information centres on recognition of Greece, Italy, Norway and the United Kingdom. In parallel, a draft recommendation is being prepared to provide guidance in connection with the recognition of qualifications that cannot be adequately documented, held by refugees, displaced persons and persons in a refugee-like situation. The recommendation and explanatory report will be submitted to the Lisbon Recognition Convention Committee for adoption by the end of 2017.