

COUNCIL OF EUROPE COMMITMENTS 2017-2018: Leave No One Behind

3A – Reduce and address displacement

Commitment 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 co-operation with the European Union. The Secretary General will send his Special Representative on migration 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.

During the course of the self-reporting period, the Council of Europe Secretary General, Thorbjørn Jagland continued 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 Governments, and relevant ministers across Europe, with the aim of promoting the protection of the human rights of migrants and refugees as well as their integration into wider society. The Secretary General continued to be in regular contact with his interlocutors representing the European Union with a view to raising more awareness of the existing obligations of member states, including of European Union member states, as set out by the European Convention on Human Rights and other Council of Europe instruments.

Co-operation and co-ordination was strengthened with the European Union also under the framework of the Horizontal Facility for the Western Balkans and Turkey, providing programmatic support to Beneficiaries by addressing recommendations of Council of Europe monitoring bodies in the area of anti-discrimination and the protection of the rights of vulnerable groups, among others.

According to his mandate, the Secretary General’s Special Representative on migration and refugees, continued to reach out to member states to uphold the human rights principles they have accepted, and to implement Council of Europe’s standards also when dealing with refugees and migrants. In this framework, he has continued his fact-finding missions to countries concerned to collect information on the protection of the fundamental rights of migrants and refugees and to offer advice and assistance to member states.

In 2017, the Special Representative carried out fact-finding missions to Serbia and two transit zones in Hungary and Bulgaria, whereas in 2018, he travelled to Spain, Bosnia and Herzegovina and Croatia. [Reports on the fact-finding missions](#) are published and include concrete proposals and recommendations where to the Council of Europe can assist member states to uphold human rights standards.

[The Council of Europe Development Bank \(CEB\)](#) has been playing an important role in complementing the Council of Europe activities in the field of migration with very tangible financial support. From emergency situation, to special capacity development, but also to the support of long term capacity building, the CEB continued to play an active role in financing local infrastructure, affordable housing, health care, education facilities and job creation. With its loans, it continued to provide opportunities for migrants that are entitled to stay to integrate into the host communities.

Commitment 2 - 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 has made continued efforts to support states in the implementation of Article VII of the Lisbon Recognition Convention. On 14 November 2017 the Lisbon Recognition Convention Committee adopted a [Recommendation on the Recognition of qualifications held by refugees, displaced person, and persons in a refugee-like situation](#) and its explanatory memorandum. In addition, a pilot phase of the project on the [European Qualification Passport for Refugees](#) run by the Greek ministry of Education was completed in 2017, having assessed 92 applications and issued 73 Passports. A more extensive, second phase of this project was launched on 28 March 2018 and will be run in 2019-2020, with the participation of the national information centres on recognition of Armenia, Canada, France, Germany, Greece, Italy, the Netherlands, Norway and the United Kingdom. The first two evaluation sessions under the second phase of the project took place in June and July 2018 in Greece and in Italy respectively, including 90 interviews and resulting in 54 passports. Additional sessions took place in October-November 2018 in the Netherlands, Italy and France. A total of 188 passports have been issued since the start of the project, based on 234 interviews. 23 credential evaluators with a wide range of language competences have been trained so far on the EQPR methodology.

In addition to the above, the Council of Europe has been active in identifying new areas of support for member states in the framework of helping to develop early integration measures for newcomers:

The Council of Europe has taken significant action with regards to helping member states remove language barriers for migrants. A [Toolkit on Language Support for Adult Refugees](#) has been developed to support member states in their efforts to respond to the challenges posed by unprecedented migration flows. The toolkit comprises the 57 tools and other resources, and it is designed to assist organisations, and especially volunteers, providing language support for adult migrants and refugees. In addition, a fourth survey on Language Policies and Language Requirements for Migrants in the member states was undertaken by the Education Department in close co-operation with the Association of Language Testers in Europe (ALTE) in 2018. Its primary aim is to map the language requirements and knowledge of society (KoS) requirements for migrants in Council of Europe member states prior to entry, for residence and for citizenship with the aim of identifying trends in policies for the linguistic integration of migrants. In the survey, particular attention is dedicated to vulnerable groups, such as illiterate/low-literate migrants, women, unaccompanied minors, asylum seekers and refugees. The survey was launched in September 2018 with a time-limit for contributions on 10 November 2018. Its results will be reported at an intergovernmental conference.

The Council of Europe continued to support its member states in putting in place smart policies to successfully integrate refugees, asylum seekers and migrants. The implementation of the [Action Plan on Building Inclusive Societies \(2016-2019\)](#) adopted in March 2016 continues. The Action Plan focuses on three main areas: education, combating intolerance and discrimination and support for effective integration policies.

In the framework of [the Intercultural cities programme](#), the Council of Europe continued to support cities in reviewing their policies through an intercultural lens and developing comprehensive intercultural strategies to help them manage diversity positively and realise the diversity advantage. The programme also continues to propose a set of analytical and practical tools to help local stakeholders through the various stages of the process, as well as to aim at supporting local communities in addressing also the challenges of integration.

In July 2017, the Enlarged Partial Agreement on Sport (EPAS) launched a [migrant integration via sport platform](#), with the objective of fostering co-operation and sharing good practices. As of 2 January 2019, there are currently 49 projects, run in 21 countries in around 35 sport disciplines and therapeutic techniques, on the platform.

Commitment 3 - The Council of Europe commits 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.

The Council of Europe closely followed the adoption and [contributed to both the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration](#).

The Special Representative on Migration and Refugees participated in the consultation phase in respect to both Compacts orally and in writing over the course of 2017. He has continued to engage with the process during the negotiation phase which began in early 2018 with the publication of the drafts of both Compacts. The Special Representative submitted [written comments on the Global Compact on Refugees](#) in June 2018, underlining the importance of placing human rights protection at the heart of the text and the key role that the Council of Europe can play in helping European states especially achieve the objectives and actions envisaged in the Compact.

On 10-11 December 2018, the Special Representative represented the Council of Europe at the Intergovernmental Conference to adopt the Global Compact for Safe, Orderly and Regular Migration. The Council of Europe, with its system for human rights protection, is now ready to engage in the implementation of the Global Compacts.

3B – Address the vulnerabilities of migrants and provide more regular and lawful opportunities for migration

Commitment 1 - 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.

In the framework of his mandate, notably to advise member states to respect international standards and obligations in their national legislation, in January 2017 the Special Representative led a mission to Ljubljana, accompanied by a team of experts, to discuss with the Slovenian authorities a bill proposing to

amend the Aliens Act. Among other changes, the modifications proposed enabled the country's borders to be closed in certain circumstances. The purpose of the visit was to advise the authorities on whether the modifications complied with the European Convention on Human Rights and Slovenia's other international commitments.

In November 2017, at the request of the Minister of Interior of Montenegro, the Special Representative provided an expert Opinion on the compliance of the Montenegro draft law on foreigners with Council of Europe values and standards, particularly with respect to migration. The Opinion was based on advice from three independent experts in the framework of the European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey. Aside from an analysis of the human rights implications of the draft text, the Opinion also discussed the proposed new provisions on statelessness.

In more general terms, the Special Representative during his fact-finding missions, and in his subsequent reports and recommendations, addressed the main current migration challenges that Council of Europe member states face: access to asylum, immigration detention, returns and integration. He has continued to put forward Council of Europe's expertise to ensure that the right to seek asylum is guaranteed and that all asylum and immigration decisions are made in full compliance with the relevant articles of the ECHR.

Commitment 2 - 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 continued its activities 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 the Council of Europe member states in implementing the European Convention on Human Rights at national level.

In this context, the HELP/UNHCR course on Asylum and the European Convention on Human Rights was launched on 6 September 2017 in Albania, with the aim of helping Albanian professionals develop a better understanding of the rights attributed to asylum seekers and foreigners in general, as well as increase their capacity to propose changes to the legislation and implement to the extent possible existing rules and procedures in line with international human rights principles. By the end of the course, in February 2018, it was recorded that more than 50 representatives of responsible ministries, the People's Advocate, the Commissioner for Protection from Discrimination, the School of Magistrates, the School of Advocates, the Police Academy and civil society benefitted from it.

In June 2018, HELP jointly with the Office of the Special Representative on Migration and Refugees, developed an online course on Refugee and Migrant Children, as one of the measures implementing the Council of Europe Action Plan on protecting Refugee and Migrant Children in Europe (2017-2019). A training of trainers was held on 23 and 24 May 2018 and was attended by 22 judges and lawyers to equip them with the necessary practical skills to effectively implement the online course in their countries of origin.

The aim of the online course is to enhance the protection of refugee and migrant children thanks to better equipped legal professionals assisting them, and access to child-friendly legal support, information and procedures. The course has been launched in the United Kingdom (13 November 2018), Spain (23 November 2018), and Greece (10 December 2018), and its launch in Italy and Turkey is scheduled for early 2019. The course is planned to be translated into Arabic, Azerbaijani, French, Greek, Italian, Spanish and Turkish.

[HELP continued to expand its activities](#) within other relevant areas, having developed further courses among others on Combating trafficking in Human Beings, Internal Displacement and Anti-discrimination.

3D – Empower and protect women and girls

Commitment 1 - 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 4 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.

The Council of Europe continued its efforts to protect women and child migrants and refugees, encouraging states to ratify the relevant conventions and through the activities of their respective committees.

As a result of the continued outreach to member states, Estonia became a party to the Lanzarote Convention in 2017, and Norway and the United Kingdom ratified it in June 2018.

After launching an urgent monitoring round on the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse, in March 2017 the Lanzarote Committee adopted a [Special Report](#), which identified major challenges and put forward recommendations to improve the protection of migrant children from sexual abuse and exploitation. In June 2018, The Committee agreed on a [Declaration](#), inviting State Parties to uphold the best interest of the child at all times; to give follow up on the recommendations purported in the Special Report; to take measures to address specific risks of exposure to sexual abuse and exploitation of migrant children; and to cooperate with relevant stakeholders. This latter aims at preventing sexual abuse and exploitation of migrant children as well as providing appropriate support and assistance to victims, and fighting against the impunity of the offenders. A delegation of the Committee also undertook a visit to Hungary in July 2017, which led to the adoption of a [Special Report](#) and [Recommendations](#) on the prevention of sexual exploitation and abuse of migrant children in transit zone at the border between Hungary and Serbia.

Throughout 2017 and 2018, Cyprus, Croatia, Estonia, Georgia, Germany, Greece, Iceland, Ireland, Luxembourg, North Macedonia, Norway and Switzerland have ratified the Istanbul Convention. The European Union and Armenia are now both signatories to the Convention.

In the course of its monitoring activities, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) continued to identify gaps in the procedures and capacity to identify victims of trafficking. Between 2017 and 2018, GRETA continued the first round of country evaluations and began the second round. Following the adoption of the law on transit zones in Hungary, it also undertook a visit to the country under the urgent procedure, in order to address the impact of the legal amendment and its implementation on law on the protection of victims of human trafficking, especially children. A [Report](#) on the visit, including the recommendation of the Group of Experts to the Hungarian authorities, was adopted on 23 March 2018.

3G – Address other groups or minorities in crisis settings

Commitment 1 - 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.

On 19 May 2017, the [Council of Europe's Action Plan on protecting refugee and migrant children \(2017-2019\)](#) was adopted by all 47 member states of the organisation during the 127th Session of the Committee of Ministers in Nicosia, Cyprus. The Action Plan was co-ordinated by the Special Representative on Migration and Refugees, and addresses the primary concerns identified in the [Thematic Report on migrant and refugee children](#). The Action Plan provides concrete action on protecting children fleeing war, violence and persecution, directing special focus to unaccompanied children, and proposes concrete support to member states at all stages of the migration process. The Action Plan has three main pillars: 1) ensuring access to rights and child-friendly procedures; 2) providing effective protection; and 3) enhancing the integration of children who would remain in Europe.

The Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019) is currently in its implementation phase, and has already achieved important and concrete [results](#). As regards the first pillar, *ensuring access to rights and child-friendly procedures*, a [roundtable on child-friendly information for children in migration](#) was organised by the Council of Europe Children's Rights Division in November 2017. Furthermore, on 31 May 2018 the Council of Europe published [a study on children's views on information they receive about migration](#).

On 18 December 2018, [a handbook on promoting child-friendly information for refugee and migrant children](#) was launched, aimed at all professionals and volunteers working with children in migration. The handbook contains information on access to rights and relevant procedures, including good practices and recommendations from children to improve communication.

In November 2018 the European Committee on Legal Cooperation (CDCJ) agreed to undertake preliminary review of protocols and procedures used by member states to determine and resolve cases of statelessness, in particular of migrant children.

Under pillar two, *providing effective protection*, on 25-26 September 2017, the international conference "[Immigration Detention of Children: Coming to a Close?](#)" took place in Prague, bringing together leading human rights experts, officials from member states and civil society representatives, with the aim of identifying ways of promoting alternatives to the migration detention of children. Similarly, on 15 March 2017, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a [factsheet on immigration detention](#) to present its standards based on hundreds of visits to places of immigration detention.

Under pillar three, *enhancing refugee and migrant children's integration*, one of the key actions taken has been to launch a [project on the social inclusion of young refugees](#) in November 2018. The aim of the project is to reduce the risks of social exclusion and violence that young refugees, especially minors in transition to adulthood, are exposed to. The centre-piece of the project is a long-term training course for youth workers and young refugees active in reception and hosting centres or other social and educational facilities involving young refugees. The introduction to the course took place from 25 November to 2 December 2018, and the course will run through to December 2019.