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Contribution

to the call of the UN Office of the High Commissioner for Human Rights pursuant to the General Assembly Resolution A/RES/78/217 for the report “Human rights of migrants”

The Council of Europe present its compliments to the Office of the High Commissioner of the United Nations and wishes to present its recommendations, documents and other information concerning the human rights of migrants.

The European Court of Human Rights has a vast body of the case-law enshrining the key principles of the human rights of migrants as guaranteed under the European Convention of Human Rights. The details can be found in the factsheets published on the European Court's website: [Accompanied migrant minors in detention](#), [Unaccompanied migrant minors in detention](#), [Migrants in detention](#). The judgment of the European Court of Human Rights being binding upon the respondent State, the Council of Europe Committee of Ministers in its function of supervising their execution, assessed whether measures taken by respondent States were adequate and satisfactory. Its key findings embodied in the Committee of Ministers' decisions and resolutions (interim or final) can be found in the factsheet prepared by the Council of Europe Department for Execution of Judgments of the European Court of Human Rights entitled “[Migration and Asylum](#)”.

The [European Social Charter](#) is also relevant for the rights of migrants. In March 2024, the European Committee of Social Rights (ECSR) published its [Conclusions 2023](#), including in respect of Article 19 of the Charter with regard to the right of migrant workers and their families to social, legal and economic protection. The rights that posed the greatest challenges to effective implementation under this provision concerned Article 19§4 - the right of migrant workers to treatment not less favourable than that of the nationals in respect of remuneration and working conditions, membership to trade unions and accommodation; Article 19§6 - the right of migrant workers to family reunification; and Article 19§8 - the right of migrant workers not to be expelled unless they are a threat to national security.

In 2025, the ECSR review of ad hoc reports submitted by States on “[Social rights and the cost-of-living crisis](#)” was published. The review points out that migrants, refugee families, ethnic minorities and marginalised communities are among the groups hardest hit by the cost-of-living crisis, facing heightened risk of poverty, social exclusion, and discrimination. It urges states to adopt targeted, rights-based measures ensuring that social protection mechanisms cover them without discrimination.

In the [2023 Reykjavik Declaration](#), the Council of Europe Heads of State and Government recalled “the increasing challenges of migration and the necessity to fight against trafficking

and smuggling of migrants” and committed “to intensifying efforts to foster and improve international co-operation in this regard, while continuing to protect the victims and respect the human rights of migrants and refugees, as well as supporting frontline States, within the existing Council of Europe frameworks”. The Council of Europe Committee of Ministers has decided to develop a Recommendation to help European States respond more effectively to the smuggling of migrants (work covered by the Council of Europe Committee on Crime Problems - [CDPC](#)). The Council of Europe also manages the Network of Prosecutors on Migrant Smuggling to facilitate the transnational exchange of information and good practices. [Country profiles](#) set out legal and judicial information on migrant smuggling. The Council of Europe will be organising for the third time the Conference on Migrant Smuggling ([2025 edition](#)).

Several other Council of Europe Conventions are critical to address the smuggling of migrants and intertwined crimes, including those on mutual legal assistance, extradition, cybercrime, trafficking in human beings and money laundering. These Conventions are essential for international cooperation at judicial and law enforcement levels.

Through the [Action Plan](#) on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025), the Council of Europe continues to make concrete and [steady progress](#) in the protection of migrants and refugees in Europe. The [implementation](#) of the Action Plan has strengthened safeguards concerning the human rights of migrants and refugees in the 46 Council of Europe member States. Notable examples are a number of pertinent Recommendations adopted by the Council of Europe Committee of Ministers such as [CM/Rec\(2022\)22](#) on human rights principles and guidelines on age assessment in the context of migration and [CM/Rec\(2022\)17](#) on protecting the rights of migrant, refugee and asylum-seeking women and girls. Thus there has been a significant enrichment of the Council of Europe *acquis* in this field which consists, among others, of [treaties, recommendations and guidelines](#).

The Council of Europe promotes also actively the social inclusion and integration of migrants and refugees in Europe, notably through Recommendations [CM/Rec\(2022\)10](#) of the Council of Europe Committee of Ministers on multilevel policies and governance for intercultural integration, [Recommendation CM/Rec\(2022\)16 on combating hate speech](#) and [Recommendation CM/Rec\(2024\)4 on combating hate crime](#). Also, through its [Intercultural Cities \(ICC\) Programme](#) and its [Committee of Experts on Intercultural Inclusion \(ADI-INT\)](#), the Council of Europe advances intercultural inclusion and integration of migrants across Europe and beyond. The Organisation has also produced a number of significant tools enhancing integration of migrants and refugees such as the [Training manual on equality data collection and analysis to prevent and address systemic discrimination](#), the toolkit [Language support for adult refugees](#) (available in seven languages) and the [European Qualifications Passport for Refugees \(EQPR\)](#) which provides a methodology for assessing refugees’ qualifications even when they cannot be fully documented, thereby supporting their further studies, employment and integration.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ([CPT](#)) in its monitoring work examines the situation of foreign nationals held in immigration detention centres and reception centres including at borders and during removal by air, with particular attention on the treatment of vulnerable individuals in the Council of Europe (including EU) member States. This includes families, single women with young children, victims of violence (including sexual or gender-based violence) or human trafficking and women at risk of violence and trafficking, and unaccompanied or separated minors. This also includes the premise that border control and removal practices must be

conducted in full compliance with the State's obligation under Article 3 of the European Convention of Human Rights, which enshrines the absolute prohibition of torture and other ill-treatment and the principle of non-*refoulement*.

The European Committee on Legal Co-operation (CDCJ) is preparing a compendium of good practices on legal aid and representation, access to information and to justice for children in procedures relating to the determination of nationality or statelessness (to be adopted in November 2025). It is also working on a draft Committee of Ministers' recommendation dealing with access to nationality of stateless children. This work also allows the Organisation to contribute as a solution seeker to the [Global Alliance to End Statelessness](#) launched in 2024 under the aegis of the UNHCR.

In 2023, the CDCJ adopted a [Guide for practitioners on the administrative detention of migrants and asylum seekers](#), which is now available in 8 languages: Arabic, Armenian, English, French, Greek, Italian, Spanish and Turkish.

The Steering Committee for Human Rights (CDDH) is preparing a study on the need for and the feasibility of updating Committee of Ministers [Recommendation No. R\(97\)22](#), which contains guidelines on the application of the safe third country concept in the field of human rights and international protection. The CDDH is expected to adopt the study by mid-2026.