

Strasbourg, 8 September 2015

Dear Prime Minister,

The ongoing migrant crisis is creating unprecedented challenges for European states. A minority of countries is being asked to absorb the majority of incomers and political solidarity is being severely tested.

I would like to pay tribute to the many state officials, border teams, police officers and immigration staff who are conducting their duties in a professional and respectful manner, along with thousands of volunteers. Many are doing so under considerable pressure and I strongly urge all European leaders to extend the concept of burden-sharing to human rights: where countries are struggling with the immediate needs of new arrivals, for example in terms of food, basic shelter, and adequate procedural assistance, their neighbours and allies should provide immediate support.

I enclose guidance on the treatment of migrants and asylum seekers, including with regard to their reception, temporary living conditions and the special safeguards required for children.

Any person arriving in the territory of the 47 member states of the Council of Europe is entitled to the same fundamental rights as everyone else, as guaranteed by the European Convention on Human Rights and in line with the commitment to human dignity which millions of Europeans cherish. The European Court of Human Rights recently confirmed that, even in times of large-scale arrivals, there can be no derogation from Article 3 of the Convention, prohibiting inhuman and degrading treatment. It is also worth recalling that many of the incomers are asylum seekers whose requests to stay in Europe will be accepted. It is self-defeating to mistreat or demean any future members of our societies.

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Mr .....  
Prime Minister of ...

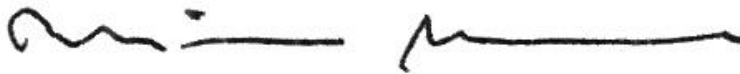
I would like to remind you that members of the Council of Europe Bank (CEB) are able to request loans to facilitate necessary improvements to their infrastructure for receiving people arriving in their territory. The Governor has also informed me that the Bank is creating a new grant based facility, in addition to its existing instruments, to help finance reception and transit centres.

I can confirm that I have commissioned urgent analysis of the legal shortcomings which presently inhibit the prosecution of smugglers. This includes taking stock of the existing legal instruments and their practical enforceability. Furthermore it has become evident that, even when investigators have a clear idea of smugglers' identities, a lack of judicial co-operation, notably between European states and countries in our South Mediterranean neighbourhood, is preventing law enforcement from acting on this information. I will shortly report back on Council of Europe measures which can be taken to improve co-operation and strengthen the rule of law in this field.

Following my meeting with António Guterres, the UN High Commissioner for Refugees, last week, let me take this opportunity to urge all Council of Europe member states to support the UNHCR's Syria Regional Response Plan. It is a bold and well-targeted plan but it needs your immediate financial contributions to become fully operational.

I hope you will find this overview helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Torbjørn Jagland', with a stylized flourish at the end.

Thorbjørn Jagland

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