

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 16 September 2016

CDDH-MIG(2016)R1

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

**DRAFTING GROUP ON MIGRATION AND HUMAN RIGHTS  
(CDDH-MIG)**

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**Report**

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1<sup>st</sup> meeting  
14 – 16 September 2016

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**Item 1: Opening of the meeting and adoption of the agenda**

1. The CDDH Drafting Group on Migration and Human Rights (CDDH-MIG) held its first meeting in Strasbourg from 14 to 16 September 2016 with Mr Morten RUUD (Norway) in the Chair.
2. The Group and the participants were welcomed by the Chairman and Mr Christos GIAKOUMOPOULOS, Director for Human Rights.
3. Mr GIAKOUMOPOULOS emphasised the importance of this exercise in the current context and highlighted the opportunities for complementarity with other relevant entities of the Council of Europe. He noted that the ensuing work should prove useful and beneficial for member States and provide added value. In addition, Mr Mikhail LOBOV, Head of Human Rights Policy and Co-operation Department, observed that the starting point of the work would be the jurisprudence of the European Court of Human Rights but significant input could also be sought from the Execution of Judgments.

**Item 2: Election of a Vice-Chairperson**

4. The Group elected Mr Ota HLINOMAZ (Czech Republic) as Vice-Chair of the CDDH-MIG on 15 September 2016.

**Item 3: Discussion on the terms of reference**

5. The Group held a general discussion on its terms of reference, in particular the tasks it was assigned to accomplish. It was recalled that three meetings were foreseen for the completion of its work.

**Item 4: Discussion on the preliminary draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration**

6. Ambassador Tomas BOCEK, Special Representative to the Secretary General on Migration and Refugees, addressed the meeting. He emphasised the need to protect the right to liberty and successfully pursue work on alternatives in the current crisis.
7. The Group held a general discussion on the preliminary draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration, prepared by the Rapporteur, Mr Frank SCHÜRMAN, and the Secretariat. The Group expressed its thanks to the Rapporteur and the Secretariat for an excellent and comprehensive report, which served as a very good basis for the discussions. During the discussion a number of suggestions and comments were provided by the members.
8. The Group continued examining the text section by section. It was decided to elaborate further the part on the jurisprudence of the European Court of Human Rights, re-structure the sections on other human rights standards according to themes, and focus in particular on different types of alternatives to detention, analysing further the advantages and drawbacks of each measure, including their impact on the human rights.

9. The Group proposed a number of suggestions with regard to both structure and content and asked the Rapporteur and the Secretariat to prepare a revised draft analysis based on the comments provided during the meeting.

10. The Group asked the Secretariat to prepare a text for a request for information on alternatives to detention, to be sent to all member States of the Council of Europe as well as observers. A draft text should be submitted to the members of the Group before formally sent out.

**Item 5: Exchange of views on proposals for future work**

11. The Group held a general discussion on the need for future work on alternatives to migration detention. The possibility to prepare guidelines and a compilation of different practices, accompanied by a background report based on the current analysis, was indicated. It was agreed that the group would reflect further on the issue, but ask the Rapporteur to inform the Bureau of the CDDH at its upcoming meeting in November of his report.

**Item 6: Adoption of the meeting report**

12. The Group adopted the provisional text of the meeting report.

**Item 7: Other business**

13. The next meeting of the Group is scheduled to take place from 15 to 17 February 2017 in Cyprus, where a joint meeting with the Committee of Experts on Administrative Detention of Migrants (CJ-DAM) will also be held. During their next meeting the group will examine the revised draft analysis and reflect further on the need for future work in the field.