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**DIVISION ON MIGRATION AND REFUGEES**

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# NON-BINDING INSTRUMENTS OF THE COUNCIL OF EUROPE IN THE FIELD OF MIGRATION AND ASYLUM: A REFERENCE DOCUMENT

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This reference document presents an overview of selected non-binding instruments ("soft law") in the field of migration and refugee protection adopted in recent years by three institutions of the Council of Europe: the Committee of Ministers of the Council of Europe (CM), the Parliamentary Assembly of the Council of Europe (PACE), and the Congress of Local and Regional Authorities of the Council of Europe (Congress). It also includes the instruments adopted by the Conference of International Non-Governmental Organisations of the Council of Europe (Conference of INGOs).

Recommendations of the CM to member States (Article 15 of the Statute of the Council of Europe) concern matters of "a common policy". While they are not binding, the CM may request governments of the member States "to inform it of the action" taken regarding the recommendations.

PACE Recommendations are addressed to the Committee of Ministers and contain proposals the implementation of which is within the competence of governments. PACE Resolutions represent decisions on questions that the Assembly is empowered to put into effect, or expressions of view, for which it alone is responsible.

The Congress adopts Recommendations, which contain proposals addressed to the CM for implementation by governments of the member States, and Resolutions, which refer to local and/or regional authorities, to their associations, or to the Congress itself.

The Conference of INGOs is the representative body of international non-governmental organisations (INGOs) enjoying participatory status with the Council of Europe. Its Recommendations contain proposals for policies and actions based on civil society expertise and are addressed to the member States of the Council of Europe.

For the reader's convenience, the selected instruments below are grouped by the following main themes: (A) asylum and refugee protection; (B) anti-discrimination; (C) social inclusion of migrants and refugees; (D) protection of persons in a potentially vulnerable situation; (E) trafficking in human beings and smuggling of migrants; (F) internally displaced persons; (D) increased migration flows. The hyperlinks lead to the source documents available on the webpages of the CM, PACE and Congress.

## A. Asylum and Refugee Protection

Key principles:

- member States must uphold human rights and humanitarian principles and respect international law relating to refugees and the right to seek asylum, in particular, the European

Convention on Human Rights (ETS No. 5) and the 1951 United Nations Convention Relating to the Status of Refugees;

- the principle of *non-refoulement* (principle prohibiting the extradition, expulsion, or return of a person to a country where they would be persecuted or would risk persecution within the meaning of the 1951 Convention relating to the Status of Refugees) must be respected;
- access to fair and efficient asylum procedures must be ensured;
- the prohibition of collective expulsion of non-nationals (any measure compelling non-nationals, as a group, to leave the country, except where such a measure is taken on the basis of a reasonable and objective examination of individual cases) should be enshrined in domestic law and practice.

## 1. *Committee of Ministers of the Council of Europe*

Recommendation Rec(94) 5 on guidelines to inspire practices of the member states of the Council of Europe concerning **the arrival of asylum-seekers at European airports**

Recommendation Rec(97)22 containing guidelines on the application of **the safe third country concept**

Recommendation Rec(98)13 of the Committee of Ministers to member states **on the right of rejected asylum seekers to an effective remedy** against decisions on expulsion in the context of Article 3 of the European Convention on Human Rights

Recommendation Rec(98)15 on **the training of officials** who first come into contact with asylum seekers, in particular at border points

Recommendation Rec(99)12 of the Committee of Ministers to member states on **the return of rejected asylum-seekers**

Recommendation Rec(2003)5 of the Committee of Ministers to member states on **measures of detention of asylum seekers**

Recommendation Rec(2004)9 of the Committee of Ministers to member states on **the concept of "membership of a particular social group"** (MPSG) in the context of the 1951 Convention relating to the status of refugees

Recommendation Rec(2005)6 of the Committee of Ministers to member states on **exclusion from refugee status** in the context of Article 1 F of the Convention relating to the Status of Refugees of 28 July 1951

## 2. *Parliamentary Assembly of the Council of Europe*

**The "left-to-die boat": actions and reactions:** Resolution 1999 (2014); Recommendation 2046 (2014)

**Criminalisation of irregular migrants: a crime without a victim:** Resolution 2059 (2015)

**Human rights impact of the "external dimension" of European Union asylum and migration policy: out of sight, out of rights?:** Resolution 2228 (2018); Recommendation 2136 (2018)

**Pushback policies and practice in Council of Europe member States:** Resolution 2299 (2019); Recommendation 2161 (2019)

**Rights and obligations of NGOs assisting refugees and migrants in Europe:** Resolution 2356 (2020); Recommendation 2192 (2020)

**Voluntary relocation of migrants in need of humanitarian protection and voluntary resettlement of refugees:** Resolution 2409 (2021)

**Safe third countries for asylum seekers:** Resolution 2461 (2022); Recommendation 2238 (2022)

**Pushbacks on land and sea: illegal measures of migration management:** Resolution 2462 (2022)

**European Union Pact on Migration and Asylum: a human rights perspective:** Resolution 2416 (2022)

**European solidarity in the context of asylum and international protection:** Resolution 2487 (2023); Recommendation 2248 (2023)

**Ensuring human rights-compliant asylum procedures:** Resolution 2555 (2024)

**Missing migrants, refugees and asylum seekers – A call to clarify their fate:** Resolution 2569 (2024); Recommendation 2284 (2024)

**Putting an end to collective expulsions of aliens:** Resolution 2595 (2025)

**Saving the lives of migrants at sea and protecting their human rights:** Resolution 2612 (2025); Recommendation 2298 (2025)

**The challenges and needs of public and private actors involved in migration management:** Resolution 2613 (2025)

**Artificial Intelligence and Migration:** Recommendation 2300 (2025); Resolution 2628 (2025)

### *3. Congress of Local and Regional Authorities of the Council of Europe*

Reception of women and children refugees in Europe's cities and regions: Resolution 487(2022) and Recommendation 481(2022)

### *4. Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe*

CONF/AG(2025)REC4 - Recommendation on **State Accountability in the Provision of Housing for People on the Move, Refugees and Asylum Seekers - A fundamental matter of respect of human rights**

## B. Anti-Discrimination

### *1. Committee of Ministers of the Council of Europe*

Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating **hate speech**

Recommendation CM/Rec(2024)4 of the Committee of Ministers to member States on combating **hate crime**

Recommendation Rec(2025)7 of the Committee of Ministers to member states on **equal rights for intersex persons**

### *2. Parliamentary Assembly of the Council of Europe*

**Gender mainstreaming of migration policies:** Resolution 2440 (2022)

## C. Social Inclusion of Migrants and Refugees

Key principles:

- non-discrimination;
- mutual understanding and respect for cultural diversity;
- access to fair and accessible systems for the recognition of skills and qualifications;
- access to healthcare and social services;
- access to free primary and secondary education to all migrant children;
- multilevel cooperation between local, regional and national authorities;
- involvement of civil society organisations.

### *1. Committee of Ministers of the Council of Europe*

Recommendation Rec(90)14 of the Committee of Ministers to member states on the preparation of **an information brochure of the social security rights and obligations of migrant workers** and of their families

Recommendation Rec(2000)15 of the Committee of Ministers to member states concerning **the security of residence of long-term migrants**

Recommendation Rec(2006)9 of the Committee of Ministers to member states on the admission, rights and obligations of **migrant students** and co-operation with countries of origin

Recommendation CM/Rec(2007)10 of the Committee of Ministers to member states on **co-development and migrants working for development in their countries of origin**

Recommendation CM/Rec(2008)10 of the Committee of Ministers to member states on **improving access of migrants and persons of immigrant background to employment**

Recommendation CM/Rec(2011)2 of the Committee of Ministers to member states on **validating migrants' skills**

Recommendation CM/Rec(2011)1 of the Committee of Ministers to member states on **interaction between migrants and receiving societies**

Recommendation CM/Rec(2011)13 of the Committee of Ministers to member states on **mobility, migration and access to health care**

Recommendation CM/Rec(2015)1 on **intercultural integration**

Recommendation CM/Rec(2022)10 of the Committee of Ministers to member States on **multilevel policies and governance for intercultural integration**

Recommendation CM/Rec(2025)6 of the Committee of Ministers to member States on **qualifications and linguistic competences of refugees in Europe**

### *2. Parliamentary Assembly of the Council of Europe*

**Integration, empowerment and protection of migrant children through compulsory education:** Resolution 2220 (2018)

**Integration of migrants and refugees: benefits for all parties involved:** Resolution 2502 (2023)

**Social inclusion of migrants, refugees and internally displaced persons through sport:** Resolution 2503 (2023)

**The theme of migration and asylum in election campaigns and its consequences on the reception of migrants and their rights:** Resolution 2525 (2024)

**Immigration, one of the answers to Europe's demographic aging:** Resolution 2586 (2025)

**Access of migrants and refugees to healthcare: Resolution 2666 (2026)**

**The role of diasporas and migrants in developing social cohesion and democratic engagement: Resolution 2673 (2026)**

### *3. Congress of Local and Regional Authorities of the Council of Europe*

**Improving the integration** of migrants through local housing policies: Resolution 270(2008)

**From reception to integration**: the role of local and regional authorities facing migration: Resolution 411(2017)

**Voting rights** at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions: Recommendation 419(2018); Resolution 431(2018)

## D. Persons in a potentially vulnerable situation

### *1. Children*

Key principles:

- the best interests of the child must be paramount in any decision-making concerning the child;
- presumption of minority (a person who undergoes an age assessment should be presumed to be a child unless and until determined otherwise through an age assessment procedure);
- the benefit of the doubt (in case of a reasonable doubt the person should be treated as a child);
- children should be treated as children first and foremost;
- administrative detention of children for immigration reasons should be avoided.

### (a) Committee of Ministers of the Council of Europe

Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on **life projects for unaccompanied migrant minors**

Recommendation CM/Rec(2008)4 of the Committee of Ministers to member states on **strengthening the integration of children of migrants** and of immigrant background

Recommendation CM/Rec(2012)10 of the Committee of Ministers to member States on the **protection of child and young athletes** from dangers associated with migration

Recommendation CM/Rec(2019)4 of the Committee of Ministers to member States on supporting **young refugees in transition to adulthood**

Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on e**ffective guardianship for unaccompanied and separated children** in the context of migration

Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and guidelines on **age assessment** in the context of migration

### (b) Parliamentary Assembly of the Council of Europe

**The alternatives to immigration detention of children:** Resolution 2020 (2014); Recommendation 2056 (2014)

**Harmonising the protection of unaccompanied minors in Europe:** Resolution 2136 (2016)

**Child-friendly age assessment for unaccompanied migrant children:** Resolution 2195 (2017); Recommendation 2117 (2017)

**Missing refugee and migrant children in Europe:** Resolution 2324 (2020)**;** Recommendation 2172 (2020)

**Protection and alternative care for unaccompanied and separated migrant and refugee children:** Resolution 2449 (2022)

### (c) Congress of Local and Regional Authorities of the Council of Europe

**Unaccompanied refugee children**: the role and responsibilities of local and regional authorities: Resolution 428 (2018) and Recommendation 414 (2018)

## *2. Girls and women*

Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of **migrant, refugee and asylum-seeking women and girls**[1]

[1] See also **Practical guide for public authorities to support the implementation of the Council of Europe Recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls**

### 3. *Older persons*

#### (a) Committee of Ministers of the Council of Europe

Recommendation CM/Rec(2011)5 of the Committee of Ministers to member states on reducing the risk of vulnerability of **elderly migrants** and improving their welfare

#### (b) Parliamentary Assembly of the Council of Europe

**Overcoming age-based discrimination against older persons:** Resolution 2592 (2025); Recommendation 2291 (2025)

## E. Trafficking in human beings and smuggling of migrants

Key principles:

- human rights of migrants and the principle of non-refoulement should be respected;
- member States should punish smugglers and traffickers, not their victims;
- humanitarian assistance rendered to migrants should be distinguished from smuggling and trafficking and not be criminalised.

### 1. *Committee of Ministers of the Council of Europe*

Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating **trafficking in human beings for the purpose of labour exploitation**

### 2. *Parliamentary Assembly of the Council of Europe*

**Trafficking of migrant workers for forced labour:** Resolution 1922 (2013); Recommendation 2011 (2013)

**Organised crime and migrants:** Resolution 2089 (2016)

**Concerted action against human trafficking and the smuggling of migrants:** Resolution 2323 (2020); Recommendation 2171 (2020)

**Precarious and irregular work situations of migrant seasonal and domestic workers:** Resolution 2536 (2024)

**A shared European approach to address migrant smuggling:** Resolution 2568 (2024); Recommendation 2283 (2024)

### 3. *Congress of Local and Regional Authorities of the Council of Europe*

Empowering cities and regions to **combat human trafficking** for labour exploitation: Recommendation 527 (2025)

## F. Internally Displaced Persons

### 1. *Committee of Ministers of the Council of Europe*

Recommendation Rec(2006)6 of the Committee of Ministers to member states on **internally displaced persons**

### 2. *Parliamentary Assembly of the Council of Europe*

**Humanitarian needs and rights of internally displaced persons in Europe:** Resolution 2214 (2018); Recommendation 2126 (2018)

### 3. *Congress of Local and Regional Authorities of the Council of Europe*

The role of local and regional governments in protecting **internally displaced persons** (IDPs) (citizens of a state who have been forced to leave their homes, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violation of human rights or natural man-made disasters, without crossing an internationally recognised state border): Resolution 448(2019) and Recommendation 437(2019)

## G. Increased Migration Flows

### 1. *Parliamentary Assembly of the Council of Europe*

**Increased migration pressure on the borders of Latvia, Lithuania and Poland with Belarus:** Resolution 2404 (2021)

**Humanitarian consequences and internal and external migration in connection with the aggression of the Russian Federation against Ukraine:** Resolution 2448 (2022)

**Humanitarian situation in Nagorno-Karabakh:** Resolution 2517 (2023); Recommendation 2260 (2023)

**The humanitarian crisis emerging for Afghanistan and Afghan refugees:** Resolution 2522 (2023)

**Deportations and forcible transfers of Ukrainian children and other civilians to Russian Federation or to Ukrainian territories temporarily occupied: create conditions for their safe return, stop these crimes and punish the perpetrators:** Resolution 2495 (2023); Recommendation 2253 (2023)

**Addressing the specific challenges faced by the Belarusians in exile:** Resolution 2499 (2023)

**An urgent call to Europe and its partners: envisioning immediate and long-term policy solutions in support of the displaced people of Ukraine:** Resolution 2562 (2024)

**Post-conflict time: defusing ticking time bombs for a safe return of displaced populations:** Resolution 2564 (2024)

### 2. *Congress of Local and Regional Authorities of the Council of Europe*

On decentralised co-operation and migration in **the Mediterranean basin**: Resolution 69(1998)

Migration flows and social cohesion in **South-East Europe**: the role of local and regional authorities: Resolution 175(2004)

**Border regions** facing the migration phenomenon**:** Resolution 432(2018)

## H. Artificial Intelligence and Migration

### *1. Committee of Ministers of the Council of Europe*

**Recommendation Rec (2026)1 of the Committee of Ministers on Equality and Artificial Intelligence:** it provides guidance to member States and stakeholders to promote equality, including gender equality, and prevent discrimination across the lifecycle of AI systems. It highlights transparency, explainability, procedural safeguards, and policy fields where AI may have an acute impact on equality.

### *2. Parliamentary Assembly of the Council of Europe*

**Artificial intelligence and migration:** Parliamentary Assembly Recommendation 2300 (2025) on Artificial intelligence and migration

The Parliamentary Assembly highlights the swift progress of artificial intelligence (AI) in migration management and recommends a series of actions to ensure AI's responsible usage in this context.

**Artificial intelligence and migration**: Resolution 2628 (2025)

The Parliamentary Assembly acknowledges the transformative role of artificial intelligence (AI) in migration management, highlighting its potential to enhance efficiency and service accessibility for migrants, refugees, and asylum seekers.

### *3. Steering Committee for Human Rights (CDDH)*

The CDDH established the Drafting Group on Human Rights and Artificial Intelligence (CDDH-IA) that was tasked with drafting a Handbook on Human Rights and artificial intelligence**,** which includes, among others, a chapter on “Immigration and border control”.

## Council of Europe Division on Migration and Refugees - Mandate

The Division on Migration and Refugees (DMR) was created at the Directorate General of Human Rights and Rule of Law (DG1) on 1 February 2025 to follow-up on the action by the former Special Representative of the Secretary General on Migration and Refugees. Its mandate includes suggesting assistance and support to member states, particularly through the Network of Focal Points on Migration, seeking, collecting and analysing information on the human rights situation of migrants and refugees, as well as complementing and co-ordinating activities of other relevant Council of Europe bodies and our action with other international partners, notably the UNHCR, IOM, EU, and its specialised agencies, and other national, regional and international stakeholders, including civil society organisations. The DMR represents the Council of Europe in the UNHCR Nansen Refugee Award Selection Committee, as well as in the Consultative Forums of Frontex and of EUAA.

**www.coe.int/migration**