

# **Information Documents SG/Inf(2023)8**

10 February 2023

First Interim Report on the Implementation of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)

### **Table of Contents**

Ex	Executive summary	
	Introduction	
2.	Protection of Vulnerable Persons in the Context of Migration – Priority Action for the Council of Europe	
3.	Progress report on the implementation of actions in the four priority areas	8
4.	Additional activities	16
5.	Multilateral co-operation	20
6.	Financial overview	23
7.	Conclusion	23

#### **Executive summary**

- 1. This interim report provides an overview of the implementation of the activities listed in the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021–2025) (hereafter referred to as "Action Plan"), in the first 20 months since its adoption by the Committee of Ministers of the Council of Europe, at its 1403rd meeting, on 5 May 2021.
- 2. The covid-19 pandemic and the Russian Federation's aggression against Ukraine have increased the need for a concrete and coherent response of the Organisation to address the challenges faced by member states in protecting and upholding the human rights of vulnerable persons in the context of migration and asylum.
- 3. During the reporting period, the Special Representative on Migration and Refugees ensured, through her co-ordinating role, a transversal approach and streamlined in-house co-operation based on the Council of Europe relevant conventions and standards relating to the implementation of the Action Plan.
- 4. The lessons learned from the implementation of the previous <u>Action Plan on Protecting Refugee and Migrant Children in Europe (2017–2019)</u> were taken into account while tools and instruments, developed under that Action Plan, continued to be promoted and implemented.
- 5. The implementation of the Action Plan in 2022 was impacted by the Russian Federation's aggression against Ukraine, which resulted in millions of persons fleeing the country as its immediate consequence. In order to respond to the emerging challenges, the Special Representative on Migration and Refugees has carried out fact-finding missions to the Czech Republic, the Slovak Republic, Poland, the Republic of Moldova and Romania<sup>1</sup>. The Action Plan was adapted, and several activities took place to address the recommendations included in the reports of the fact-finding missions.
- 6. For example, tools to protect women and children fleeing the war from abuse, violence, exploitation and trafficking were developed and promoted by directly contributing to Pillar 1 of the Action Plan. A fully-fledged project in the Republic of Moldova was put in place. It aims at building resilient migration, asylum and reception systems in the long term and contributes to Pillar 2 of the Action Plan. Activities were implemented to support the linguistic integration of migrants and refugees, the recognition of their qualifications, as well as the promotion of intercultural inclusion and inclusion through sports that are directly linked to Pillar 3 of the Action Plan (more information provided under Chapter 3 and Chapter 4 of this report).
- 7. These additional actions strengthened in-house co-ordination and consolidated communication with member states, also through the <a href="Council of Europe Network of Focal Points on Migration">Council of Europe Network of Focal Points on Migration</a>.
- 8. Co-operation with international organisations is ongoing, with raised awareness on the role of the Council of Europe in protecting the human rights of vulnerable persons in the context of migration. The Action Plan complements the work that is being carried out by other international organisations on the ground, also contributing to the objectives of the <a href="UN Global Compact on Refugees">UN Global Compact for Safe</a>, Orderly and Regular <a href="Migration">Migration</a>, <a href="UN Sustainable Development Goals">UN Sustainable Development Goals</a> and a number of goals in the European Commission's Communication on the <a href="New Pact on Migration and Asylum">New Pact on Migration and Asylum</a>.

٠

<sup>&</sup>lt;sup>1</sup>The fact-finding mission took place between 12 and 14 December 2022; the report will be available in early 2023.

Out of 28 activities directly referenced in the Action Plan, 12 of them are completed within the reporting period (more information provided under Chapter 3). These include:

- 9. Pillar 1 - Ensuring protection and promoting safeguards by identifying and responding to vulnerability (human rights): the Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and quidelines on age assessment in the context of migration was adopted on 14 December 2022; The 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 was adopted in Turin on 20 May 2022. The Explanatory Memorandum of Recommendation CM/Rec(2019)11 of the Committee of Ministers to member states on effective guardianship for unaccompanied and separated children in the context of migration was adopted by the Steering Committee for the Rights of the Child (CDENF) on 15 June 2022. The Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) elaborated a Guide to health literacy – Contributing to trust building and equitable access to healthcare while Pompidou Group developed a handbook Intercultural Responses to drug-related challenges for professionals working in the field of addictions with Refugees, Migrants and IDPs.
- 10. Pillar 2 Ensuring access to law and justice (human rights and the rule of law):

  Thematic factsheet on cases related to migration and asylum was published in November 2021 by the Department for the Execution of Judgments. The Committee of Ministers adopted Guidelines on the efficiency and the effectiveness of legal aid schemes on 31 March 2021. Furthermore, the Steering Committee for Human Rights (CDDH) adopted on 25 November 2021 a Guide on family-based care for unaccompanied and separated children, while the first thematic discussion on child-friendly approaches and procedures in migration was held at the fifth meeting of the Network of Focal Points on Migration in June 2022. Finally, the activities under the Action Plan contributed to the pledge 1 and 2 under the Global Action Plan to End Statelessness 2014-2024.
- 11. Pillar 3 Fostering democratic participation and enhancing inclusion (human rights and democracy): the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) adopted a Model Framework for an intercultural integration strategy for the national level. The Recommendation /Rec(2022)10 of the Committee of Ministers to member States on multilevel policies and governance for intercultural integration was adopted on 6 April 2022. In addition, the Intercultural Cities Programme (ICC) developed an online training programme on alternative narratives and inclusive communication.
- 12. The cost of implementation in 2021 and 2022 varies, as the policy and standard-setting work was covered from the ordinary budget while the technical co-operation part was mostly covered by extra-budgetary resources. The progress made in the implementation of the Action Plan has so far resulted in a significant number of tools and instruments, which need to be adequately promoted and implemented. To this end, further funding is necessary to support the efforts and investments that have already been made, including the adaptation of the Action Plan to respond to the needs of member states affected by the consequences of the aggression against Ukraine.
- 13. Close communication and co-operation with member states ensures that all actions in the framework of the Action Plan respond to their needs and contribute to the ownership and sustainability of the efforts made.

#### 1. Introduction

- 14. On 5 May 2021, at its 1403rd Meeting, the Committee of the Ministers Deputies adopted the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025). The Committee of Ministers indicated the need to receive regular updates on the progress made and the ongoing results of the Action Plan, through interim reports and a final report. This document is the first interim report, which takes stock of achievements and lessons learned in the first 20 months of implementation of the Action Plan: from May 2021 to the end of December 2022.
- 15. It had been foreseen that the first interim report would be prepared and presented to the Committee of Ministers by mid-2022. However, the covid-19 pandemic and Russian Federation's aggression against Ukraine required further adaptation of the implementation modalities of the Action Plan in order to be able to respond to the emerging challenges and needs from the member states.
- 16. During the covid-19 pandemic work has been pursued on standard setting/policy level. Implementation of activities has been at a somewhat slower pace given that the online format of meetings and trainings is not the most appropriate way of supporting member states in applying standards and policies in their day-to-day work.
- 17. Furthermore, the influx of millions of people mostly women, children and elderly persons fleeing Ukraine required the Council of Europe to adapt the existing tools in upholding human rights of the persons in vulnerable situations. To this end, the first interim report provides an overview of the work carried out since the adoption of the Action Plan and describes the actions taken and how concretely they responded/are still responding to the needs of member states and also in the context of Russian Federation's aggression against Ukraine.
- 18. The report analyses the implementation modalities and co-ordinated approach to the implementation of the Action Plan (Chapter 2) and the concrete outputs of the Action Plan according to its main objectives (Chapter 3). It also addresses the complementarity of the Action Plan with other activities undertaken by the Organisation (Chapter 4) and Multilateral Co-operation (Chapter 5). After a brief financial overview (Chapter 6), the report summarises the lessons learned and makes suggestions for future strategies and action (Chapter 7).

## 2. Protection of Vulnerable Persons in the Context of Migration – Priority Action for the Council of Europe

#### 2.1 Implementation modalities and transversal approach

- 19. The implementation of the Action Plan started at the time of an unprecedented public health crisis. The covid-19 pandemic exacerbated existing inequalities such as access to healthcare, welfare services, education and employment.
- 20. The Russian Federation's aggression against Ukraine started on 24 February 2022 and created the largest human displacement crisis in Europe since World War II. Poland, Hungary, the Republic of Moldova, the Slovak Republic, Romania and the Czech Republic have received more than five million<sup>2</sup> refugees originating from Ukraine alone.
- 21. To address these challenges, several existing working methods were used, namely, the inter-secretariat Council of Europe Co-ordination Group on Migration (hereafter referred to as "Co-ordination Group on Migration") and the Network of Focal Points on Migration, which are chaired by the Special Representative on Migration and Refugees.

<sup>&</sup>lt;sup>2</sup> UNHCR Operational Data Portal: <u>Situation Ukraine Refugee Situation (unhcr.org)</u>.

- 22. Five meetings of the Co-ordination Group on Migration were organised, where the implementation modalities of the Action Plan were discussed and internal procedures relating to the programmatic and financial management of the Action Plan were presented and agreed. The work of the Co-ordination Group on Migration gathered all relevant Council of Europe entities involved in the implementation of the Action Plan.
- 23. Through the work of the Co-ordination Group on Migration a strong relationship and information exchange with the Council of Europe Conference of INGOs and its Committee on Migration was developed.
- 24. The set-up of internal co-ordination allowed to create links and synergies across different programmes. Within the reporting period, this was particularly visible as regards links between the activities carried out by the Education, Gender Equality and Dignity, Children Rights, Sport Values and Anti-discrimination Departments, and the Congress of Local and Regional Authorities regarding the inclusion and protection of persons in vulnerable situations in the context of migration.
- 25. The implementation modalities of the Action Plan implementation were also discussed with the member states through the Network of Focal Points on Migration. Moreover, in co-operation with the Directorate of Programme Co-ordination (DPC) and with the support of the Permanent Representative of Luxembourg, two working breakfasts were organised (in March and April 2022) for the Permanent Representations in Strasbourg. These working meetings served as information sessions on the current state of play regarding the Council of Europe's work in the field of migration and asylum and to further highlight the objectives of the Action Plan.
- 26. As part of newly-introduced working methods, a member of the Group of Experts on Action against Trafficking in Human Beings (GRETA), a member of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and a member of the Committee of the Parties of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) participated in the fact-finding missions to the <a href="Czech Republic">Czech Republic</a> (4–6 May 2022), the <a href="Slovak Republic">Slovak Republic</a> (2–4 May 2022), <a href="Poland">Poland</a> (30 May–3 June 2022) the <a href="Republic of Moldova">Republic of Moldova</a> (13–14 June 2022) and Romania (12–14 December 2022). More information is provided under Chapter 3 and Chapter 4 of this report.
- 27. The Plan supported Action the implementation of Strategy for the Rights of the Child (2016-2021) and provided information on the priorities for the implementation of a new Strategy for the Rights of the Child (2022-2027) by tackling situations of vulnerability of children affected by migration and forced displacement (including for the purpose of child labour)3. Furthermore, the Action Plan supports the implementation of Gender Equality Strategy 2018-2023, by specifically addressing the protection of the rights of migrant, refugee and asylum-seeking women and girls (Strategic Objective No. 5). The activities of the Action Plan related to the equity of access to healthcare in the context of the pandemic and health literacy are supporting priorities of the Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025). Finally, the implementation of the Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants is supported through the Network of Prosecutors on Migrant Smuggling.

<sup>&</sup>lt;sup>3</sup>These groups of children face additional barriers to having their rights respected, in particular their right to health, education, access to legal assistance, or protection from violence and exploitation including sexual abuse, and they are at higher risk of going missing.

- 28. The transversal approach of the Action Plan seeks to further bridge the work of the Council of Europe with activities carried out by the Council of Europe Development Bank (CEB). The <u>Bank's Development Plan (2020-2022)</u> includes among its three strategic lines of action, namely, reflecting the Bank's social mandate, the support for vulnerable groups, including migrants and refugees.
- 29. Additional information on other activities carried out by the Organisation that are not directly linked to the Action Plan, and which contributes to its implementation, is available in Chapter 4 of this report.

#### 2.2 Communication on the Action Plan

- 30. The Action Plan was published in May 2021<sup>4</sup> and an information brochure in <a href="English">English</a> and in <a href="French">French</a> was developed. In addition, some visibility items, such as roll-ups and posters were produced. Since then, a number of activities have taken place to present the Action Plan internally and externally. The Action Plan and its progress has been presented in the regular meetings of the Council of Europe Network of Focal Points on Migration to representatives of member states dealing with migration issues at national level. It has also been presented in the internal co-ordination group meetings within the Council of Europe. Other meetings include the European Committee on Legal Co-operation (CDCJ), Migration Committee of the Parliamentary Assembly of the Council of Europe (PACE), Steering Committee for the Rights of the Child (CDENF), Congress of Local and Regional Authorities, and the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO).
- 31. The Action Plan was also presented to partners in the EU institutions (EU COM, EEAS, Council, EP) and agencies (EU Agency for Fundamental Rights (FRA), European Union Agency for Asylum (EUAA), Frontex) and European Migration Network (EMN). In addition, it was presented to other international partners such as UNHCR, OHCHR, IOM and OSCE/ODIHR, including civil society organisations (CSOs), and at the Council of Europe Conference of INGOs.
- 32. A dedicated <u>webpage</u> was created to follow the implementation of the Action Plan in real time. It is continually updated with new activities and events of the relevant entities in the Organisation. In addition, a new <u>thematic page</u> was created on migrant children's transition to adulthood.
- 33. Finally, more than 300 awareness-raising activities<sup>5</sup> were carried out during the reporting period, four videos featured the Action Plan, 14 Newsletters on migration mentioned the Action Plan and more than 30 news items <sup>6</sup> on the web had references to the Action Plan.

\_

<sup>&</sup>lt;sup>4</sup>On the occasion of its adoption by the Committee of Ministers in May 2021, the Action Plan was featured in a press release and a in news item on the <u>Council of Europe main webpage</u>.

<sup>&</sup>lt;sup>5</sup> the Action Plan was presented at several launches of <u>HELP online courses on asylum and human rights</u> (EU launch) and <u>refugee and migrant children</u> (the Western Balkans) and through virtual Asylum/Migration HELP e-Desks including the presentation at high-level conferences. Most recently, the Action Plan was presented at the <u>73rd session of the UNHCR Executive Committee</u> on 12 October 2022 as well as at the <u>43rd session of the Congress of regional and local authorities</u> on 25 October 2022.

<sup>&</sup>lt;sup>6</sup> The Action Plan has been highlighted in interviews and media coverage (DDV – LICRA, ANSA, Agence Europe, TERAZ, La Libre Belgique, Anadolu Agency, Reporter.gr, Zougla, Yaizakon.com.ua).

### 3. Progress report on the implementation of actions in the four priority areas

34. The overall implementation of the Action Plan is proceeding in conformity with the implementation modalities that were approved by the Committee of Ministers. The completed actions mostly concern recommendations and guidelines related to vulnerable persons in the context of migration, with a particular focus on migrant women and children. On a technical co-operation level, a number of activities took place within ongoing and recently launched projects in the field of migration and asylum, including initiatives relating to integration and social inclusion of migrants in the host communities. The activities of the Action Plan are grouped around four pillars and a brief description on the progress made under each of the Pillars is provided below:

Pillar 1 – Ensuring protection and promoting safeguards by identifying and responding to vulnerability (human rights)

35. Since the adoption of the Action Plan, tools have been developed to support member states in preventing and responding to abuse, neglect, exploitation of and violence against persons in vulnerable situations in the context of migration and asylum. In particular, this has been visible when addressing the issues relating to protection of women and children starting from vulnerability screening and enhancing protection in transit and reception centres to establishing gender-sensitive asylum, migration and integration policies. Furthermore, the effective alternatives to immigration detention were promoted, detention conditions and procedural safeguards were improved as has access to services, including access to healthcare.

#### 1.1 Promoting effective vulnerability screening and safeguards

- 36. To better respond to the multiple challenges that women and girls face in migration, the 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<sup>7</sup> was adopted in Turin on 20 May 2022. It addresses a broad range of issues faced by migrant women and girls both on the move and in countries of destination. It also provides member states with a checklist of measures to ensure that migrant women's human rights are better protected. The recommendation covers all migrant, refugee and asylum-seeking women and girls, including those in an irregular situation.
- 37. Furthermore, the 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 and its Explanatory Memorandum was adopted on 14 December 2022. It is the first international legal instrument setting human rights standards on age assessment in the context of migration.

<sup>&</sup>lt;sup>7</sup>The text of this Recommendation is already available in Hungarian, Romanian, Spanish, and Ukrainian.

- 38. Regarding the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse, the <a href="Lanzarote Committee adopted ten compliance reports">Lanzarote Committee adopted ten compliance reports</a> in March 2022 assessing the follow-up given by the parties to ten key recommendations of its <a href="2017 Special Report">2017 Special Report</a>. Building on the findings of the Special Report, the Lanzarote Committee Secretariat has developed a <a href="checklist">checklist</a> containing concrete examples of measures that may be put in place to prevent sexual exploitation and sexual abuse, identify and report child victims, provide support to child victims of sexual exploitation and sexual abuse and prosecute perpetrators.
- 39. As regards the co-operation activities, the Office of the Special Representative on Migration and Refugees started a process relating to the development of practical guidance on the identification and referral of vulnerable persons in the context of migration. A mapping study has been commissioned to gather information on existing guidance at national and international level and to make recommendations as to the best approach to be taken by the Council of Europe and will be discussed in 2023.

#### 1.2 Enhancing special assistance, protection and support services

- 40. The <a href="Explanatory Memorandum of Recommendation CM/Rec(2019)11">Explanatory Memorandum of Recommendation CM/Rec(2019)11</a> of the Committee of Ministers to member states on effective guardianship for unaccompanied and separated children in the context of migration was adopted by the Steering Committee for the Rights of the Child (CDENF) on 15 June 2022 and the Committee of Ministers took note of it at the 1442nd Meeting of the Ministers' Deputies (14–15 September 2022). This Explanatory Memorandum will contribute to the implementation of the Recommendation.
- 41. The European Committee on Legal Co-operation (CDCJ) is preparing a draft guide for practitioners on the administrative detention of migrants and asylum-seekers to support implementation of existing standards in this field. A CDCJ limited working group on migration (CDCJ-MIG) was established in 2022 and two meetings were held on 19–20 May and 12–13 October 2022. The Office of the Special Representative on Migration and Refugees participated in the first meeting and provided comments on the draft guide in October 2022. It is expected that CDCJ will adopt this guide at its 100th plenary meeting in May 2023.
- 42. As regards the co-operation activities, the DGI Co-operation Programmes Division has organised and contributed to various capacity-building and awareness-raising activities on alternatives to immigration detention in different member states. Project proposals on facilitating, among others, the development and implementation of effective alternatives to immigration detention and enhancing detention conditions and procedural safeguards have also been developed. The implementation of these projects is subject to the availability of funding.
- 43. Several activities on alternatives to immigration detention, monitoring conditions of detention and identifying vulnerable persons have also taken place in the framework of the ongoing co-operation project on the human rights protection of migrants in Türkiye. The project implemented by the DGI Co-operation Programmes Division under the second phase of the Horizontal Facility for the Western Balkans and Türkiye (Joint Programme of the European Union and Council of Europe), ended in December 2022.

### 1.3 <u>Enhancing access to healthcare, involvement in disaster risk reduction and emergency measures</u>

- 44. The Human Rights and Biomedicine Division is working on three texts: a <u>Guide to health literacy Contributing to trust building and equitable access to healthcare</u>, drafted with the active involvement of the Office of the Special Representative on Migration and Refugees, was adopted at the CDBIO meeting on 2 and 3 November 2022.
- 45. A Recommendation on equitable access to medicinal products and medical equipment in a situation of shortage was finalised and approved at the CDBIO meeting on 2 and 3 November 2022 and is awaiting adoption by the Committee of Ministers. The work on equitable access to innovative treatments is about to start.
- 46. As regards the Pompidou Group, a capacity-building seminar was organised in Palermo 21–23 September 2021 on "Responding to drug-related challenges for refugees, migrants and IDPs". A <u>Handbook on Intercultural Responses to drug-related challenges</u> for professionals working in the field of addictions with refugees, migrants and IDPs, focusing on the screening of drug-addiction vulnerabilities was finalised and presented to the Ministerial Conference of the Pompidou Group on 13–14 December 2022 in Lisbon. Finally, a multilateral co-operation project for nine countries<sup>8</sup> has been planned and it is subject to availability of funding. It will focus on addressing drug-related challenges linked to migration, strengthening refugees' and migrants' rights of access to health and contributing to the elimination of criminal activities within temporary settlements.

#### Pillar 2 – Ensuring access to law and justice (human rights and the rule of law)

47. Specific actions have taken place to strengthen special procedural safeguards and support services to enable particularly children, women and other groups with special needs, to co-operate and engage with the justice system. The actions focused on clarification of standards and exchange of good practices in preventing ill-treatment and violence by also focusing on the implementation of child-friendly justice in the fields of administrative and migration law.

#### 2.1 Strengthening procedures and improving decision-making

- 48. The Committee of Ministers adopted <u>Guidelines on the efficiency and the effectiveness of legal aid schemes</u> on 31 March 2021. These Guidelines serve as a practical framework to assist member states in the areas of civil and administrative law, particularly in respect to their effectiveness and efficiency, including for migration-related procedures.
- 49. The CDDH adopted on 25 November 2021 a <u>Guide on family-based care for unaccompanied and separated children</u>, which aims at promoting effective protection systems for unaccompanied and separated children on the move and ensuring that they have access to quality care and support, with a particular focus on family-based accommodation as the preferred option.

<sup>&</sup>lt;sup>8</sup> Bosnia and Herzegovina, Croatia, Greece, Hungary, Italy, Malta, Serbia, Slovak Republic and Slovenia.

- 50. Regarding the Execution of Judgments of the European Court of Human Rights, a <a href="https://doi.org/10.10/10.10/">Thematic factsheet on cases related to migration and asylum</a> was published in November 2021 by the Department for the Execution of Judgments. The factsheet sets out examples of general and, where possible, individual measures adopted and reported by states in the context of their execution.
- 51. Finally, the Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (108 Convention) is preparing draft Guidelines on digital identity, which was discussed at the 43rd Meeting of the Consultative Committee held on 16 November 2022. Preparation of a normative document on digital identity in the context of intra and extra European migrations is also envisaged as part of Work Programme for 2022-2025, directly contributing to the activity of the Action Plan.
- 52. As regards the co-operation activities, the Gender Equality Division's ongoing co-operation projects in <a href="Ukraine">Ukraine</a> and the <a href="Republic of Moldova">Republic of Moldova</a> which focus on awareness raising activities in the field of combating violence against women, have been adapted to include the needs of asylum-seeking and refugee women and girls resulting from the current situation following Russian Federation's aggression against Ukraine.
- 53. The first thematic discussion on child-friendly approaches and procedures in migration was held at the 5th Meeting of the Network of Focal Points on Migration on 9–10 June 2022. The discussion focused on the presentation of the Council of Europe work in the area of migrant and refugee children, including the debrief of the event on age assessment held under the Italian Presidency of the Committee of Ministers on 30 June 2023 in Rome and overview of the caselaw of the European Court of Human Rights regarding migrant and refugee children. The discussion included the testimony of a young refugee who shared her personal experience of a young person "on the move" through a migration route to come to Europe.
- 54. Moreover, activities under the Action Plan contributed to Pledge 1 and 2 under the Global Action Plan to End Statelessness 2014-2024. More specifically, an international conference and a technical meeting of experts<sup>9</sup>, co-organised by CDCJ and UNHCR, on Statelessness and the right to a nationality in Europe: progress, challenges and opportunities, took place in Strasbourg on 23–24 September 2021, while a joint roundtable was co-organised by the Council of Europe and UNHCR on 21 September 2022, in Skopje (North Macedonia) on "Access to social and economic rights and integration related services for refugees and stateless persons".
- 55. Finally, the first set of activities relating to the setting up of a Council of Europe Network of Prosecutors on Migrant Smuggling was endorsed by the CDPC Plenary on 7–9 December 2021 under the Action Plan on fostering international co-operation and investigative strategies in fighting the smuggling of migrants. It is expected that by the end of 2022 all member states will have appointed their representatives to this Network.

\_

<sup>&</sup>lt;sup>9</sup>The events provided an opportunity for member states, national authorities with specific expertise, international organisations, civil society representatives and stateless individuals to exchange views on how to successfully contribute to ending statelessness in Europe and guarantee the provision of fundamental rights set out in relevant international and regional treaties. Priority follow-up actions to be undertaken in the period 2022-2025 to pursue the Council of Europe work on statelessness include the elaboration of guidance on child-sensitive procedures for stateless children and on the establishment of nationality, in particular for children. Final report of the event is available via following link: <a href="https://rm.coe.int/cdcj-2022-12-statelessness-report-of-the-international-conference-and-/1680a74cfa">https://rm.coe.int/cdcj-2022-12-statelessness-report-of-the-international-conference-and-/1680a74cfa</a>.

#### 2.2 Empowering vulnerable persons to access their rights

- 56. In 2021 the Youth Department started developing a youth and user-friendly guide to implement the Recommendation CM/Rec(2019)4 of the Committee of Ministers of the Council of Europe to member states on Supporting Young Refugees in Transition to Adulthood. The guide will be launched under Icelandic Presidency.
- 57. DGI Co-operation Programmes Division launched a multilateral co-operation project in January 2022, aiming at fostering long-term improvements in the quality of support for unaccompanied migrant children during their transition to adulthood in Greece, Netherlands and Spain. The project is funded by the EU (DG HOME Asylum, Migration and Integration Fund) and the Council of Europe and is jointly implemented with the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum of Greece, Solidarity Now (Greece), Stichting Nidos (Netherlands) and Fundación Cepaim (Spain).
- 58. The Council of Europe's <a href="https://handbook.or.new.com/h

Pillar 3 – Fostering democratic participation and enhancing inclusion (human rights and democracy)

59. Support was provided to member states to help strengthen the resilience of the local communities in addressing migration challenges by complying with human rights obligations and ensuring the respect of principles of non-discrimination, equality and democratic participation. The activities tackled the issues relating to social inclusion in education, building trust in local communities and reshaping the narratives on migration. The capacity of legal professionals was enhanced through specifically designed HELP training modules on migration and asylum. The Anti-discrimination and Education Departments supported inclusion and promoted community cohesion through the implementation of tailor-made initiatives.

#### 3.1 Promoting non-discrimination and diversity

60. Within the reporting period, 33 HELP tutored courses related to migration (Asylum and Human Rights, Refugee and Migrant Children, Alternatives to Immigration Detention) were launched and aimed at enhancing the capacity of 3 284 legal professionals who took part in the trainings to coherently and effectively apply European and international standards in respect of vulnerable persons in the context of migration and asylum<sup>11</sup>.

<sup>&</sup>lt;sup>10</sup> Requests for translation into Portuguese, Slovenian and Polish received from national stakeholders have been authorised and the translation is envisaged to be finalised in the forthcoming period.

<sup>&</sup>lt;sup>11</sup> The regional launch of the HELP course on refugee and migrant children in the Western Balkans took place on 25 May 2021. The course was also launched for Türkiye and Greece. In addition, launches of the HELP course on Asylum and Human Rights took place in Armenia, Bosnia and Herzegovina, Bulgaria, Greece, Italy, Lithuania, Kosovo\*, Montenegro, North Macedonia, Portugal, Serbia, Türkiye, as well at regional level in the EU and the Western Balkans.

<sup>&#</sup>x27;All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

- 61. Furthermore, the HELP programme is implemented in South-East Europe under the EU/Council of Europe Joint Programme "Horizontal Facility for the Western Balkans and Türkiye 2019-2022" and in EU countries through funding from the European Union Justice Programme (2021-2027) under the EU-CoE HELP EU II and III projects. Thanks to this funding, the relevant HELP courses have been translated into many languages<sup>12</sup>. Given the increased demand for HELP migration related content and in order to sustain in a systematic manner the growing interest of national training institutions towards the HELP Asylum/migration related courses, a specific project has been developed. The project would serve as a natural follow-up to the project "HELP Refugees and Migrants Including Children" which was implemented under the Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019). The implementation of the project is subject to availability of funding.
- 62. Following the implementation of the Linguistic Integration of Migrant Adults (LIAM Project) that has been carried out since 2006 by the Education Department and which has resulted, in amongst other things, the launching in 2017 of a Toolkit for volunteers and teachers providing language support to adult migrants; a child-friendly version is being designed. It aims at strengthening the capacity of the education systems and communities to facilitate integration of children with a migrant background. To this end, the project TOOLKID was launched in February 2022 to support the linguistic integration of migrant and refugee children in schools and local communities in their hosting countries. The activities focused on development of the practical guide to support educators in schools for which partial funding from the ordinary budget and voluntary contributions has been secured. Further funding is however required to allow for piloting and adequate implementation of the project.
- 63. The Sport Migrant Integration Platform continues to be a useful tool to exchange good practices and connect initiatives on this topic. A database on sport and migration was set up by Integration of Refugees through Sport (IRTS) with the support of the Council of Europe. Co-operation with UEFA and UNHCR on the issue is ongoing, including through the participation of the Special Representative on Migration and Refugees, as a jury member, in the <a href="UEFA/UNHCR Football">UEFA/UNHCR Football</a> and Refugee Grant Scheme announced for World Refugee Day on 20 June 2022. Finally, the <a href="17th Council of Europe Conference of Ministers responsible for Sport">17th Council of Europe Conference of Ministers responsible for Sport</a> was held on 26 October 2022 in Antalya, Türkiye. The Conference brought together representatives of over 50 countries. The themes focused on "Sport for all: uniting us for stronger societies", and a discussion on "sports as a means of inclusion: its role for less advantaged people". A <a href="side event on the inclusion of migrants and refugees through sport">17th Council of Europe Conference of Ministers responsible for Sport</a> was held on 26 October 2022 in Antalya, Türkiye. The Conference brought together representatives of over 50 countries. The themes focused on "Sport for all: uniting us for stronger societies", and a discussion on "sports as a means of inclusion: its role for less advantaged people". A <a href="side event on the inclusion of migrants and refugees through sport">17th Council for Europe Conference of Ministers responsible for Sport for all: uniting us for stronger societies", and a discussion on "sports as a means of inclusion: its role for less advantaged people". A <a href="side event on the inclusion of migrants and refugees through sport">17th Council for Europe Conference of Ministers responsible for Sport for Europe Conference of Ministers responsible for Sport for Europe Conference of Ministers responsible for Sport for Europe Conference of Ministers

<sup>12</sup>The updated Asylum and Human Rights course is now available in 24 languages; Refugee and Migrant Children in 17 languages and Alternatives to Immigration Detention in 10 languages.

#### 3.2 Promoting democratic participation and inclusion

- 64. In June 2021, the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) adopted a Model Framework for an intercultural integration strategy for the national level.
- 65. The Recommendation /Rec(2022)10 of the <u>Committee of Ministers to member States on multilevel policies and governance for intercultural integration</u> was adopted on 6 April 2022. The new standards for intercultural integration recommend that national integration strategies be based on real equality; valuing diversity; fostering meaningful intercultural interaction; and promoting active citizenship and participation.
- 66. In addition, the Intercultural Cities Programme (ICC) issued a <u>policy brief</u> based on research about alternative narratives being developed by cities, big and small, in relation to migration and integration. The <u>online training programme on alternative narratives and inclusive communication</u> was developed in 2021 and is open to the members of the ICC network.
- 67. Tailor-made projects to support the implementation of the integration policies were launched in <a href="Cyprus">Cyprus</a> in June 2021, <a href="Finland">Finland</a> and <a href="Italy">Italy</a> in September 2022 through a joint programme of the European Commission's Directorate General for Structural Reform Support (DG Reform) and the Council of Europe.
- 68. The progress has also been noted as regards the implementation of <a href="the-European Qualifications Passport for Refugees (EQPR)">that completed its second phase in December 2021. The second phase of the project achieved the results foreseen 13. The third phase of the project started in January 2022, focusing on refugees and the assessment of their qualifications based on onsite evaluation sessions in Greece, France, Italy and in any other requesting country. It is also based on online evaluations, which have been developed and used as the main approach during the pandemic. The EQPR was promoted and as a result the number of member states joining the network increased from 13 to 20 (as of September 2022). The project implementation was also adapted to respond to the current crisis caused by Russian Federation's aggression against Ukraine (more information available under Chapter 4).

Pillar 4 – Enhancing co-operation between migration and asylum authorities in Council of Europe member states (transversal support)

69. The Council of Europe Network of Focal Points on Migration continued having a central role in enabling co-operation and dialogue among migration and asylum authorities in Council of Europe member states. In 2022, the participation of all 46 member states to the Network was ensured. This increased attendance of the member states was particularly visible during the organisation of fact-finding missions as well as in the thematic discussions where the inter-agency co-operation is further strengthened, and good practices and lessons learned exchanged among its members.

<sup>&</sup>lt;sup>13</sup> By the end of 2021, 734 candidates had been interviewed (out of which 385 in online interviews). As a result, 612 EQPRs had been issued (out of which 317 had their interviews conducted online). Out of 612 EQPR holders, 473 are male and 139 are female. Refugees based in Armenia, France, Greece, Italy and the Netherlands have had their qualifications assessed.

#### 4.1 <u>Promoting inter-agency co-operation</u>

- 70. During the reporting period, five meetings of the Network of Focal Points on Migration were organised (ordinary meetings in June and December 2021 and June and December 2022, as well as an extraordinary meeting on 9 March 2022). The meetings of the Network ensure that the Council of Europe activities in the field of migration, as well as the Action Plan, are adjusted adequately to respond to the needs of member states. Existing standards and practices are further promoted through the work of the Network, by organising thematic discussions, like the one on child-friendly approaches and procedures in migration, in June 2022 (more details under Pillar 2.1). Moreover, a restricted web space has been created within the website of the Special Representative on Migration and Refugees, allowing members of the Network to share and access relevant documents that can be of help in their work. The last meeting in December 2022 confirmed the commitment of member states to protect persons in a vulnerable situation fleeing Ukraine.
- 71. In 2021, two fact-finding missions were organised, namely to Bosnia and Herzegovina and Türkiye, and five missions in 2022, namely, to the Slovak Republic, Czech Republic, Poland, Republic of Moldova and Romania. The fact-finding missions served as an opportunity for the Special Representative on Migration and Refugees to witness the situation on the ground and to provide recommendations and follow up actions in line with Council of Europe expertise focusing on the persons in vulnerable situations. Communication with the Permanent Representations and the Network of Focal Points on Migration proved instrumental in organising these missions and carrying out related follow-up activities.
- 72. Finally, the Special Representative on Migration and Refugees participated in several high-level events, such as the Sarajevo Migration Dialogue (November 2021), the Antalya Diplomacy Forum (March 2022), the Bled Strategic Forum (August 2022) and 17th Council of Europe Conference of Ministers responsible for Sport (October 2022), and addressed sessions of the European Parliament's LIBE Committee, PACE Migration Committee meetings and plenary sessions of the Congress of Regional and Local Authorities, which provided an opportunity to present the work of the Council of Europe in the field of migration and asylum, and to strengthen co-operation and information exchange with relevant stakeholders from the member states.

#### 4.2 Fostering peer-to-peer exchanges

73. The caselaw of the European Court of Human Rights in the fields of migration and asylum was presented to the members of the Network of Focal Points on Migration during June and December meetings organised in 2022.

#### 4. Additional activities

74. This chapter provides an overview of additional activities that took place within the reporting period. These activities are not directly referenced in the Action Plan; however, they support the overall objective and respective Pillars of the Action Plan and further complement its implementation. Most of the activities listed are primarily focused on supporting member states in upholding human rights of vulnerable persons fleeing Ukraine but are also applicable in other contexts of migration and asylum.

#### Adaptation of the Action Plan implementation

75. Following Russian Federation's aggression against Ukraine, a number of actions were undertaken in close co-operation with other relevant entities within the Organisation as well as with other international partners in order to address the needs of the member states. Meetings were organised with EU institutions and relevant international organisations as well as with the member states through the Network of Focal Points on Migration. As a follow-up to the consultations and fact-finding visits, the Action Plan was adapted in the form of a "support package" which can offer tailor-made support to member states based on their needs. Several activities have taken place to address the recommendations included in the reports of the fact-finding missions of the Special Representative on Migration and Refugees.

#### <u>Protection of women and children in vulnerable situations</u>

- 76. In May 2022, the Group of Experts on Action against Trafficking in Human Beings (GRETA) launched a <u>Guidance note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis</u>. The Guidance note explains what can be done by member states, quickly and without the need for structural reforms, to provide immediate assistance to people who have fled Ukraine, including to detect potential victims of human trafficking and adequately protect them.
- 77. The Committee of Ministers' Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, was adopted in September 2022, as human trafficking for the purpose of labour exploitation is on the rise in Europe, affecting an increasing number of women, men and children. The Recommendation draws on the monitoring work and guidance of GRETA, caselaw of the European Court of Human Rights, and conclusions and decisions of the European Committee of Social Rights.

- 78. The Lanzarote Committee developed a "Handbook on Protection of children against sexual exploitation and sexual abuse in crisis and emergency situations" to guide practitioners and policymakers in reception, transit and destination countries to better prevent and protect children against sexual exploitation and sexual abuse. Although the handbook has been drafted to help authorities working to protect children who have fled Ukraine, the challenges highlighted, and the proposed recommendations will be applicable to other crisis and emergency situations as well. The handbook is a more detailed version of the Checklist on protection of children affected by the refugee crisis from sexual exploitation and sexual abuse: States' main obligations under the Lanzarote Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse available in English, French, Hungarian, Polish, Romanian, Slovak and Ukrainian. The Office of the Special Representative on Migration and Refugees, through voluntary contributions, supported the translation of the handbook and checklist in different languages.
- 79. As regards the co-operation activities, the Human Dignity and Gender Equality Department has developed a fully-fledged project to support the implementation of the new Committee of Ministers' Recommendation CM/Rec(2022)17 on Protecting the rights of migrant, refugee and asylum-seeking women and girls, along with the standards stemming from the Istanbul Convention and the Convention on Action against Trafficking in Human Beings and the Lanzarote Convention. The project is subject to the availability of funding.
- 80. Finally, on 21 September 2022, the Special Representative on Migration and Refugees in co-operation with relevant Council of Europe entities and UNHCR organised a <a href="thematic discussion">thematic discussion</a> in the Slovak Republic on protection against abuse and exploitation of vulnerable persons, in particular women and children who have fled Ukraine. Relevant standards of the Council of Europe in this regard were presented to the national authorities.

#### Strengthening human rights protection of refugees and migrants

- 81. With EU financial support, the HELP Programme has set up virtual Asylum/Migration HELP e-Desks<sup>14</sup> managed by HELP tutors and legal experts to support lawyers assisting refugees from Ukraine in four EU neighbouring countries (Romania, the Slovak Republic, Hungary and Poland). The same was done for the Republic of Moldova with Council of Europe funding. National HELP e-Desks have also been set up for Belgium, Bulgaria, Cyprus, Czech Republic, France, Germany, Greece, Ireland, Italy and Spain. In parallel, a similar Asylum/Migration National HELP e-Desk has been developed for Ukraine for those still in the country that need legal information on asylum/migration/displacement issues.
- 82. Following the recommendations from fact-finding mission report to Poland, on 20 October 2022, the Special Representative on Migration and Refugees supported the organisation of the Council of Europe and UNHCR launch event in Warsaw for the HELP online course "Asylum and Human Rights" for Polish legal professionals.

<sup>&</sup>lt;sup>14</sup>The Asylum/Migration HELP e-Desks facilitate access of legal professionals to information and training about effective handling of cases at national level related to refugees and displaced persons, with an immediate focus on refugees from Ukraine. They are already connecting a network of over 1 100 lawyers and other legal and asylum professionals in Europe.

83. As a follow up to the fact-finding mission reports to the Republic of Moldova and Poland, pilot events entitled "Seminar on Psychological Support to Refugees: Strengthening Professional Capacities" were organised in Chisinau on 15–17 June and in Warsaw on 19–20 December 2022 by the Council of Europe Confidence Building Measures Division. of the Directorate of Political Affairs and External Relations, in co-operation with the respective authorities from the Republic of Moldova and Poland. This pilot seminars aimed at strengthening the skills of psychologists, teachers and social workers to detect signs of war-related traumas in women and children and treat them adequately. A fully-fledged two-year project is now being launched and implemented by DGI Co-operation Programmes Division, to strengthen the human rights protection of refugees and migrants in the Republic of Moldova. The project aims to support the authorities of the Republic of Moldova and other national stakeholders in addressing the needs of refugees and migrants while building resilient migration, asylum and reception systems in the long term. The project will have a module on access to mental healthcare including psychological support to refugees. Partial funding of the project is secured through voluntary contributions and while some activities are already carried out, the official launch is planned for early 2023.

#### Education and qualifications recognition

84. The Steering Committee for Education unanimously adopted the "Statement on the educational consequences of the Russian Federation's Aggression against Ukraine". It invites the Council of Europe, notably through its Education for Democracy Programme, to develop psychological support programmes for children and young people traumatised by war or displacement and to strengthen and diversify the training offered to teaching and non-teaching staff directly involved in the reception and integration of refugee children and young persons into various education systems. The Education Department supported the development of nine practical guidelines to provide language support for children arriving from Ukraine, while 23 practical checklists have been adapted from the Toolkit for adults to provide language support for adults arriving from Ukraine. Bearing in mind that language skills foster, among other things, social inclusion, access to education and employment, the aim is to support language educators, curriculum designers and language policy makers in their endeavour to design, implement, evaluate and improve curricula. A Council of Europe website Education in times of crisis proposes emergency measures for Ukrainian refugees and their host countries. The European Qualifications Passports for Refugees project has been adapted to facilitate the recognition of academic and professional qualifications and to make it easier for employers and training institutions to understand the qualifications of Ukrainians arriving in the EU and therefore enabling their access to the job market. The European Commission has published a Recommendation on recognition of qualifications obtained in Ukraine which refers to the EQPR as one of the measures to help assessment of refugees' qualifications in cases when no other solutions are possible.

#### Parliamentary Assembly of the Council of Europe

85. The Parliamentary Assembly of the Council of Europe has contributed with valuable reports, resolutions and discussions on various migration-related topics, among which the following could be mentioned: <a href="Humanitarian consequences">Humanitarian consequences and internal and external displacement in connection with the aggression of the Russian Federation against Ukraine; Protection and alternative care for unaccompanied and separated migrant and refugee children; Role of parliaments in implementing the United Nations global compacts for migrants and refugees; European Union Pact on Migration and Asylum: a human rights perspective; Gender mainstreaming of migration policies; Instrumentalised migration pressure on the borders of Latvia, Lithuania and Poland with Belarus; Humanitarian action for refugees and migrants in countries in North Africa and the Middle East; Climate and migration; 70th anniversary of the 1951 Refugee Convention: the Council of Europe and the international protection of refugees; Safe third countries for asylum seekers; and Pushbacks on land and sea: illegal measures of migration management.

#### Congress of Regional and Local Authorities

- 86. The Congress of Local and Regional Authorities adopted the Report on the Reception of women and children refugees in Europe's cities and regions in October 2022 following the visit of their delegation to Poland in July 2022. The Report includes a resolution and recommendation calling on relevant authorities to develop gender-sensitive and child-friendly reception policies, including via education and housing, and to protect women and children refugees from violence by developing screening mechanisms to identify victims.
- 87. A fully-fledged project focusing on strengthening resilience in local and regional authorities facing migration challenges has been developed. The project aims at providing support to local authorities in promoting the protection of migrants' rights, especially those of women and children, and promoting their inclusion and integration in local communities by complying with human rights obligations and ensuring the respect of principles of non-discrimination, equality, and democratic participation. The project will be implemented in the Republic of Moldova, Poland, Romania and Slovak Republic. Partial funding has been secured and further funding is needed to allow adequate implementation.

#### Council of Europe Development Bank (CEB)

88. The CEB through its Migrant and Refugee Fund (MRF) continued supporting member states in addressing needs of the most vulnerable groups. In June 2021, CEB and IOM signed three grant agreements to the value of €900 000, to continue providing essential assistance to migrants and refugees in Bosnia and Herzegovina and North Macedonia. The support provided to Bosnia and Herzegovina complemented the findings of the fact-finding mission that was conducted by the Special Representative on Migration and Refugees earlier that year. The CEB has so far provided €13.7 million in grant contributions from MRF to ensure an adequate response to migration on the Balkan route.

- 89. In 2022, CEB approved almost €6.4 million in grants from MRF to the offices of IOM and CEB member countries that are recording substantial refugee inflows from Ukraine (Bulgaria, Czech Republic, Estonia, Greece, Hungary, Lithuania, Republic of Moldova, Poland, Romania and Slovak Republic). This funding is used to provide safe transport, shelter, medical care, counselling, and data collection/registration of refugees.
- 90. The CEB Vice-Governor participated in the 5th meeting of the Network of Focal Points on Migration in June 2022, where he informed Network members about CEB activities especially in response to the needs of people who have fled Ukraine.

#### 5. Multilateral co-operation

- 91. In line with her <u>mandate</u>, the Special Representative on Migration and Refugees liaises and exchanges information with relevant international organisations and specialised agencies in order to foster co-operation in the field of refugees and migration. In this context, the role of the Special Representative on Migration and Refugees is to 1) explain the standards and obligations stemming from the European Convention on Human Rights, as interpreted by the European Court of Human Rights, as well as other Council of Europe standards; 2) inform of the Council of Europe's assistance and support available to its member states in order to fulfil their obligations under these standards; and 3) work with other relevant international organisations in a co-ordinated manner to create synergies.
- 92. While co-ordinating and co-operating with international partners, the Special Representative on Migration and Refugees placed particular emphasis on the promotion of the Action Plan and continues to reach out with the aim of creating synergies and aiming for joint projects in the context of its implementation and beyond.

#### European Union and its Agencies

93. Regular meetings take place at high political level with relevant interlocutors at the level of the European Commission, the External Action Service (EEAS), the Council of the EU and with the European Parliament/LIBE. Meetings are also organised at a more technical level with the European Commission Migration and Home Affairs Directorate General (DG HOME). These exchanges allow for informing of developments on each side and presenting relevant standards and obligations, as well as enhanced and co-ordinated approaches where and whenever possible. This dialogue at political level also aims at facilitating the financing of capacity-building projects related to migration and refugees in the framework of the Action Plan.

- 94. The co-operation with the European Union Agency for Fundamental Rights has been developed and strengthened in the area of migration and refugees. Two joint notes were developed, namely on the "Fundamental rights of refugees, asylum applicants and migrants at European borders" (March 2020), and on "European standards on remedies, complaints mechanisms and effective investigations at borders" (July 2021) providing a complete picture of existing standards and obligations stemming from the ECHR and EU law. They complement the Handbook on European law relating to asylum, borders and immigration was jointly produced by the ECtHR and FRA.
- 95. Relations have been established with Frontex by expanding the mandate of the Council of Europe Liaison Office in Warsaw to follow the activities carried out by the Agency, in particular its Fundamental Rights Officer (FRO) and the Fundamental Rights Office. Regular exchanges take place in this context, with the aim of increasing the Agency's awareness on human rights implications of their operations. As a result, two official study visits of the FRO and the newly recruited Fundamental Rights Monitors in the Council of Europe in <a href="November 2021">November 2021</a>, and <a href="November 2022">November 2022</a> were organised respectively. These visits aimed to improve the understanding of Council of Europe standards applicable at borders, including informing the Frontex FRO and his team of the latest caselaw developments of the European Court of Human Rights.
- 96. Since January 2020, the Special Representative on Migration and Refugees represents the Council of Europe in the Consultative Forum of Frontex. This participation provides for the opportunity to inform, explain and recall the relevant Council of Europe standards and member states' obligations stemming from these standards.
- 97. A more co-ordinated co-operation with the European Union Asylum Agency (EUAA) is foreseen through future participation in the newly-created Consultative Forum of this specialised EU Agency.

#### **United Nations**

98. Within the UN family, relations are most developed with the United Nations High Commissioner for Human Rights (UNHCR) and are facilitated by UNHCR's Office presence in Strasbourg. Events were organised jointly in different member states of the Council of Europe focusing on relevant European Court of Human Rights caselaw, Council of Europe, European Union and UNHCR actions on asylum and migration. The joint events and the actions proposed in the framework of the previous Action Plan on the Protection of Refugee and Migrant Children in Europe (2017-2019) contributed to concrete thematic co-operation, such as on alternatives to immigration detention, on statelessness, on education (recognition of refugees' qualifications – EQPR), and resulted in the development of new training modules provided in the framework of the HELP free online courses on refugee and migrant children and on alternatives to immigration detention. Capacity-building activities are carried out in the context of the current Action Plan and as a follow up to the fact-finding visits conducted in the past 20 months.

<sup>&</sup>lt;sup>15</sup>Summarises key safeguards of European law as they apply at the EU's external borders, bearing in mind that relevant Council of Europe instruments apply to all borders.

<sup>&</sup>lt;sup>16</sup> Sets out human rights standards stemming from both the European Convention on Human Rights and European Union (EU) law that apply to effective remedies for human rights violations at borders, together with those on complaints mechanisms and investigations into complaints of rights violations at borders.

- 99. The Special Representative on Migration and Refugees participates and intervenes regularly on behalf of the Organisation in meetings organised by the UNHCR, as well as representing the Council of Europe at other UN fora. She also provides feedback and follow up on behalf of the Organisation to the stock-taking on the implementation of the Global Compacts in line with the relevant provisions of the UNGA Resolution on the co-operation between the Council of Europe and the UN. In this context, the Special Representative on Migration and Refugees promotes the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025). Emphasis is given not only to its complementary nature and importance in the context of implementing the Global Compacts, but also to supporting the achievement of many of the Sustainable Development Goals (SDGs). The Action Plan contributes to SDG 3, 4, 5, 8, and globally contributes to achieving SDG 10.
- 100. Relations were established with Office of the High Commissioner for Human Rights (OHCHR) in October 2020, when bilateral exchanges took place with Human Rights Commissioner and were followed up by more regular exchanges on areas of possible co-operation, including on addressing the human rights of migrants in times of pandemic. In March 2021, the joint guidance on "Equitable access to COVID-19 vaccines for all migrants" has been issued by the Special Representative on Migration and Refugees, UN Committee on Migrant Workers (CMW), the Special Rapporteur on the human rights of migrants, OHCHR and regional human rights experts, calling states to take into account vulnerabilities, risks and needs of migrants who are most exposed and vulnerable to coronavirus when drawing up their prioritisation lists for vaccination. In the framework of her co-ordinating role, the Special Representative on Migration and Refugees regularly submits a written contribution on behalf of the Council of Europe to the reports of the UN Special Rapporteur on the human rights of migrants.
- 101. Relations with IOM were further strengthened in the past 20 months. Bilateral exchanges are regular and aim at exploring possible synergies relevant to the implementation of the Action Plan.

#### Other international relations

- 102. The relations are established with OSCE/ODIHR, and a more structured co-operation was put in place with the European Migration Network.
- 103. In addition, the Action Plan was presented to the International Centre for Migration Policy Development (ICMPD) where the need for co-operation in areas of common interest was highlighted by both sides.

SG/Inf(2023)8

#### 6. Financial overview

104. The overall budget of the Action Plan currently amounts to €11 272 739.40. To date, a total of €5 524 044.80 has been secured. The amount of funding secured includes Ordinary Budget and extra budgetary funding. Extra budgetary funding is split under: Unearmarked through voluntary contributions in the amount of €249 625.68 which includes contributions from the Andorra, Cyprus, Czech Republic, Luxembourg, Monaco, Slovenia and Türkiye. Earmarked to specific project or part of joint programmes in the amount of €3 977 252.21 including contributions from the European Union, Cyprus, Italy, Monaco and Norway.

23

- 105. The total budget includes 20 projects currently associated to the Action Plan, out of which 10 projects are fully funded while 10 projects are partially funded or require full funding.
- 106. To respond to the consequences of the Russian Federation's aggression against Ukraine in line with the recommendations from the fact-finding mission reports and within the implementation of the Action Plan, prioritisation of funding needs has been made.
- 107. Priorities focus on activities relating to the strengthening of human rights, protection of refugees and migrants, promotion of effective vulnerability screening and safeguards, psychological trauma rehabilitation for Ukrainian war-affected women and children, provision of support and protection to migrant, refugee and asylum-seeking women and girls, strengthening the capacity of education systems to facilitate integration of children with a migrant background and strengthening resilience in local and regional authorities facing migration challenges.

#### 7. Conclusion

- 108. The implementation of the Action Plan proved its relevance through adaptability and mobilisation of resources to respond to the needs of member states. Co-ordination with relevant international stakeholders in the fields of migration and asylum has been strengthened, as has communication with member states.
- 109. The results of the previous Action Plan on Migrant and Refugee Children (2017-2019) has continued to be supported through the current Action Plan, along with new standards and practices. The activities carried out contributed to increased awareness in the field of migration and asylum and supported the engagement of different actors in the implementation of relevant standards and practical tools.
- 110. The challenges encountered during the first 20 months of implementation have revealed a number of valuable lessons that should be taken into account in the forthcoming period.
- 111. Internal co-ordination: the Action Plan contains 28 actions, which are supplemented by many tailor-made initiatives, including co-operation projects implemented by different entities within the Organisation. Ensuring adequate co-ordination across the board by making links and synergies between different actions and projects, while feeding it under the Action Plan objectives and communicating, is of utmost importance. The co-ordinating role of the Special Representative on Migration and Refugees is focused on creating opportunities, also through the work of the inter-secretariat Co-ordination Group on Migration, for joined-up management rather than unilateral action.

- 112. Adaptability: the Action Plan is a living strategic framework able to respond to different challenges with concrete actions. It gathers know-how and expertise which can be engaged rapidly and adapted to different contexts thanks to the long lasting programmatic and technical expertise of the competent Council of Europe entities in this field. A number of actions have been adapted and are currently focused on supporting the efforts of member states to addressing the needs of people who have fled Ukraine.
- 113. Mobilisation of funding and resources: new needs have emerged for which additional funding is required to consolidate the investment made to date. The implementation of the Action Plan is being carried out with limited financial means, and challenges remain to ensure adequate resources to provide systemic and medium-term support in response to the requests of member states.
- 114. In conclusion, the implementation of the Action Plan requires continuous co-ordination and involvement of all relevant stakeholders within and outside of the Council of Europe. It is important to ensure that member states take ownership over its implementation and achievements. At the same time, co-ordination with international partners needs to remain regular so that the activities of the Action Plan complement all ongoing efforts on the ground. There are still more than two years of implementation ahead; the success of this endeavour depends on the continued commitment of the Organisation and its member states.