



Strasbourg, 1 July 2020

Mandate of the Secretary General's Special Representative on Migration and Refugees

The need for continued dialogue and assistance

The Council of Europe has followed the situation of refugees and migrants over many years and has been particularly concerned with the protection of the most vulnerable, such as children on the move, including unaccompanied children. The situation today is rather different from that in 2016 when the mandate of the Special Representative on Migration and Refugees was established in response to the humanitarian crisis following the refugee and migration movements so as to provide immediate assistance and support to member states concerned, by complementing activities of other relevant Council of Europe bodies and by co-ordinating our action with other international partners, notably the UNHCR, IOM, UNICEF, EU, FRONTEX and others.

The pressure on frontline states is still present, while there are new developments within the Council of Europe member states but also in the neighbouring region. In Europe, the fluctuations in arrival figures in 2018 and 2019 may give an impression that the situation is under control; only to be contradicted by incidents of hate speech, xenophobia and violence against migrants and refugees, including against NGOs and journalists working in this field. In 2016, the situation of refugee and migrant children was deemed a short-term emergency. Today the protection of refugee and migrant children but also of other vulnerable migrants and refugees is understood as a long-term commitment and remains a priority.

At the same time, more member states of the Council of Europe are concerned by migration-related challenges, the conditions of stay in many parts of Europe over time have become more challenging, there is increasing focus on returns as a tool to maintain the credibility of the asylum system as a whole and there are already first lessons learned and promising examples in respect of integration. In this context, it is vital to enhance the Council of Europe's assistance to our member states in fulfilling their obligations under the European Convention on Human Rights and other Council of Europe standards and to work with other international organisations to foster co-operation. This is in line with the decisions adopted by the Committee of Ministers at the Helsinki Ministerial Session in May 2019 recalling the need to continue addressing the challenges arising from global migration.

In response to the decisions of the Helsinki Ministerial Session and in order to provide close dialogue and assistance in this area on the basis of our standards, the Secretary General has decided to maintain the mandate of the Special Representative on Migration and Refugees, to carry out fact-finding missions, strengthen co-ordination of the relevant activities within the Council of Europe, and establish communication and co-ordination channels with our international partners.

The objective is to further enable the Council of Europe to provide immediate assistance and support to member states concerned, by complementing activities of other relevant Council of Europe bodies and by co-ordinating our action with other international partners, notably the UNHCR, IOM, UNICEF, EU, and its specialised agencies and other national, regional and international stakeholders.

The tasks of the Special Representative

The Special Representative will continue work with the relevant structures within the Council of Europe, the member states, the European Union and the international organisations, driving the assistance and support of the organisation to the member states and fostering international co-operation in this area.

The mandate of the Special Representative will include:

- a. seek, collect and analyse information, including through fact-finding missions, on the human rights situation of refugees and migrants and report to the Secretary General, notably on the basis of the European Convention on Human Rights and other Council of Europe instruments, as well as on basis of the guidance on the “Protection of migrants and asylum-seekers: main legal obligations under the Council of Europe Convention”;
- b. liaise and exchange information with relevant international organisations and specialised agencies, as well as with migration authorities in member states;
- c. provide input to the Secretary General on ways to strengthen Council of Europe assistance and advice to member States on human rights treatment of refugees and migrants and in fulfilling their obligations under the European Convention on Human Rights and other Council of Europe standards;
- d. strengthen the response of the Council of Europe, working closely with the Council of Europe’s Commissioner for Human Rights, Parliamentary Assembly, Congress, as well as transversally with all relevant structures within the Organisation.

In view of the co-ordination role of the Special Representative, the Secretary General mandates him to chair the Network of Focal Points on Migration and support its activity by preparing its working methods, organising meetings and consultations with its members, as well as to chair the Intersecretariat Co-ordination Group on Migration.

The Secretary General, of her own motion or at the proposal of the Special Representative, may mandate her Special Representative to carry out specific tasks, such as organising informal exchanges on migration in the Committee of Ministers, preparing opinions on draft or enacted legislation, discussion papers and white papers in the field of migration and human rights, represent her in international fora and in dialogue with national authorities, prepare strategic documents with proposals of action to be undertaken by the Council of Europe in the field of migration and refugees.

The Special Representative will report to the Secretary General.