
Recommendation for a Global Approach of the Rights of Refugees and Migrants and the Role of Civil Society

Adopted by the General Assembly on 26 April 2023

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Considering

- art 11 of the European Convention on Human Rights and, in particular, that “no restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”;
- Recommendation CM/REC(2007)14 of the Committee of Ministers to member States on the legal status of NGO in Europe;
- Recommendation CM/REC(2016)3 of the Committee of Ministers to member States on Human Rights and Business;
- 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 and its Explanatory Memorandum;
- 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 ;
- 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;
- 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;

- Recommendation CM/REC(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of the civil society space in Europe;
- Parliamentary Assembly Recommendation 2166(2019) – Human Rights and Business – in follow-up to Committee of Ministers Recommendation CM/REC(2016)3?;
- Parliamentary Assembly Recommendation 2192 (2020) on Rights and obligations of NGOs assisting refugees and migrants in Europe;
- Parliamentary Assembly Recommendation 2190(2020) – Effective guardianship for unaccompanied and separated migrant children;
- Parliamentary Assembly Recommendation 2171(2020) – Concerted action against human trafficking and the smuggling of migrants;
- Parliamentary Assembly Recommendation 2160(2019) – Stop violence against, and exploitation of migrant children,

inspired by

- the Guidelines on human rights protection in the context of accelerated asylum procedures, adopted by the Committee of Ministers on 1 July 2009;
- the Guide of good practices «Family-Based Care for Unaccompanied and Separated Children», addendum to the 8th meeting report of the CDDH-MIG: - the action plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025);
- the Recommendation C attached to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;
- Guidelines on protecting NGO work in support of refugees and other migrants, prepared by the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe;
- the Joint Guidelines on Freedom of Association published by the OSCE/ODIHR and the Venice Commission (2015), in particular the articles 51, 53, 73 and 105;
- the 'Handbook on the protection of children against sexual exploitation and sexual abuse in crisis and emergency situations' by the Lanzarote Committee,

and building on the own recent work of the Committee “Rights of persons who are migrants” of the Conference of International Non-Governmental Organisations of the Council of Europe (henceforth referred to as 'the Committee'), reflected in

- a Policy paper on the access by NGOs to the Migrant and Refugee Population;

- a Policy paper “Migrants, refugees, asylum seekers. Access to fundamental rights”;
- the Results of the consultation within the Conference of INGOs regarding the particular interest and concern among civil society organisations active in migration related issues;
- and wide consultation of civil society organisations with relevant activity at both national and international level, including by means of a field visit given account of in the Committee's report dated January 6th 2023,

the Conference of International Non-Governmental Organisations of the Council of Europe, (henceforth referred to as “the Conference”) underscores the following principles:

- individual integrity and individual inalienable rights are not adjustable to accommodate policy preferences and public opinions of the collective society. They are a cornerstone of our society and apply universally to all people, including migrants and refugees, regardless of their administrative status or whatever criterion;
- fundamental rights of the individual are indivisible, which implies that the migration issue requires a holistic approach, including attention for accommodation, education, health, safety and security.

Upholding these principles, the Conference confirms the capability and preparedness of civil society organisations it directly or indirectly represents, to actively contribute to the solution of the challenges, which the migration and refugee phenomenon imply for individuals and for society as a whole, and thus formulates the following recommendations.

A. In general terms, the Conference

1- **recognises** that there is a need for flexibility in the response to constantly changing context on the ground. Field actors must be able to adapt accordingly, while public policy makers and project financing instances must maximally safeguard continuity and stability in their policy objectives, operational modalities and financing rules, so that NGOs can work and contribute efficiently, smoothly and without incurring unnecessary cost and disruption;

2- **strongly recommends** to set up the responsive policies in which the access to health care, education and safety is considered as an intrinsic and basic human right of each individual, regardless of age, origin, specific sojourn status or any other criterion of the person. Given the often long intervals between arrival, formal identification and a decision on granting or denying asylum or refugee status, migrants should benefit from access to these public policies as soon as they arrive on the territory of the country;

3- **stresses** that dignified accommodation and the obtaining of documents are key factors to safety, physical integrity and the effective accessibility of fundamental rights and all related services;

4- **emphasises** the importance that State mechanisms to support, assist and treat refugees, migrants and asylum-seekers be developed in consultation with their community and with relevant civil society, thus both enhancing process effectiveness and better guaranteeing the individual dignity;

5- **insists** on the dangers of focusing migration policies only on short term priorities, preferences, needs, situations and consequences,

6- thus calls for a strengthening of the long term dimension in public policies and services provided to migrants, refugees and asylum seekers,

7- and points at the need for member States, when setting up administrative and other procedures, to take effectively into consideration the phenomenon of digital illiteracy among refugees, migrants and asylum seekers and also to provide in those procedures adequate and immediate possibility for individuals to declare issues of specific vulnerability.

B. In the field of Education, the Conference

1- **stresses** that education is an indispensable part of personal development and societal integration of the individual, but also of the entire family;

2- **subscribes to** resolutions and recommendations of the Council of Europe's bodies, which stress the need for a strong focus on language teaching in communities of migrants and refugees, both in countries of transit, including in refugee camps, and in the country of settlement;

3- **also underlines** the need to enhance the understanding by migrants and refugees also of other, related characteristics of the country of effective stay, such as its culture, institutional framework and administrative organisation;

4- **applauds** the "Action Plan on the Protection of Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)" adopted by the Council of Ministers of the Council of Europe in May 2021 and asks the Council of Europe member States to associate civil society organisations more actively and concretely in the support for refugee children in their access to education and for young refugees in their transition to adulthood;

5- **recommends** that specific attention be given to the involvement in educational programmes of migrant and refugee children and their mothers at the early pre-schooling stage;

6- **stresses** the urgency for member States to address the issues of legal and administrative transition status as well as the gaps in the social and other support mechanisms encountered by refugee and migrant children turning 18 years old, by offering humane and adequate solutions which safeguard those young adults from destabilisation and societal drop-out situations;

7- **stresses** the need for member States, individually or collectively, for instance

within the framework of the Council of Europe, to address with generic and concrete solutions the difficulties encountered in the process of recognition of qualifications, degrees and training certificates issued in the country of origin;

8- **recommends** that in the name of the "intercultural dialogue", actively promoted by the Council of Europe, concrete policies be enhanced to address the need for teachers and trainers to be better prepared to welcome migrants and refugees, minors or adults into their classrooms.

C. In the field of Health Care, the Conference

1- **reminds** the ethically based prerequisite of the values defended in the Council of Europe to reduce and eliminate barriers to access to health care for exiled and displaced populations, particularly children, accompanied or not;

2- **recommends** that national policies providing health care services, such as vaccination - which is not only an individual right but also a basic matter of public health - and mental health care, should cover all persons on the territory of a State, regardless of their administrative status;

3- **asks** member States where the issue is relevant, to urgently develop an adequate solution to the problem when migrants and refugees whose asylum applications have been rejected routinely remain without health coverage for a long time while waiting for repatriation;

4- **calls** for exiles and displaced persons to be offered decent accommodation and effective access to food, hygiene and health care services of satisfactory quality, as housing, nutrition and a dignified reception are determining factors for;

5- **demand**s that migrant and refugee children unconditionally and adequately benefit from physical, psychological and sexual care services, as soon as they are identified, with respect for their dignity and in their best interests;

6- **recommends** to the Council of Europe to elaborate the guidelines to eliminate the frequently observed lack of adequate communication among service providers, resulting in 'de facto' non-access of refugees and migrants to existing health care mechanisms and services.

D. In the field of Safety and Security, the Conference

1- **underscores** that safety of the individual and security of the society pursue the different objectives, but they are intrinsically linked to one another. Failing to provide a truly holistic coverage of physical integrity and mental health is bound to provoke developments in individuals and groups which, in the longer run, may also pose a threat in the communities and society;

2- **reminds** that administrative detention is not a sanction and, therefore, cannot take place in a prison;

3- **recommends** member States to develop and implement alternative measures to

the detention, including through cooperation programmes and awareness-raising;

4- **firmly insists** that, according to the fundamental principle of the best interest of the child, the detention of children with their parents is only acceptable as a solution of last resort, kept as short as possible, in places suitable for them and with a holistic coverage of their needs, while the detention of unaccompanied and separated minors must be completely prohibited;

5- **calls** upon both governments, other decision makers and NGOs to actively consider Humanitarian Corridors as a solution to particular situations of high risk for life and safety, given the concept's proven feasibility and the successful conclusion of a number of such operations in the recent past.

E. Regarding the combat against trafficking of human beings, the Conference

1- **demands** that authorities ensure that victims of trafficking be identified as such in any judicial proceedings;

2- **insists** on the special need to disseminate knowledge of health rights among migrants and refugees in forced or exploitative situations and to provide adequate training for health care staff on the various mental pathologies and the psychological consequences of the traumas experienced by those people;

3- **recalls** that migrants and refugee victims of human trafficking should be provided with unconditional physical, psychological and sexual care services, adapted to their specific needs and as soon as they are identified, with respect for their dignity and in their best interest.

F. Regarding the access of non-governmental organisations to refugees and migrants, the Conference

1- **calls for** the respect and implementation of the Recommendation 2007/14 of Recommendation CM/REC(2007)14 of the Council of Europe Committee of Ministers to member States on the legal status of NGOs in Europe and of the Joint Guidelines on Freedom of Association published by the OSCE/ODIHR and Venice Commission (2015);

2- **calls** the member States to implement the Guidelines on protecting NGO work in support of refugees and other migrants, prepared by the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe, in particular, to

a. provide NGOs with information, as well as the right to seek and receive it, about migration flows and places where refugees and other migrants are deprived of their liberty;

b. allow NGOs to monitor the treatment of refugees and other migrants, including at border crossings and wherever they are deprived of their liberty;

c. facilitate the provision of legal advice and assistance by NGOs to refugees and other migrants, who are deprived of their liberty or are at risk of a violation

to their human rights;

d. protect NGOs, their members and their staff from harassment, intimidation, physical attacks and threats of prosecution for having helped refugees and other migrants in distress or having provided them with food, accommodation, medical treatment and legal advice, and

e. encourage and facilitate the participation of NGOs helping refugees and other migrants in distress or providing them with food, accommodation, medical treatment and legal advice in processes to reform any requirements relevant to these activities.