

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Nicosia, 17 February 2017

CDDH-MIG(2017)R2

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

Report

2nd meeting
15 – 17 February 2017

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

1. The CDDH Drafting Group on Migration and Human Rights (CDDH-MIG) held its 2nd meeting in Nicosia, Cyprus, from 15 to 17 February 2017 with Mr Morten RUUD (Norway) in the Chair. The list of participants appears in [Appendix I](#).
2. The Chair opened the meeting and welcomed all participants. The Group adopted the agenda and had an exchange of views on the joint meeting with the Committee of Experts on Administrative Detention of Migrants (CJ-DAM) that was held in the morning of 15 February 2017.

Item 2: Contributions to the CDDH-MIG request for information on alternatives to detention in the context of migration

3. The Secretariat informed the Group of contributions received in response to the CDDH-MIG request for information on alternatives to detention in the context of migration. So far, 23 member States and 4 observers have sent in replies. The replies provide insights on various aspects that will continue to be incorporated into the analysis. It was decided that, where needed, the Secretariat could follow up directly with CDDH-MIG members on certain responses for clarification. Subject to prior approval, the replies may be shared with the Group and published along with other relevant meeting material. It was reiterated that member States and observers could still send in further replies before the 3rd meeting of CDDH-MIG.

Item 3: Discussion on the preliminary draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration

4. The Rapporteur, Mr Frank SCHÜRMAN, introduced the preliminary draft analysis and highlighted the central changes made since the 1st meeting of CDDH-MIG from 14 to 16 September 2016. The Group conveyed its thanks to the Rapporteur and the Secretariat for their excellent work, expressing its satisfaction with the revised version and noting that it fully reflected the comments provided at the 1st CDDH-MIG meeting.
5. The Group then examined, section by section, the preliminary draft analysis and provided a number of suggestions on the structure and substance as well as on certain editing issues. The Group asked the Rapporteur and the Secretariat to prepare a revised draft analysis in light of the comments received during the meeting.
6. The Group agreed that all relevant meeting materials of the CDDH-MIG should continue to be made available to CJ-DAM. In particular, efforts should be made to harmonise definitions and concepts in line with the jurisprudence of the European Court of Human Rights and other relevant human rights standards.

Item 4: Discussion on future work

7. The Group held a discussion on future work.

Item 5: Adoption of the meeting report

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

Item 6: Other business

9. The next meeting of CDDH-MIG is planned for 10 - 12 May 2017 in Strasbourg.

10. The Group was also informed of an upcoming conference on Migration and Human Rights on 25-26 September 2017 in Prague, organised under the auspices of the Czech Chairmanship of the Committee of Ministers of the Council of Europe. The conference will, in particular, focus on the immigration detention of children and effective alternatives.

11. The Group expressed its thanks to the Cypriot authorities for their hospitality in hosting the meeting.

Appendix I**LIST OF PARTICIPANTS****MEMBER STATES / ETATS MEMBRES****ARMENIA / ARMÉNIE**

Mr Gagik YEGANYAN, Head of State Migration Service of Ministry of Territorial Administration and Development

AUSTRIA / AUTRICHE

Ms Eva PFLEGER, Human Rights Coordinator and Deputy Head of the Department for Residence, Civil Status and Citizenship, Ministry of the Interior

AZERBAIJAN / AZERBAÏDJAN

Mr Shahriyar HAJIYEV, Attaché, Human Rights and International Humanitarian Law Section of the International Law and Treaties Department, Ministry of Foreign Affairs, Republic of Azerbaijan

BULGARIA / BULGARIE

Mr Kamen KOUTSAROV, Second Secretary, Human Rights Department, Ministry of Foreign Affairs

CYPRUS / CHYPRE

Ms Natasa EKONOMOU, Administrative Officer A', Ministry of Interior

Ms Elena NEOCLEOUS, Administrative Officer, Ministry of Interior

CZECH REPUBLIC / REPUBLIQUE TCHÈQUE

Mr Ota HLINOMAZ (*Vice-Chair of CDDH-MIG / Vice-Président du CDDH-MIG*), Senior Ministerial Counsellor, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice of the Czech Republic

Ms Zuzana ZAJICKOVA, Asylum Legislative Unit, Department for Asylum and Migration Policy, Ministry of Interior of the Czech Republic

DENMARK / DANEMARK

Ms Kristina HOVMANN, Head of Section, Humanitarian Residence Permit and Returns Division, Ministry of Immigration and Integration

Ms Maria Aviaja SANDER HOLM, Head of Section, Ministry of Justice

FINLAND / FINLANDE

Ms Liisa VALJENTO, Counsellor, Unit for Human Rights Courts and Conventions Legal Service, Ministry for Foreign Affairs

GERMANY / ALLEMAGNE

Mr Harald PAETZOLD, Legal Advisor, Federal Ministry of Justice and Consumer Protection

GREECE / GRÈCE

Mr Elias KASTANAS, Legal Counsellor, Legal Department, Ministry of Foreign Affairs of the Hellenic Republic

ICELAND / ISLANDE

Ms Íris Björg KRISTJANDOTTIR, Special Adviser, Department of Human Rights and Local Government, Ministry of the Interior

ITALY / ITALIE

Mr Federico CIATTAGLIA, Head of Division III, Directorate General for the European Union, Ministry of Foreign Affairs and International Cooperation

LATVIA / LETTONIE

Mr Vilnis VITOLINS, Director of the Legal Department of the Ministry of the Interior, Representative of Latvia before the European Court of Human Rights, Ministry of Foreign Affairs

NETHERLANDS / PAYS-BAS

Ms Irene RITMAN, Policy Coordinator, Migration Policy Department, Ministry of Security and Justice

NORWAY / NORVÈGE

Mr Morten RUUD (*Chairperson of CDDH-MIG / Président du CDDH-MIG*), Special Adviser, Legislation Department, Ministry of Justice and the Police

POLAND / POLOGNE

Mr Dawid GROCHOWSKI, Chief Specialist, Department of Analysis and Migration Policy, Ministry of the Interior and Administration of the Republic of Poland

SPAIN / ESPAGNE

Ms Consuelo CASTRO REY, Senior Head State Attorney, State Attorney's Office

SWITZERLAND / SUISSE

M. Frank SCHÜRMAN (*Rapporteur of / du CDDH-MIG*) Agent du Gouvernement de la Suisse auprès de la Cour européenne des droits de l'homme, Chef de l'Unité Droit européen et Protection Internationale des droits de l'Homme, Office fédéral de la justice

OTHER PARTICIPANTS FROM CYPRUS / AUTRES PARTICIPANTS DE CHYPRE

OMBUDSMAN'S OFFICE

Mr Aristos TSIARTAS, Deputy Ombudsman

Mr Costas IOANNOU, Officer A'

Ms Melina TRIGGIDOU, Officer

Ms Elena KAREKLA, Officer

Ms Kalia KAMBANELLA, Officer

COMMISSIONER FOR THE RIGHTS OF THE CHILD

Ms Christiana PASA, Officer

Mr Kyriakos MICHAEL, Officer

MIGRATION DEPARTMENT

Ms Xenia GEORGIADOU

ASYLUM SERVICE

Ms Anna SAKKA, Administrative Officer

REFUGEE REVIEWING AUTHORITY

Mr Neophytos EPAMINONDA, Officer

POLICE

Mr Costas PANAYI, Police Officer

Ms Maria ASSIKKI, Police Officer

Mr Christakis CHRISTOFI, Police Officer

Mr Christos PENTOTZIS, Police Officer

Ms Eleni KOUNTOURI, Police Officer

Mr Polys CHRYSOSTOMOU, Police Officer

FUTURE WORLDS CENTER (FWC)

Ms Corina DROUSIOTOU

OBSERVERS / OBSERVATEURS

EUROPEAN NETWORK OF HUMAN RIGHTS INSTITUTIONS / RÉSEAU EUROPÉEN DES INSTITUTIONS NATIONALES DES DROITS DE L'HOMME (ENNHRI)

Ms Deborah WEINBERG, Legal Officer, Federal Migration Centre

INTERNATIONAL DETENTION COALITION / COALITION INTERNATIONALE CONTRE LA DÉTENTION (IDC)

Mr Ben LEWIS, Advocacy Coordinator

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) / OFFICE DU HAUT COMMISSAIRE DES NATIONS UNIES POUR LES RÉFUGIÉS (HCR)

Ms Chrystalla KATSAPAOU

COUNCIL OF EUROPE / CONSEIL DE L'EUROPE

AD HOC COMMITTEE FOR THE RIGHTS OF THE CHILD / COMITÉ AD HOC POUR LES DROITS DE L'ENFANT (CAHENF)

Ms Maria-Andriani KOSTOPOULOU

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l’homme et Etat de droit
Council of Europe / Conseil de l’Europe, F-67075 Strasbourg Cedex**

Ms Lilja GRETARSDOTTIR, Deputy Head of Division, Cooperation with International Institutions and Civil Society / Chef adjoint de la Division de la coopération avec les institutions internationales et la société civile, *Secretary of CDDH-MIG / Secrétaire du CDDH-MIG*

Ms Theodora KRISTOFORI, Legal Research Assistant / Assistante recherche juridique

INTERPRETERS/ INTERPÈTES

Ms Sara WEBSTER

Mr Nicolas GUITTONNEAU