

**Conference of INGOs**  
**Webinar: Migrants and refugees facing the Covid-19 crisis**  
**What lessons for the post-pandemic time?**  
**June 22, 14.30-17.00**

## **Collaboration with INGOs**

The SRSG recognises the pivotal role that INGOs play in the delivery of immediate and long-term humanitarian assistance at any stage of the migration process. Amid the restrictions imposed by the covid-19 crisis, many INGOs have continued to deliver aid in the field, and have often replaced state actors in the provision of essential services, providing accommodation, food and water, education services for children, shelters for victims of sexual and gender based violence, legal aid, medical and psychological support. It is essential that their contributions continue to be recognised even after the COVID-19 emergency, and that their expertise is acknowledged in the political decision-making process. The collaboration between INGOs and the SRSG has always been crucial to address the human rights of migrants and refugees in the CoE's member states, and the expertise of the civil society has been emphasised in the former SRSG's Tomáš Boček reports on his 11 fact-finding missions. In the same spirit, the future fact-finding missions will also work in close cooperation with INGOs and NGOs operating in the member states.

## **Rules that should guide public authorities and the civil society**

The Council of Europe clearly defines specific legal standards that should guide the work of public authorities and civil society in their joint efforts to respond to migration challenges. Such instruments are:

- The European Convention on Human Rights. It is important to note that the ECHR enlists certain articles that cannot be

derogated (Articles 2, 3, 4, and 7), even when Article 15 (derogation in case of emergency) is invoked;

- The jurisdiction of the European Court of Human Rights, including article 39 of the Rules of the ECtHR to request interim measures for persons in need of international protection;
- The European Committee for the Prevention of Torture (CPT) statement of principles relating to the treatment of persons deprived of their liberty in the context of the pandemic;
- The European Social Charter, (Articles 11 – right to protection of health, and Article 13 – Right to social and medical assistance);
- The Secretary General’s toolkit for respecting democracy, rule of law and human rights in the framework of the Covid-19 pandemic.

### **Specific work of the SRSG office**

The office of the SRSG has issued specific publications and contributed to multiple projects that could guide the work of public authorities and INGOs during the Covid-10 emergency and after. These are:

- The joint note published by the CoE in collaboration with the European Union Agency for Fundamental Rights (FRA), addressing the issue of protecting the rights of migrants at the borders during the pandemic, considering **both the ECHR and EU law**;
- The SRSG has also recently contributed to the development of the HELP/UNCHR online course on alternatives to immigration detention, with the aim of supporting legal experts and other professionals working on this specific issue in migration;

- The Council of Europe has also developed the European Qualifications Passport for Refugees (EQPR), a project that aims at facilitating the recognition of refugees' qualifications in cases of absence of full documentation, and that could be used even if refugees move to new host countries in Europe.

- The Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019), and the relevant guidelines on its implementation, offer a good resource on how to ensure the effective protection of migrant and refugee children, who are among the most vulnerable groups during the Covid-19 crisis.

### **Impact of Covid-19 on a micro and macro level**

On a micro level, the vulnerability of migrants is likely to increase during the post-confinement phase of the Covid-19 emergency. Living in overcrowded areas, with limited access to adequate sanitary and hygienic services, migrants are simply not in the condition to apply the same level of caution that is asked to other citizens, and are therefore more exposed to the risk of infections. In addition, a recent publication from the World Bank predicts that the drastic fall of migrant remittances will hinder migrant households' access to much-needed health services, therefore increasing their vulnerability of migrants and refugees in the long-term.

On a macro level, the pandemic has certainly impacted the states' response to the migration crisis. In Spain, the Netherlands and France, States have suspended immigration detention during the Covid-19 crisis. In Italy and Portugal, the regularisation of certain migrants and refugees was in principle welcomed and considered as a useful way to address labour shortages, exploitative working conditions and social marginalisation. However, such regularisation procedures often lack incentives for employers and migrants' themselves to come forward and regularise their status. In the case of Italy, such

measures only apply to a small proportion of undocumented migrants, leaving behind those working in other sectors (such as construction, or transport). It is essential to encourage such initiative even after the Covid-19 crisis, however taking into accounts the issues and concerns raised by the migrant communities. In this context, the role of the Conference of INGOs and the Council of Europe is essential to create bridges between civil society and member states.

The relocation scheme promoted by the European Commission and targeted to unaccompanied minors on the Greek island is another positive development. After the first relocations to Germany and Luxembourg, other member states including Ireland, Portugal, France have shown willingness to take part in the initiative. Intra-EU relocation is an expression of internal EU solidarity and responsibility that should be further pursued and perhaps envisioned in the upcoming EU Pact on Migration and Asylum.