



CDDH-MIG(2019)R6
07/05/2019

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

6th meeting
26 – 28 March 2019

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 6th meeting in Strasbourg from 26 to 28 March 2019, 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 agenda as adopted appears in Appendix II.

Item 2: Recent developments in the field

3. The Rapporteur and the Secretariat gave a brief overview of developments within the Council of Europe relevant to the on-going work of the CDDH-MIG, *inter alia* highlighting recent Court jurisprudence. Attention was also drawn to an international Conference organised jointly by the Council of Europe, the European Commission and the European Migration Network, to be held in Strasbourg 4 April 2019 on the effective alternatives to the detention of migrants. Members and Observers of the Group likewise informed of recent initiatives and developments on their side.

Item 3: Alternatives to immigration detention: fostering effective results – practical guidance

4. The Chair recalled that at its 5th meeting the Group discussed a first preliminary draft of the handbook "*Alternatives to Immigration Detention: Fostering Effective Results – Practical Guidance*". Welcoming the numerous constructive comments received on the draft, the Chair noted that the Group had agreed to prioritise finalising the handbook before moving on to other work. The Group then examined the draft, paragraph by paragraph, and reviewed all the comments received. A final version to be submitted to the CDDH was concluded and agreed upon.

Item 4: Guidelines on alternatives to immigration detention for children**Item 5: Reception conditions for children**

5. The Chair proposed to discuss item 4 and item 5 on the agenda together as a part of a broader discussion on the Group's future work. The Group exchanged views on the potential tasks at hand, including the format and substance that such work could take. It was agreed to ask the Rapporteur and Secretariat to draft a very brief outline (2-3 pages) of concrete options in light of the discussion, thereby giving the Group an opportunity to provide written feedback to further inform ultimate decisions on the matter.

Item 6: Adoption of the meeting report

6. The Group adopted the meeting report.

Item 7: Other business

7. The next meeting of the CDDH-MIG is scheduled to take place from 22 to 24 October 2019 in Strasbourg.

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APPENDIX I

List of participants

ARMENIA / ARMÉNIE

Ms. Sose BARSEGHYAN, Assistant to the Head on the Asylum Issues, Ministry of Territorial Administration and Development

BELGIUM / BELGIQUE

Mr Geert VERBAUWHEDE, Advisor, FPS Interior, General Directorate Immigration Office, Direction Control Interior – Identification and Removals Section

BULGARIA / BULGARIE

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

CZECH REPUBLIC / REPUBLIQUE TCHÈQUE

Mr Petr KONŮPKA, Deputy Government Agent of the Czech Republic before the European Court of Human Rights, Ministry of Justice

DENMARK / DANEMARK

Camilla KJÆRGAARD, Head of Section, Division for Return, Danish Ministry of Immigration and Integration

FINLAND / FINLANDE

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

FRANCE

Mme Nathalie MATHIEU, cheffe de la section des relations partenariales, au sein de la sous-direction de la lutte contre l'immigration irrégulière, à la Direction générale des étrangers en France (DGEF), Ministère de l'intérieur

GREECE / GRÈCE

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

ICELAND / ISLANDE

Mr Jón STEINAR ÞÓRARINSSON, Lawyer, The Icelandic Directorate of Immigration

ITALY / ITALIE

Mr Daniele LOI, Adjoint au Représentant permanent de l'Italie auprès du Conseil de l'Europe

Ms Silvia DE ROSA, trainee, Représentation permanente de l'Italie auprès du Conseil de l'Europe

LATVIA / LETTONIE

Mr Vilnis VITOLINS, Under-Secretary of State, Director of the Legal Department of Ministry of the Interior

NORWAY / NORVÈGE

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

SPAIN / ESPAGNE

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

SWITZERLAND / SUISSE

Ms Cordelia EHRICH, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction droit public, Unité Protection internationale des droits de l'homme

TURKEY / TURQUIE

Ms Gamze GÜL ÇAKIR KILIÇ, Conseiller juridique, Direction Générale de l'Administration d'Immigration, Ministère de l'Intérieur

OBSERVERS / OBSERVATEURS

CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFÉRENCE DES OING DU CONSEIL DE L'EUROPE

Ms Martine SCHMELCK

Mr Jean-Bernard MARIE

COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE / CONSEIL DES BARREAUX EUROPÉENS (CCBE)

Ms Noemi ALARCÓN, vice présidente du comité Migration du CCBE

UNHCR / HCR

Roland-Francois WEIL, UNHCR Representative to the European Institutions in Strasbourg

Delphine LENEUTRE, Legal Associate, UNHCR Representation to the European Institutions in Strasbourg

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

Ms Tamta PAPUASHVILI, Senior Adviser on Migration, Repatriation and Human Rights Issues of persons with International Protection, ENNHRI's Asylum and Migration Working Group

RAPPORTEUR

M. Frank SCHÜRMAN, Professor of International Human Rights Law, Berne

INVITEE / INVITÉ

INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) / COMITÉ INTERNATIONAL DE LA CROIX-ROUGE (CICR)

Ms Audrey EPRINCHARD, Legal Adviser, ICRC, Brussels

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, CAHENF Chair

OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL ON MIGRATION AND REFUGEES / BUREAU DU REPRÉSENTANT SPÉCIAL DU SECRÉTAIRE GÉNÉRAL SUR LES MIGRATIONS ET LES RÉFUGIÉS

Ms Elvana THACI, Legal Adviser / Conseillère juridique

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'homme et Etat de droit
Council of Europe / Conseil de l'Europe**

Ms Lilja GRETARSDOTTIR, Deputy Head of the Division Independent Human Rights Bodies / Chef adjoint de la Division Institutions indépendantes des droits de l'homme,

Ms Corinne GAVRILOVIC, Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mr Zacharie OHAYON, Trainee/Stagiaire, Independent Human Rights Bodies / Institutions indépendantes des droits de l'homme,

INTERPRETERS/ INTERPRÈTES

Mme Chloé CHENETIER

Mme Lucie DE BURLET

M. Jean-Jacques PEDUSSAUD

APPENDIX II**Agenda (as adopted)**

	ITEM 1: OPENING OF THE MEETING AND ADOPTION OF THE AGENDA
CDDH-MIG(2019)OJ1	Draft agenda
CDDH-MIG(2019)OJ1Annotated	Draft annotated agenda
CDDH-MIG(2018)R5	Report of the 5 th meeting of CDDH-MIG (23–25 October 2018)
CDDH-MIG(2019)03	Extracts of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the CDDH-MIG during the 2018–2019 biennium and relevant extracts from the 2018 CDDH meeting reports
	ITEM 2: RECENT DEVELOPMENTS IN THE FIELD
	ITEM 3: ALTERNATIVES TO IMMIGRATION DETENTION: FOSTERING EFFECTIVE RESULTS – PRACTICAL GUIDANCE
CDDH-MIG(2019)01	Alternatives to immigration detention: Fostering effective results Practical guidance - <u>REVISED DRAFT</u>
CDDH-MIG(2019)02	Compilation of comments received on the practical guidance
CDDH-MIG(2019)04	Draft bibliography
	Examples of potential design for chapter 1
	Examples of potential design for chapters 2 and 3
	ITEM 4: GUIDELINES ON ALTERNATIVES TO IMMIGRATION DETENTION FOR CHILDREN
CDDH-MIG(2019)05	Preliminary draft table of contents
	ITEM 5: RECEPTION CONDITIONS FOR CHILDREN
CDDH-MIG(2019)06	Draft feasibility study
CDDH-MIG(2019)07	Draft compilation of standards and other relevant material on reception conditions for children
	ITEM 6: ADOPTION OF THE MEETING REPORT
	ITEM 7: OTHER BUSINESS