



CDDH-MIG(2019)10

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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

**Extract 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**

(as adopted by the Committee of Ministers at its 1300th meeting, 21-23 November 2017)

**and relevant extracts of the 91st CDDH meeting report
(18–21 June 2019)**

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(as adopted by the Committee of Ministers at its 1300th meeting, 21-23 November 2017)

Migration

"On the basis of work conducted in 2016-2017, prepare one or more draft non-binding instruments of the Committee of Ministers (for example a recommendation, guidelines, good practice handbooks) concerning human rights issues in the context of migration, in particular effective alternatives to detention of migrants and asylum seekers (deadline: 31 December 2019)."

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Extract of the report of the 91st CDDH meeting

(18–21 June 2019, document CDDH(2019)R91)

5.3 Human rights and migration (CDDH-MIG)

39. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), presented to the CDDH the results of the 6th meeting of the CDDH-MIG (26-28 March 2019, report CDDH-MIG(2019)R6). This allowed for finalising the draft of the *Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results* (CDDH-MIG(2019)02).

40. The Guidance, which is based on the *Analysis of the Legal and Practical Aspects of Effective Alternatives to Detention in the Context of Migration* published by the CDDH in 2018, aims to concretely explain how to implement alternatives to detention effectively in terms of respect for human rights, immigration procedures and cost effectiveness.

41. The CDDH congratulated the CDDH-MIG, its Chair, Rapporteur and Secretariat for the success and quality of the work accomplished in this particularly demanding field. After examining the text, the CDDH adopted its *Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results* (CDDH(2019)R91Addendum5) and decided to transmit it to the Committee of Ministers for information.

42. The CDDH was pleased to note that the work of the CDDH-MIG has already been warmly welcomed at the International Conference on *Effective Alternatives to the Detention of Migrants*, organised jointly in Strasbourg by the Council of Europe, the European Commission and the European Migration Network on 4 April 2019. The work of CDDH in the field is widely referenced and has been used and disseminated by other international institutions. This work has furthermore been a source of inspiration for developing a specific HELP¹ course on alternatives to detention in the context of migration.²

¹ *The European Programme for Human Rights Education for Legal Professionals* (HELP).

² The first meeting of the Group took place on 13 June 2019. Two other meetings are foreseen in 2019 (1 October and 29 December). This course for law professionals is combined with two others dealing respectively with asylum and rights of migrant children.

43. The CDDH decided that the work of the CDDH-MIG should continue in 2019 and during the next biennium. In order to determine the order of priority of future tasks to be carried out in terms of content and format, the CDDH-MIG launched a written consultation on future work in May 2019 (CDDH-MIG(2019)08). The CDDH decided to focus, in the first instance, on *alternative family based care for unaccompanied and separated children*. If time and resources allow, potential *guidelines on alternatives to immigration detention* might simultaneously be explored.

44. In order to ensure sufficient scope for future work, the CDDH proposed that the mandate for 2020-2021 should state that, "on the basis of the work carried out in 2018-2019, a draft of one or more non-binding instruments of the Committee of Ministers (for example recommendation, guidelines, manual of good practice etc.) will be prepared concerning human rights issues in the context of migration".