



CDDH-MIG(2020)03

04/03/2020

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 2020-2021 biennium

(as adopted by the Committee of Ministers at its 1361st meeting, 19-21 November 2019)

**and relevant extracts of the 91st and 92nd CDDH meeting report
(18–21 June 2019 and 26–29 November 2019)**

Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the CDDH-MIG during the 2020-2021 biennium

(as adopted by the Committee of Ministers at its 1361st meeting, 19-21 November 2019)

SPECIFIC TASKS
<p>.../...</p> <p>(iii) On the basis of work conducted in 2018-2019, prepare one or more draft non-binding instruments of the Committee of Ministers or other tools (for example a recommendation, guidelines, good practice handbook) concerning human rights issues in the context of migration.</p> <p>.../...</p>

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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. 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

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".

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Extracts of the report of the 92nd CDDH meeting

(26-29 November 2019, document CDDH(2019)R92)

5.2 Human Rights and Migration (CDDH-MIG)

46. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), reported on the work accomplished during the 7th meeting by the CDDH-MIG (23-24 October 2019). He pointed out that the CDDH-MIG has started its new work on family-based care for unaccompanied and separated migrant children. After inviting experts in this field to participate in an interactive panel discussion, the Group agreed to develop a document of no more than 30 pages setting out the relevant international legal standards and key practical considerations for effective implementation of family-based care. To this end, the Group:

- i. approved a draft table of contents and a work plan for 2020;
- ii. decided that a first draft document would be sent by end of January 2020 to the members of the CDDH for possible comments along with an invitation to share examples of practices and / or challenges / suggestions that might further enrich the text.

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.

47. The CDDH approved the CDDH-MIG's work plan for 2020 and the draft table of contents on family-based care for unaccompanied and separated migrant children. The CDDH noted that the particular challenges faced by frontline countries should be taken into due consideration by the CDDH-MIG in its future work.

48. Furthermore, the CDDH noted that its *Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results* is now available in print in both English and French. The CDDH welcomed the CDDH-MIG for its visible and useful work in this important area.

49. Upon the request of one Delegation, the CDDH discussed whether victims of religion-based violence should be added to the indicative list of vulnerable groups in chapter 1.6 of the Practical Guidance but decided to stick to the text as already agreed upon.

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