

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDDH-MIG(2021)R8

18/10/2022

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

8th meeting
6 – 7 October 2021

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 8th meeting via KUDO from 6 to 7 October 2021 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.
3. The participants were welcomed by Mr Daniele CANGEMI, Head of Department for Human Rights, Justice and Legal Co-operation Standard Setting Activities.
4. Mr CANGEMI recalled the important work completed by CDDH-MIG so far. He noted how the *Analysis on the legal and practical aspects of effective alternatives to detention in the context of migration* and the accompanying *Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results* have been recognized as leading work in the field that continues to be widely referenced, used, translated and disseminated by other international institutions and actors in the field. Mr CANGEMI also highlighted the relevance of the ongoing work of CDDH-MIG on family-based care for unaccompanied and separated children in line with the priorities of the Council of Europe. He stressed the importance for the Organisation to complete this work successfully.

Item 2: Recent developments in the field – Tour de table

5. The Secretariat provided an overview of recent developments relevant to the work of CDDH-MIG. The new Council of Europe *Action Plan on Protecting Vulnerable Persons in the Context of Migration in Europe (2021–2025)* was particularly noted as it foresees, *inter alia*, actions on alternatives to immigration detention and family-based care. Relevant deliberations of the Committee of Ministers and the Parliamentary Assembly were also highlighted, as were recent developments at the United Nations and European Union level which reflect the appropriate timing and relevance of ongoing CDDH-MIG work in the field.

Item 3: Examination of the preliminary draft Guide on “Family-based care for unaccompanied and separated children”

6. The Secretariat shared reflections on the development of the draft document on *Family-based care for unaccompanied and separated children* and the revisions made following comments received by member States and Observers.
7. The Group then examined the revised draft, paragraph by paragraph, and instructed the Secretariat to make specific changes. After a second reading of the amended paragraphs a final version of the draft was endorsed by the Group.

Item 4: Exchange of views on the nature of the future work on family-based care

8. The Group held a general discussion on the nature of its future work. While it regarded its own contribution in the field completed, the Group contemplated further Council of Europe initiatives that might support member States in successfully implementing family-based care for unaccompanied and separated children.

9. In this context, the Group specifically noted that the Council of Europe could consider:
- (a) implementing targeted cooperation projects with interested member States – bilateral or multilateral – on a voluntary basis with a view to developing and/or strengthening effective family-based care arrangements for unaccompanied children in the context of migration;
 - (b) developing user-friendly guidance and tools on family-based care, including for determining, managing and monitoring alternative care arrangements;
 - (c) providing capacity-building to national authorities and/or other practitioners/professionals working with and for children in the context of migration; and
 - (d) promoting awareness-raising activities and sharing of promising practices at the European and national level.
10. The Group instructed the Secretariat to send out, within the next three weeks, a brief compilation of examples of national practices on family-based care. Should the CDDH so decide, this compilation could then potentially be published on the CDDH-website, thereby further complementing the work endorsed on family-based care.

Item 5: Adoption of the meeting report

11. The Group adopted the meeting report.

Item 6: Other business

12. With the approval of the final draft on *Family-based care for unaccompanied and separated children*, the Group considered that it had fulfilled its terms of reference. It expressed its appreciation for the constructive approach shown by all members in the course of its work. In particular, the Group thanked the Chair for the exemplary ways in which he had led meetings throughout the Group's deliberations. The Group also paid special tribute to the Secretariat for their outstanding contribution, expressing its satisfaction with the high quality of the work completed and its comprehensive and useful substance.

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APPENDIX I

List of participants

BELGIUM / BELGIQUE	<p>Mr Veerle PETERS Service Public Fédéral Intérieur/Office des Etrangers</p> <p>Ms Ariane GOSSART Service Public Fédéral Intérieur /Office de Etrangers</p> <p>Mr Karl DE WINNE Agence fédérale pour l'accueil des demandeurs d'asile</p>
BULGARIA / BULGARIE	Mr Viktorio ALEKSANDROV Specialist in the Human Rights Unit, Ministry of Foreign Affairs
FINLAND / FINLANDE	Ms Alexandra HILTUNEN Legal Officer Unit for Human Rights Courts and Conventions Legal Service, Ministry for Foreign Affairs
GREECE / GRÈCE	Ms Sofia KASTRANTA Deputy Legal Counsellor, Special Legal Service, Ministry of Foreign Affairs
ICELAND / ISLANDE	Mr Þórarinn Bjarnfinnur SNORRASON Lawyer, Head a.i. of Unit for the normal procedure, Directorate of Immigration
ITALY / ITALIE	Ms Maria Laura AVERSANO Ministry of Foreign Affairs
NORWAY / NORVÈGE	Mr Morten RUUD (<i>Chairperson of CDDH-MIG / Président du CDDH-MIG</i>) Special Adviser Ministry of Justice and Public Security, Legislation Department
SPAIN / ESPAGNE	Mr Francisco SANZ Agent du Gouvernement auprès de la CEDH, Service juridique des Droits de l'Homme, Ministère de la Justice
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	Mr Er GÖKHAN Migration Expert Assistant, Directorate General of Migration Management

PARTICIPANTS / PARTICIPANTS

CONFERENCE OF INGOS / CONFÉRENCE DES OINGS	
COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE / CONSEIL DES BARREAUX EUROPÉENS (CCBE)	Ms Noemi ALARCÓN vice-présidente du comité Migration du CCBE

EUROPEAN COMMITTEE ON LEGAL CO-OPERATION / COMITÉ EUROPÉEN DE COOPÉRATION JURIDIQUE (CDCJ)	M. Rodrigo RODRIGUEZ Professeur en droit, Avocat Domaine de direction Droit privé Département fédéral de justice et police (DFJP), Office fédéral de la Justice
DGII - CHILDREN'S RIGHTS DIVISION / DIVISION POUR LES DROITS DES ENFANTS	Ms Katrin UERPMANN Children's Rights Policies and Co-operation / Politique des droits des enfants et coopération
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 Carolina LASEN-DIAZ Legal adviser / Conseillère juridique Mr Benoît OLRÉY Trainee/Stagiaire
<u>NIDOS</u> <u>Guardianship for refugees</u>	Mr Peter VAN DE POL
<u>CELCIS</u> <u>Centre for excellence for children's care and protection</u>	Ms Miriana GIRALDI International Associate, University of Strathclyde, Glasgow

SECRETARIAT / SECRÉTARIAT

DG I Human Rights and Rule of Law / Droits de l'homme et État de droit	<p>Mr Daniele CANGEMI Head of Department / <i>Chef de Service</i>, Department for Human Rights, Justice and Legal Co-operation Standard-settings activities / <i>Service des activités normatives en matière de droits de l'homme, justice et coopération juridique</i></p> <p>Ms Lilja GRETARSDOTTIR Head of the Co-operation Programmes Division / <i>Chef de la Division des Programmes de coopération</i></p> <p>Ms Theodora KRISTOFORI Project manager on migration and displacement, Transversal Challenges and Multilateral Projects / <i>Défis transversaux et projets multilatéraux</i></p> <p>Ms Katharina EBNER Project manager, Transversal Challenges and Multilateral Projects / <i>Défis transversaux et projets multilatéraux</i></p> <p>Ms Corinne GAVRILOVIC Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / <i>Division de la coopération intergouvernementale en matière de droits de l'Homme</i></p>
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INTERPRETERS / INTERPRÈTES

M^{me} Isabelle MARCHINI
M^{me} Pascale MICHLIN

APPENDIX II

Agenda (as adopted)

	ITEM 1: OPENING OF THE MEETING AND ADOPTION OF THE AGENDA
CDDH-MIG(2021)OJ1	Draft agenda
CDDH-MIG(2019)R7	Report of the 7 th Meeting of CDDH-MIG (23–24 October 2019)
CDDH-MIG(2021)04	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 and relevant extracts of the 91 st , 92 nd 93 rd CDDH meeting reports
	ITEM 2: RECENT DEVELOPMENTS IN THE FIELD – TOUR DE TABLE
	ITEM 3: EXAMINATION OF THE PRELIMINARY DRAFT GUIDE ON “FAMILY BASED CARE FOR UNACCOMPANIED AND SEPARATED CHILDREN”
CDDH-MIG(2021)01	Revised Draft on “Family Based Care for Unaccompanied and Separated Children”
CDDH-MIG(2020)01	Previous Draft on “Family Based Care for Unaccompanied and Separated Children”
CDDH-MIG(2021)02	Compilation of comments received on the Preliminary Draft on “Family Based Care for Unaccompanied and Separated Children”
CDDH-MIG(2021)03	Compilation of relevant material on family-based care
	ITEM 4: EXCHANGE OF VIEWS ON THE NATURE OF THE FUTURE WORK ON FAMILY BASED CARE
	ITEM 5: ADOPTION OF THE MEETING REPORT
	ITEM 6: OTHER BUSINESS