



CDDH-MIG(2019)03

13/02/2019

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

**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 89th and 90th CDDH meeting reports
(19–22 June and 27–30 November 2018)**

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)

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 89th CDDH meeting

(19–22 June 2018, document CDDH(2018)R89)

5.3 HUMAN RIGHTS AND MIGRATION (CDDH-MIG)

28. The CDDH took note with satisfaction of the information provided to promote the dissemination in the member States of the analysis adopted by the CDDH on the "legal and practical aspects of effective alternatives to detention in the context of migration".

29. The Chairperson of the Drafting Group on Human Rights and Migration (CDDH-MIG), Mr Morten RUUD (Norway) then presented the work accomplished during the 4th meeting of the Group on 21–23 March 2018. He pointed out that, at that meeting the Group had in particular examined the preliminary structure of the Handbook on effective alternatives to detention of migrants and asylum seekers.

30. The CDDH welcomed the progress accomplished. In view of the complexity and sensitive character of the issues addressed by this Drafting Group, it considered that the future work of the Group should be limited to a better implementation of the existing basic standards in this area without trying to establish new rules. To this end, the Handbook on effective alternatives to detention of migrants and asylum seekers, to be drafted by the CDDH-MIG at its meeting in October 2018, should focus on the didactic and practical aspects. Furthermore, the CDDH took note of the CDDH-MIG's intention to discuss with external experts at its 5th meeting (23–25 October 2018).

31. Finally, the CDDH exchanged views on the possible work regarding the protection of refugee and migrant children in Europe, which had been mentioned by the Director General of the DGI in his opening speech. To this end, the CDDH considered the concise information on the matter distributed during the meeting (see [Appendix IV](#) below). At this stage, the CDDH noted that work in this area could probably begin at the end of 2019 with a view to the possible drafting of such an instrument during the 2020-2021 biennium. The CDDH-MIG was invited to hold an exchange of views on this issue during its 5th meeting (23–25 October 2018).

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Extract of the report of the 90th CDDH meeting

(27–30 November 2018, document CDDH(2018)R90)

5.3 Human rights and migration (CDDH-MIG)

45. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), reported on the work of the 5th meeting of the Group (23-25 October 2018). He welcomed in particular the participation of the Director of the Human Rights Directorate, Mr Christophe POIREL.¹

46. The Chair of CDDH-MIG informed the CDDH that its Analysis *Legal and practical aspects of effective alternatives to detention in the context of migration* has recently been published in both English and French, with a German version forthcoming. The Chair noted that at its 5th meeting the Drafting Group in particular:

- (i) had continued its work on the draft *Handbook on alternatives to immigration detention*. The Group paid particular attention to the guidance given to it by the CDDH during its 89th meeting to make the Handbook short, user-friendly and visual, without any footnotes. The Group intends to conclude the draft at its next meeting (26-28 March 2019);
- (ii) had discussed the overall work to be carried out by the Group in 2019 and beyond. The Group agreed that the first priority would be the conclusion of the draft Handbook, but potential guidelines on alternatives to immigration detention as well as work on reception conditions for children would simultaneously be explored. The Group had asked the Rapporteur and the Secretariat to draft potential options and timelines for further work in this area, noting that any substantial work on the reception conditions of refugee and migrant children could only be concluded in the next biennium.

47. The CDDH welcomed the progress made by the CDDH-MIG and endorsed the proposal of the Group for its priorities and future work. It also took note of a joint Council of Europe and European Union Conference on alternatives to immigration detention to be held in Strasbourg 4 April 2019.

48. The Chair of CDDH-MIG and Ms Maria de Fátima GRAÇA CARVALHO (Portugal), who is the CDDH focal point to CDCJ, also informed of developments in the work of the Committee of experts on administrative detention of migrants (CJ-DAM). They noted that the work of CJ-DAM had temporarily been suspended after the submission of a widely debated proposal by the European Commission and a decision by the European Committee on Legal Co-operation (CDCJ) to submit the matter to the Committee of Ministers (CM). The CDDH exchanged views on these developments and voiced concern over any suggestions that may restrict the scope of the work and undermine human rights protection. The CDCJ was invited to further consult with the CDDH on any final draft instrument that may be elaborated in the continuation.

¹ It is recalled that the Group has the following mandate: 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).