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STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

Recommendations of the Parliamentary Assembly transmitted by the Ministers' Deputies to the CDDH for information and possible comments

and draft comments suggested by the Bureau for possible adoption by the CDDH

Introduction

- 1. The following Recommendations of the Parliamentary Assembly were transmitted by the Ministers' Deputies to the CDDH for information and possible comments:
 - A. Recommendation 2180(2020) "The impact of the Covid-19 pandemic on human rights and the rule of law"
 - B. Recommendation 2182(2020) "Justice by algorithm the role of artificial intelligence in policing and criminal justice systems"
 - C. Recommendation 2183(2020) "Preventing discrimination caused by the use of artificial intelligence"
 - D. Recommendation 2185(2020) "Artificial intelligence in health care: medical, legal and ethical challenges ahead"
 - E. Recommendation 2190(2020) "Effective guardianship for unaccompanied and separated migrant children"
- 2. The present document contains the texts of the above-mentioned Recommendations as well as draft comments suggested by the Bureau for possible adoption by the CDDH at its 94th plenary meeting (15-18 June 2021).
- 3. To this end, participants in the meeting of the CDDH are invited to send their possible comments/drafting proposals to the Secretariat (<u>DGI-CDDH@coe.int</u>) no later than Monday 7 June 2021, 18:00.

A. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2180(2020) - "THE IMPACT OF THE COVID-19 PANDEMIC ON HUMAN RIGHTS AND THE RULE OF LAW"

TEXT OF THE RECOMMENDATION

- 1. The Assembly refers to its Resolution 2338(2020) on the impact of the Covid-19 pandemic on human rights and the rule of law. It refers further to its Resolution 2209(2018) and Recommendation 2125(2018), entitled "State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights", and recalls the Committee of Ministers' reply to that recommendation.
- 2. The Assembly considers that derogations to the European Convention on Human Rights (ETS No. 5, the Convention) may pose a risk to the maintenance of common minimum human rights standards across Europe. It recalls that the aim of its 2018 proposals was to assist national authorities in understanding the legal complexities in this area and to encourage a more harmonised approach in future.
- 3. The Assembly notes that an unprecedented number of 10 States derogated from the Convention in respect of measures taken in response to the Covid-19 pandemic, showing a notable lack of consistency in national practice in important areas. Whilst accepting that a perfectly uniform approach is neither necessary, feasible nor desirable, the Assembly considers that this situation underlines the need for guidance and harmonisation.
- 4. The Assembly therefore invites the Committee of Ministers to reconsider the recommendation that it examine State practice in relation to derogations from the Convention, in the light of the requirements of Article 15 and the case law of the European Court of Human Rights, the requirements of international law and the Assembly's findings and recommendations in its Resolutions 2209(2018) and 2338(2020), with a view to identifying legal standards and good practice and, on that basis, adopting a recommendation to member States on the matter.
- 5. The Assembly further invites the Committee of Ministers to give terms of reference to the appropriate intergovernmental committee or committees to review national experience in responding to the Covid-19 pandemic, with a view to pooling knowledge and experience and identifying good practice on how to ensure an effective response to public health emergencies that respects human rights and the rule of law. The results of this review could form the basis for future Committee of Ministers' recommendations or guidelines.

DRAFT POSSIBLE CDDH COMMENTS

- 1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly's Resolution 2338(2020) on the impact of the Covid-19 pandemic on human rights and the rule of law. It fully shares the invitation of the Parliamentary Assembly to the Committee of Ministers to review national experience in responding to the Covid-19 pandemic, with a view to pooling knowledge and experience and identifying good practice on how to ensure an effective response to public health emergencies that respects human rights and the rule of law.
- 2. The CDDH is aware of the fact that, during emergencies or similar exceptional situations, states could be tempted to seek to achieve a more rapid, flexible and effective response, with in some cases the consequence of refraining from normal checks and balances. which fact could be proven as hazardous from the perspective of human rights, democracy, and the rule of law¹.

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¹ Cf. Parliamentary Assembly Resolution 2338(2020), para. 4.

- 3. The CDDH felt that, to maintain the needed check and balances during exceptional situations, national authorities should identify and assess (actual or potential) human rights impacts and risks of the measures taken or envisaged to face the exceptional situation. The CDDH already expressed before the Committee of Ministers its willingness and availability to work in this field during the next four-year Programme.
- 4. Following the recommendations from the Parliamentary Assembly and in synergy with ongoing pandemic-related work in other sectors of the Council of Europe, work that the CDDH might conduct could result, for instance, in:
 - (i) drafting a report to the Committee of Ministers on member States' practice in relation to derogations from the European Convention on Human Rights in case of major hazards (pandemic, natural disasters, etc.) along with the case-law of the European Court of Human Rights and the relevant texts of the Venice Commission (notably its list of "Principles governing the state of emergency" of May 2020 and its "Rule of Law Checklist") and the work of the ad hoc Committee of Legal Advisers on Public International Law (CAHDI) as well as international legal standards, in order to provide practical guidance to member States on the issue of derogations and to enhance procedural coherence and consistency in this respect;
 - (ii) drafting a *Toolkit for human rights impact assessment of the measures taken by the state*, in case of major hazards (pandemic, natural disasters, etc.) with the purpose to assist member States in balancing tension between, on the one hand, the States' positive obligations to respect and protect human rights and the proportionality of the restrictive measures applicable generally to the population on the other hand in case of major hazards. This text could contain a selection of national good practices;
 - (iii) based on the above-mentioned texts, a non-binding instrument (for instance, a Recommendation to member States) could be drafted at a later stage, with the purpose to assist member States to fully respect human rights, democracy and the rule of law in case of major hazards like the present covid-19 crisis.

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B. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2182(2020) - "JUSTICE BY ALGORITHM - THE ROLE OF ARTIFICIAL INTELLIGENCE IN POLICING AND CRIMINAL JUSTICE SYSTEMS"

TEXT OF THE RECOMMENDATION

- 1. The Parliamentary Assembly refers to its Resolution 2342 (2020) "Justice by algorithm The role of artificial intelligence in policing and criminal justice systems", which was adopted while work by the Ad hoc Committee on Artificial Intelligence (CAHAI) was ongoing within the Council of Europe.
- 2. The Assembly recalls that all Council of Europe member States are subject to the same basic standards of human rights and the rule of law, notably those established by the European Convention on Human Rights (ETS No. 5), as interpreted by the case law of the European Court of Human Rights. It

considers that a regulatory patchwork – different standards in different countries – may give rise to "ethics shopping", resulting in the relocation of artificial intelligence development and use to regions with lower ethical standards.

3. The Assembly therefore calls on the Committee of Ministers to take into account the particularly serious potential impact on human rights of the use of artificial intelligence in policing and criminal justice systems when assessing the necessity and feasibility of a European legal framework for artificial intelligence.

DRAFT POSSIBLE CDDH COMMENTS

- 1. The Steering Committee for Human Rights (CDDH) takes note with interest of Parliamentary Assembly's Resolution 2342(2020) "Justice by algorithm The role of artificial intelligence in policing and criminal justice systems", in particular the invitation addressed by the Assembly to the Committee of Ministers when assessing the necessity and feasibility of a European legal framework for artificial intelligence, to look into the serious potential impact for human rights of the use of artificial intelligence in policing and criminal justice systems.
- 2. In this framework, it stresses the importance of the Parliamentary Assembly Report on the role of artificial intelligence in policing and criminal justice systems.
- 3. The CDDH reaffirms that all member States' policing and criminal justice systems should operate under and within the same basic standards of human rights and the rule of law as they are enshrined in the European Convention on Human Rights (ETS No. 5) and interpreted by the case-law of the European Court of Human Rights.
- 4. The CDDH fully shares the Assembly's concerns regarding a possible regulatory patchwork that may give rise to "ethics shopping", resulting in the relocation of artificial intelligence development in states with lower ethical standards.
- 5. The CDDH felt that the preparation of a handbook on human rights and Al would be highly appropriate. However, to avoid duplications of CDDH activities with those of other relevant Council of Europe bodies, it was proposed to the Committee of Ministers to postpone this work until 2022-2025.
- 6. The CDDH follows closely the work carried out by the CAHAI and other relevant bodies such as the European Committee on Crime Problems (CDPC), i.e. its feasibility study on a future Council of Europe instrument on artificial intelligence and criminal law.

C. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2183(2020) - "PREVENTING DISCRIMINATION CAUSED BY THE USE OF ARTIFICIAL INTELLIGENCE"

TEXT OF THE RECOMMENDATION

- 1. The Assembly refers to its <u>Resolution 2343 (2020)</u> on preventing discrimination caused by the use of artificial intelligence. It notes that this resolution was adopted as work by the Ad hoc Committee on Artificial Intelligence (CAHAI) was ongoing within the Council of Europe.
- 2. The Assembly recalls that equality and non-discrimination are fundamental rights and that all member States are required to respect these rights in accordance with the European Convention on Human Rights (ETS No. 5), as interpreted by the case law of the European Court of Human Rights, and with the European Social Charter (ETS No. 35) and the European Social Charter (revised) (ETS No. 163), as interpreted by the European Committee of Social Rights.
- 3. The Assembly therefore calls on the Committee of Ministers to take into account the particularly serious potential impact of the use of artificial intelligence on the enjoyment of the rights to equality and non-discrimination when assessing the necessity and feasibility of an international legal framework for artificial intelligence.

DRAFT POSSIBLE CDDH COMMENTS

- 1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly Resolution 2343(2020), in particular the invitation addressed by the Assembly to the Committee of Ministers, when assessing the necessity and feasibility of an international legal framework for artificial intelligence, to look into the serious potential impact for the rights to equality and non-discrimination.
- 2. The CDDH reaffirms that all member States are required to respect the rights of equality and non-discrimination in accordance with the European Convention on Human Rights (ETS No. 5) and the European Social Charter (ETS No. 35 and No 163) as they are interpreted by the European Court of Human Rights and the European Committee of Social Rights, respectively.
- 3. The CDDH supports the work of the CAHAI and other relevant bodies such as the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) whose 2022-2023 workplan envisages the preparation of a sectoral instrument on AI, non-discrimination and equality.
- 4. The CDDH felt that the preparation of a handbook on human rights and AI would be highly appropriate. However, to avoid duplications of CDDH activities with those of other relevant Council of Europe bodies, it was proposed to the Committee of Ministers to postpone this work until 2022-2025.

D. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2185(2020) - "ARTIFICIAL INTELLIGENCE IN HEALTH CARE: MEDICAL, LEGAL AND ETHICAL CHALLENGES AHEAD"

TEXT OF THE RECOMMENDATION

- 1. Good health is a precondition for more fulfilling individual lives and the progress of society as a whole. Artificial intelligence (AI) is the latest technological innovation to rapidly impact healthcare. Like many technological innovations in healthcare, it harbours considerable potential for improving both individual and public health, but also presents risks for individual rights and public health. Furthermore, the speed of the development and deployment of these technological advances is much faster than that of the legal framework regulating them, which requires close attention by policy makers and politicians.
- 2. Al applications in healthcare represent the paradigm shift that is taking place in healthcare generally, by moving the focus away from disease and therapy towards self-managed health, well-being and prevention, and away from "one-size-fits-all" treatment protocols to precision medicine tailored to the individual. In this changing environment, full respect for human rights, including social rights, needs to underpin public policy making for healthcare and guide further technological progress. This is required to ensure that more mature Al mechanisms can be deployed safely from a human rights perspective, and that benefits from innovation are spread fairly and equitably across society.
- 3. The Parliamentary Assembly notes that the scientific community has urged public debate on the implications of AI applications in healthcare and has highlighted the need for all stakeholders to be more accountable. Policy makers, including parliamentarians, at national, European and international levels must better understand the wide-ranging risks, socio-economic impacts and opportunities inherent in the design, development and deployment of AI technologies in healthcare, so that they can seek pragmatic improvements and propose adequate regulatory options that ensure full respect for human dignity and rights through legal and ethical frameworks as far as possible with a global reach. This requires a collaborative, multidisciplinary approach to defining AI-related risks and challenges in healthcare.
- 4. The Covid-19 outbreak has focused attention on the role that AI can play through real-time surveillance, assessment and management of data on disease. It has also revived the much-needed debate on acknowledging the right to health as a fundamental human right, which should be secured through legal instruments and appropriate healthcare systems that are publicly provided and that ensure universal access.
- 5. The Assembly heeds with concern the warning from the World Health Organization (WHO) that the existing digital divide and inequalities (within and between countries, as well as societal groups), coupled with the spread of AI, might exacerbate the unequal distribution of healthcare and problems of effective access to healthcare, reduce the number and skills of health professionals, accentuate bias and increase "disrespectful clinical interactions", thus *de facto* worsening healthcare inequalities and outcomes. The Assembly underlines that there is a broad global consensus around the essential ethical principles of AI. It strongly supports the work of WHO on developing ethics guidance on AI in healthcare on the basis of the shared perspectives of various stakeholders, including the Council of Europe and its Parliamentary Assembly.
- 6. Given that to date the private sector has driven most of the research and development of Al applications for healthcare, national public healthcare authorities should adopt a strategic approach to coordinating digitalisation policies, research and investment, as well as management and exploitation of personal data, with a view to ensuring full protection of fundamental rights and striking a healthy balance between individual, business and public interests. In this context, the Assembly reaffirms its call, in Recommendation 2166 (2019) "Human rights and business what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?" to reflect on modern challenges and member States' obligations under the European Social Charter (ETS Nos. 35 and 163), including the right to health.

- 7. The Assembly stresses the pertinence of existing Council of Europe legal instruments, in particular the European Convention on Human Rights (ETS No. 5), the Convention on Human Rights and Biomedicine (ETS No. 164, "Oviedo Convention") and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its amending protocol (CETS No. 223, "Convention 108+") in relation to AI-driven transformations in healthcare. However, it believes that the scope and depth of these transformations and the undeniable impact of AI technology on human dignity and fundamental rights are such that the Council of Europe, as the guardian of human rights, should prepare a dedicated legal instrument on AI. It thus strongly supports the work of the Ad hoc Committee on Artificial Intelligence (CAHAI) towards preparing such a dedicated legal instrument.
- 8. The Assembly notes that privacy, confidentiality of personal data and informed consent are the cornerstones of patient rights worldwide. At the same time, certain restrictions on the use of personal health data may disable essential data linkages and induce distortions, even errors, in Al-driven analysis. It is debatable whether the anonymisation or pseudonymisation of personal health data are appropriate solutions.
- 9. The Assembly welcomes the intention of the Council of Europe Committee on Bioethics (DH-BIO) to work on trust, safety and transparency in the application of Al in healthcare. The Assembly encourages it to take a comprehensive approach, to proceed with this work as a matter of priority and to seek synergies with other Council of Europe bodies working in this field.
- 10. Moreover, the Assembly considers that cybersafety requirements for AI-enabled medical devices (including implantable and wearable healthcare products) should be further explored in the framework of the Convention on Cybercrime (CETS No.185), whereas the Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT) could complement DH-BIO work by helping to define the liability of stakeholders from developers to regulatory authorities, intermediaries and users (including public authorities, healthcare professionals, patients and the general public) with regard to the development, maintenance and use of medical AI applications, and any damage caused by them.
- 11. The Assembly therefore recommends that the Committee of Ministers:
 - instruct the CAHAI to prepare a dedicated legal instrument on AI, preferably a binding instrument with a global reach, such as a convention open to non-member States, with an emphasis on the human rights implications of AI in general and on the right to health in particular;
 - involve other relevant Council of Europe bodies in CAHAI work with a view to adequately covering health-related challenges, notably in terms of privacy, confidentiality and cybersafety of sensitive personal health data, informed consent and liability of stakeholders:
 - 11.3 mandate the DH-BIO and the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data to seek synergies in their work towards guiding member States on good governance of health data, with a view to preventing any sovereign or commercial misuse of personal data through medical Al applications;
 - 11.4 update Recommendation CM/Rec(2016)3 on human rights and business in order to reflect modern challenges and member States' obligations under the European Social Charter (including the right to health).
- 12. The Assembly furthermore recommends that the Committee of Ministers encourage member States to:
 - build a holistic national approach, involving national parliaments, to the use of AI technology in healthcare services based on multistakeholder involvement and accountability, as well as adequate evaluation of socio-economic and human rights impacts, with a view to consolidating their population's full access to public healthcare services and giving effect to everyone's right to health as set out in the European Social Charter;
 - 12.2 participate more actively in the development and deployment of AI applications for healthcare services at national level and provide for sovereign evaluation and screening of such applications by independent institutions, as well as an exhaustive authorisation

- process for their deployment, in particular in public health services, to counter risks to individual rights and public health, in accordance with the precautionary principle;
- 12.3 examine legal and technical options for certification and validation of both publicly and commercially developed Al applications for health (covering the end product and every stage of the Al design process) at both national and European levels;
- 12.4 strengthen their national human rights impact assessment framework for all health-related Al applications;
- 12.5 guarantee that AI-driven health applications do not replace human judgment completely and that AI-enabled decisions in professional healthcare are always validated by adequately trained health professionals:
- elaborate a legal framework for clarifying the liability of stakeholders for the design, deployment, maintenance and use of health-related AI applications (including implantable and wearable medical devices) in the national and pan-European contexts, redefine stakeholder responsibility for risks and harm from such applications and ensure that governance structures and law-enforcement mechanisms are in place to guarantee the implementation of this legal framework:
- discuss how to balance the requirement of strong protection of personal data and the need to use certain types of personal health data for the public good in the context of AI-powered enhancements in public health, while respecting human rights, including as regards the better preparedness of governance structures to anticipate and manage the pandemic response;
- 12.8 accelerate their accession, if they have not yet done so, to the Oviedo Convention and its protocols and to the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data;
- 12.9 adapt their education and training systems to integrate AI literacy into the curricula of schools and medical training institutions, with an emphasis on the ethical principles of AI and responsible uses of AI applications;
- 12.10 enhance investments in building the necessary digital infrastructure to overcome the prevailing digital divide and to ensure that AI-driven innovations do not exacerbate existing health inequalities;
- 12.11 engage a national debate on AI for health in order to raise the population's and health professionals' awareness of both the risks and the benefits inherent in the use of AI applications for wellness and healthcare, in particular with regard to certain commercially developed applications already on the market which take advantage of current legal voids;
- 12.12 consider options for harmonising the interconnectivity of national health data networks and databases so as to enable human rights compliant data linkages for Al-powered analysis and build "learning health systems".

DRAFT POSSIBLE CDDH COMMENTS

- 1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly Recommendation 2185(2020) "Artificial intelligence in health care: medical, legal and ethical challenges ahead" and its "Report on Artificial intelligence in health care: medical, legal and ethical challenges ahead".
- 2. The CDDH agrees that AI applications in healthcare constitute a changing environment and full respect for human rights, including social rights, needs to underpin public policy making

for healthcare and guide further technological progress. To achieve that more mature Al mechanisms can be deployed safely from a human rights perspective, and that benefits from innovation are spread fairly and equitably across society, a collaborative and multidisciplinary approach is required across the Council of Europe. Hence, the CDDH welcomes the invitation of the Parliamentary Assembly to the Committee of Ministers to mandate relevant Council of Europe bodies to conduct work regarding Al-related risks and challenges, in particular in healthcare.

- 3. The CDDH takes also note of the invitation from the Assembly to the Committee of Ministers to encourage member States to take concrete action allowing to establishing ethical principles for Al and its responsible use, while giving effect to everyone's right to health as set out in the European Social Charter and while securing population's full access to public healthcare services.
- 4. The CDDH reiterates the pertinence of existing Council of Europe legal instruments, in particular the European Convention on Human Rights (ETS No. 5), the Convention on Human Rights and Biomedicine (ETS No. 164, "Oviedo Convention") and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its amending protocol (CETS No. 223, "Convention 108+") in relation to Al-driven transformations in healthcare. The CDDH reaffirms that all member States are required to respect the rights and principles enshrined therein till a dedicated legal instrument on Al is adopted.
- 5. The CDDH examined its mandate in the field of human rights and Al during its 93rd plenary meeting (14 to 16 December 2020) which was postponed until 2022 in order to avoid duplications of its activities with those of other relevant Council of Europe bodies, such as the Ad hoc Committee on Artificial Intelligence (CAHAI), Committee on Bioethics (DH-BIO), Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT) and the Committee on Social Affairs, Health and Sustainable Development.
- 6. In the light of the conclusions to be reached in 2021 by other bodies, the CDDH could, for instance:
 - (i) consider the feasibility of updating the Recommendation CM/Rec(2016)3 on human rights and business in order to reflect modern challenges and member States' obligations under the European Social Charter (including the right to health);
 - (ii) draft a report in relation to the work conducted by all the involved Council of Europe bodies with the purpose of identifying any areas where further work is needed;
 - (iii) draft, in co-operation notably with the Committee on Bioethics (DH-BIO), a *Toolkit* with measures for practical guidance to assist member States in dealing effectively with medical, legal and ethical challenges posed by Al applications in health care.

E. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2190(2020) - "EFFECTIVE GUARDIANSHIP FOR UNACCOMPANIED AND SEPARATED MIGRANT CHILDREN"

TEXT OF THE RECOMMENDATION

- 1. Referring to its <u>Resolution 2354 (2020)</u> on effective guardianship for unaccompanied and separated migrant children, the Parliamentary Assembly emphasises the importance of the creation of effective guardianship systems in all Council of Europe member States, with particular focus on unaccompanied and separated children, with the aim of ensuring their protection and providing them with assistance as soon as they arrive in Europe.
- 2. Welcoming the adoption by the Committee of Ministers of Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration, and with a view to its successful implementation, the Assembly recommends that the Committee of Ministers:
 - 2.1 include in the new Council of Europe action plan in the field of migration and human rights (currently under preparation) those activities which will facilitate its successful implementation;
 - 2.2 invite the Steering Committee for the Rights of the Child (CDENF) to promote European best practices in the guardianship of unaccompanied and separated migrant children and to study the possibility of setting up a mechanism for the quick and safe relocation of unaccompanied migrant children to countries with the most developed child protection systems, in accordance with their best interests:
 - 2.3 invite the Drafting Group on Migration and Human Rights (CDDH-MIG) to study the issue of foster care for unaccompanied and separated migrant children and explore the possibility of creating a European register of foster-care families with the aim of finding rapid solutions for the protection of unaccompanied and separated migrant children;
 - 2.4 invite the Network of Focal Points on Migration to explore the possibility of increasing dialogue on international and national multidisciplinary co-operation with a view to improving the protection of unaccompanied and separated children in the context of migration, including improving data collection and exchange on this group in Council of Europe member States.

DRAFT POSSIBLE CDDH COMMENTS

- 1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly's Resolution 2354 (2020) on effective guardianship for unaccompanied and separated migrant children and it fully shares the invitation of the Parliamentary Assembly to the Committee of Ministers to enhance the implementation of the Recommendation CM/Rec(2019)11.
- 2. The CDDH underlines the importance to have effective guardianship systems in all Council of Europe member States, especially regarding unaccompanied and separated children. It notes that the Steering Committee for the Rights of the Child (CDENF), the Drafting Group on Migration and Human Rights (CDDH-MIG) and the Network of Focal Points on Migration could contribute significantly in reaching this goal.
- As to its work on the issue, the CDDH recalls that it was mandated by the Committee of Ministers to draft a document on family-based care for unaccompanied and separated migrant children. It is foreseen to finalise it in 2021.