



CONFERENCE OF INGOs  
OF THE COUNCIL OF EUROPE  
CONFERENCE DES OING DU  
CONSEIL DE L'EUROPE

## Terms of reference of the : Migration Committee on the rights of persons who are migrants (proposal)

**INGOs wishing to propose the creation of a committee to the Conference of INGOs are invited to transmit the following information, together with the requested documents, no later than 21 March to [NGO-Unit@coe.int](mailto:NGO-Unit@coe.int)**

### 1. Proposed Title

#### **Migration Committee on the rights of persons who are migrants**

*Access of INGOs and NGOs to migrant populations  
Access of migrants, refugees and asylum seekers to fundamental rights.*

### 2. Background and links with the priorities of the Conference of INGOs and the Council of Europe (please indicate also the specific documents / legal / institutional instruments you wish to refer to) (500 words max)

Migration is an integrated approach included in the Action Plan of the Conference of INGOs 2018-2021. The work carried out by the *Migration Task Force* highlighted some concrete facts and supported the advocacy regarding the situation of migrants in camps as well as the criminalization of humanitarian work in some member countries. Moreover, the effects of the pandemic further highlighted the recurrent difficulties met by INGOs to reach migrant camps or other reception areas. It is more specifically the access of migrant populations, refugees and asylum seekers (adults and minors) to some rights and to care that is particularly challenged, both inside and outside the "reception centres". The confinement and traumas underline the need to take into consideration the mental health of these populations and their access to fundamental rights.

The relevance and urgency to take these issues into consideration should be reflected in the future Action Plan of the Special Representative of the Secretary General of the Council of Europe for Migration, Refugees and Asylum Seekers (2021-2025), especially concerning the practice towards "vulnerable persons"<sup>1</sup> and the NGOs representing them.

#### **References**

- European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms - 1953)
- Recommendation CM/Rec(2019)4 of the Committee of Ministers to member States on supporting young refugees in transition to adulthood
- The Revised European Social Charter and collective complaints concerning migrants (Eurocef v. France 2019, DEI v. Belgium 2011, CEC v. The Netherlands 2013, FEANTSA v. The Netherlands 2012)
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

<sup>1</sup> Asylum seekers, particularly vulnerable groups of migrants (women and unaccompanied minor), young refugees in transition to adulthood, detainees, .../... , persons with health problems (including mental health problems), victims of domestic and/or gender-based violence, victims of torture, victims of trafficking in human beings and stateless persons, as well as other persons in certain situations exposing them to specific vulnerabilities.

- The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
- The Council of Europe Convention on Action against Trafficking in Human Beings
- The Council of Europe Strategy for Equality between Women and Men (2018-2023)
- Recommendation 2194 (2021), Resolution 2362 (2021) and PACE Report on Restrictions on NGO activities in Council of Europe member states
- Recommendation 2192(2020), Resolution 2356 (2020) and PACE Report on the Rights and Obligations of NGOs assisting refugees and migrants in Europe
- Recommendation 2180 (2020), PACE Resolution 2338(2020) on The consequences of the COVID-19 pandemic on human rights and the rule of law
- The Guide to the case law of the European Court of Human Rights - Immigration (version updated on 31 August 2020)
- CPT Thematic Fact Sheet (March 2017) Migrant Retention

### 3. Committee's purpose(s)

Contribute to the structuration of an environment favourable for the exercise of humanitarian works and other related legitimate activities carried out by INGOs and NGOs with and for migrant population:

**Axis 1:** Promote a holistic approach to migration issues when it comes to ensuring and promoting the rights of the persons concerned, and more specifically :

- Right to global health ;
- Right to education ;
- Right to safety and physical integrity with reference to the Istanbul Convention and the Convention on Action against Trafficking in Human Beings.

**Axis 2:** Focus on the question of “NGO having access to migrant populations (detention centres, reception centres, public spaces, etc.) as a factor to the effectiveness of the rights to protection, assistance and participation in decisions concerning migrants.”

**Horizontal axis :** Crosscutting communication/information :

- Ensure a monitoring/watch - on current events and a surveillance of possible situations of distress ;
- Organise the communication towards NGOs in the field and towards general public;
- Strengthen the cooperation with PACE, the SRSB, the Office of the HR Commissioner and the CPT.

### 4. Its specific objective(s)

*Both the Committee's objectives and activities would complete and feed into the works of the other pillars of the Council of Europe (Committee of Ministers, PACE, Congress of Local and Regional Authorities) as well as to ensure the presence of NGOs in the relevant discussions and monitoring visits. It should include those of the Special Representative of the Secretary General for Migration, Refugees and Asylum Seekers, the Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) .*

**Axis 1:**

- 1) Draw the attention of the CoE bodies on an effective access to global health which is conditioned by multiple determinants such as, the right and permit to stay, access to healthy housing without excessive restrictive conditions (especially temporal).
- 2) Promote the establishment of a programme of first reception for unaccompanied children and minors that ensures an access to care and provides real opportunities for life projects.
- 3) Raise awareness on the danger of allowing the return of migrants to certain countries that do not guarantee the effective access to physical and mental health care.
- 4) Promote the social integration of migrant people particularly through work and education.
- 5) Follow-up the activities of other international and regional institutions such as the European Union (eg. New Pact on Migration and Asylum).

**Axis 2 :**

- 1) Contribute to the implementation of Recommendation 2192 (2020) and Resolution 2356 (2020) "Rights and obligations of NGOs assisting refugees and migrants in Europe" and act against the criminalization of NGOs working with migrants in Council of Europe member countries.
- 2) Encourage the CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) to take into account the need for NGOs to reach places of deprivation where migration populations are detained or isolated (police stations, detention centres, shelters...) in Council of Europe member countries, in order to assess the way in which people deprived of their liberty are treated.
- 3) Support the work of NGOs in reaching detention centers at state borders where there are migrants.

**Horizontal axis**

Ensure mutual and regular communication with the various parties concerned (see the Committee's aims) on issues relating to axes 1 and 2.

**5. Planned activities, working methods and timetable*****Planned activities***

*As stated in the previous paragraph, everything developed here must be able to be carried out in conjunction with the activities of the other pillars and structures of the Council of Europe.*

**Axis 1 Objective 1** Organise a round table with PACE and the Congress of Local and Regional Authorities and the ECSR on the interdependencies between migrants' access to different human rights.

**Axis 1 Objective 1:** Draft and publish a position paper on the right to education and the right to health and physical safety aiming at an articulation between needs and rights, with recommendations for intersectoral and intersectional public policies

**Axis 1 Objective 2** Organise a screening-debate around the documentary Shadow Game on unaccompanied minors and the importance of recognising the specific status of children and adolescents at risk in the field of migration

**Axis 1 Objective 3:** Draft a short information document on voluntary returns of migrants and forced expulsions of migrants

**Axe 1 Objective 4:** Organise an exchange about the social integration of people with a migration background in the context of professional activities.

**Axis 1 Objective 5:** Discuss with the Rapporteur of the new "Pact on Migration and Asylum" proposed by the European Commission (EU) to advocate for a recognition of the role of INGOs in this project.

**Axis 2 Objective 1:** Ensure regular communication with national NGOs and citizens' initiatives regarding the provisions included in Recommendation 2192 (2020) and inform the relevant CoE bodies on the evolution of the situation in the fields.

**Axis 2 Objective 1 :** Draft a recommendation of the Conference of INGOs on how to improve NGO's access to the migrant population and the access to human rights by the latter.

**Axis 2 Objective 1:** Raise awareness among public authorities and Council of Europe bodies on the need to implement the Guidelines on protecting NGO work in favour of refugees and other migrants prepared by the Expert Council on NGO law of the Conference of INGOs

**Axis 2 Objective 2:** On the basis of a consultation with NGOs and public authorities, draft a policy and position paper on the added value of NGOs access to places of deprivation of liberty and, organise a meeting with CPT members to discuss this issue.

**Axis 2 Objective 3** Exchange on good practices in coalition with NGOs operating in border areas.

**Horizontal axis :**

Write a position paper on the two axes of the Committee.

Prepare a compendium of actions carried out by the NGOs participating in the Committee.

Implement a dialogue with member countries.

Draft and publish press releases etc.

**Working methods**

Consultations with INGOs of the Conference and CoE bodies.

Consultations with NGOs and member states' officials.

Round table, side events.

Publication: position paper, press release, information and awareness raising document, advocacy.

Open debate during the session of the Conference of INGOs.

Invitations to INGOs and/or NGOs working with migrants.

Invitation of people in a migration situation.

***Timetable Planned activities******April 2021: presentation and approval of the proposal by the General Assembly*****2021 - 2022**

- Draft a position paper on INGOs' access to people in migration situations (following the activities of the Migration Watch Unit in December 2020) for a recommendation.
- Round table on migrants' access to different human rights
- Position paper on effective access to the right to health care , including mental health support.
- Actions towards the CPT
- Contact with the rapporteur of the New Pact on Migration and Asylum proposed by the European Commission.
- Screening and debate of the documentary Shadow Game on unaccompanied minors.
- Communication with the INGOs of the Conference on the challenges and opportunities of migration.

**Interim report****2022 - 2023**

- Policy and position paper on the added value of NGO access to the place of deprivation of liberty.
- Position paper on the rights to education and the right to health care and physical safety
- Background paper on voluntary returns of migrants and forced expulsions of migrants
- Event / side event during the INGO sessions

**Final report****6. Expected outputs and their indicators**

Achieve planned activities within the timeframe: all planned activities were achieved and new propositions for new action were found.

«*Documents produced / activities implemented*» were discussed with relevant stakeholders on the defined topics and that allowed to influence the mutual positions / decisions / work of the individuals and groupes/ bodies concerned. Aspects of the decisions or work of the committee were used by the partners in their own activities.

The network of civil society organisation's partners and experts has been built around the Committee's work and the joint action conducted to improve some aspects towards an enabling and favourable environment for NGOs within the member States.

Working relationships with the CPT have been established.

Communications with the SRSG's office and the PACE committee have led to reciprocal consideration of the work carried out by both parties.

**7. Names, contact details, expertise and experiences of the Heads of the INGO delegations supporting the creation of the Committee (at least 5)**

**Danish Refugees Council – Cecilie Kofoed**

**ESAN – René Ledermann**

**EUROGEO - Harry Rogge**

**EYBA – Joyce Herrent**

**FIACAT : Marie Salphati**

**Médecins du Monde – Martine Schmelck**

**MIAMSI – Daniel Guéry**

**RENATE – Marie Hélène Halligon**

**UNAEC – Laurent Grégoire**

**8. Names, contact details, expertise and experiences of the delegates who will take part in the Committee (at least 7)**

**Caritas Europa –Peter Verhaeghe**

**EUROCEF : Anna Rurka**

**EUROGEO : Michaela Linder-Lally**

**European Social Action Network (ESAN) : Amandine Liard**

**EYBA - Michalis Mittas et Robert McTernaghan**

**Justice et Paix Europe : Jean-Bernard Marie**

**Médecins du Monde – Ezgi Aydin**

**QCEA : Kekeli Kpognon**

***ONG nationales***

**Choose Love – Nick Van der Steenhoven**

**Smile off he Child – Marc Van den Reeck**

**9. Chairperson of the Committee proposed for election by the Conference of INGOs**

**Daniel Guery MIAMSI**

**10. As an attachment, you are requested to present the expertise and experience of the candidate for the position of Chairperson of this committee, in relation to the subject matter of the committee, as well as the expertise and experience of the Heads of the delegations supporting the creation of this committee**

**Extract from the [Rules of Procedure of the Conference of INGOs](#))**

**Rules that apply for the creation and functioning of a Committee, the validation of its mandate and of reporting and the election of the Chairperson of the Committee by the Conference of INGOs**

«61. Committees shall be established by the General Assembly on a proposal from the Standing Committee or from 5 Heads of Delegation to: (a) provide a focus for discussion and research on a particular issue relevant to the work of Council of Europe bodies; and (b) prepare reports on their findings together with, where appropriate, draft declarations, recommendations and resolutions for its consideration.

62. *In deciding to establish a Committee, the General Assembly shall have regard to:*
- (a) the relevance of the proposed issue to be examined for the threeyear Strategic Plan adopted by the General Assembly and for work being undertaken, or that ought to be undertaken, by Council of Europe bodies;*
  - (b) the availability of sufficient expertise, whether amongst Delegates or that can otherwise be called upon;*
  - (c) the need to avoid overlap with an issue that is being addressed by an existing Committee;*
  - (d) the willingness of at least 7 Delegates to participate in it; and*
  - (e) the possibility of accommodating meetings of the proposed Committee in the schedules of forthcoming Sessions of the Conference.*
63. *The General Assembly when establishing a Committee shall specify its terms of reference and the duration of its operation. It shall then invite applications/proposals for the Chair, who shall be elected on a show of voting cards where the Session is held in Strasbourg and/or through use of voting passwords for each Session held through videoconferencing. Only Articles 100, 120 and 122 shall apply to the election of Chairs of Committees.*
64. *The duration of a Committee shall normally be limited to two years but, where a real need has been demonstrated, may be extended by the General Assembly for a third year.*
65. *Committee meetings shall be open to all Delegates and to persons invited by the Chair or the Standing Committee to take part in them. Those attending shall provide the Rapporteur with their email address for distribution of notes of meetings and draft reports.*
66. *Each Committee shall choose its Rapporteur at its first meeting*
67. *In the event of a Chair not being able to continue in this role, a replacement shall be appointed by the Standing Committee. In the event of a Rapporteur not being able to continue in this role, a replacement shall be appointed by the Committee at the first opportunity to do so.*
68. *The Chair of a Committee shall be responsible for:*
- (a) chairing its meetings;*
  - (b) preparing its agenda in consultation with the Rapporteur and ensuring that this is sent to INGOs in accordance with Article 6;*
  - (c) circulating notes of meetings and draft reports;*
  - (d) inviting persons other than Delegates to participate in its meetings;*
  - (e) liaising with any Delegate appointed by the Standing Committee to represent the Conference on a Steering Committee or other body within the Council of Europe whose remit is relevant to the issue being examined;*
  - (f) presenting its reports submitted to the General Assembly;*
  - (g) submitting a request for any extension of the Committee duration; and*
  - (h) submitting interim and final reports for consideration by the General Assembly.*
69. *The Rapporteur shall be responsible for:*
- (a) suggesting points to be included in the agenda;*
  - (b) preparing briefings for discussion at meetings;*
  - (c) preparing notes of meetings;*
  - (d) preparing interim and final reports; and*
  - (e) deputising for the Chair in his or her absence*
70. *Outside of Conference Sessions, meetings of Committees may be held in Strasbourg or elsewhere and also through videoconferencing arrangements determined by the Standing Committee.*
71. *Each Committee shall submit: (a) an interim report on its activities for consideration at the General Assembly occurring a year after its creation; and (b) a final report on its findings, together with any draft recommendation or resolution considered appropriate, for consideration at the General Assembly held prior to the end of its mandate."»*