



**UN High Commissioner for Refugees  
Intergovernmental event at the ministerial level**

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**STATEMENT**

**by**

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Mr Chairman,  
Mr. High Commissioner,  
Ladies and Gentlemen,

On the 60<sup>th</sup> anniversary of the Refugee Convention and the 50<sup>th</sup> anniversary of the Convention on the Reduction of Statelessness, the best pledge that the Council of Europe can make is the **Framework for Council of Europe work on Migration for 2012-2013**.

It is a programmatic document which formulates policy guidelines aiming at improving effectiveness and coherence, and achieving better impact. It focuses on promoting more effective and responsible use of the already rich body of standards and instruments and ensuring appropriate follow-up to the monitoring results.

This statement will focus on the standards in place, but the Framework contains ample references to monitoring and cooperation for implementation.

There are three areas of migration-related work which Council of Europe has identified as particularly critical from the human rights perspective.

## I. INTEGRATION OF MIGRANTS

The principal objective in the field of integration is to promote the development of such policy and practice in Member States that would ensure equal and non-discriminatory access of migrants (including refugees) to rights and services, and offer them opportunities for positive interaction with the host societies. It also addresses the manifestations of racism and xenophobia towards migrants.

Beyond the European Convention on Human Rights (whose provisions are applicable to all persons including foreigners) a considerable body of hard and soft law has been developed. The European Social Charter, the European Convention on the Legal Status of Migrant Workers and the European Convention on the Participation of Foreigners in Public Life at the Local Level are particularly relevant in this context. There are also numerous recommendations adopted by the Committee of Ministers that offer guidance and advice to the Member States on facilitating the integration of migrants in the labour market, promoting the integration of migrant children and youth, encouraging the interaction and participation of migrants in the life of their societies.

## II. ASYLUM, IRREGULAR MIGRATION AND RETURN

### a. Asylum and Asylum Procedures

The Committee of Ministers has developed a solid body of soft law that offer guidance to the Member States on specific aspects of national asylum policy and practice that would fully comply with the human rights standards. The '*Twenty guidelines on forced return*', the Recommendations on the return of rejected asylum-seekers and on exclusion from refugee status, as well as the Guidelines on human rights protection in the context of accelerated asylum procedures are the most recent examples.

#### c. Detention of migrants and asylum-seekers

With regard to the detention of migrants, the Council of Europe concentrates on two principal aspects: legality of detention and detention conditions. The European Convention on Human Rights is the most important instrument in protecting the rights of people in detention including of irregular migrants. The 'Twenty Guidelines on Forced Return' offers Member States guidelines on detention conditions, including specific provisions for children and families, length of detention, as well as on the conditions under which the detention can be ordered. The Parliamentary Assembly of the Council of Europe has repeatedly raised concerns related to detention of irregular migrants and asylum-seekers in its recommendations.

#### c. Irregular Migration

A few standards developed by the Council of Europe address irregular migration. In addition, as the European Convention on Human Rights covers every person irrespective of his/her legal status of being an "irregular" migrant, it applies to irregular migrants in all Member States. Several provisions of the European Social Charter also apply to irregular migrants, making provisions on their minimal rights for shelter, health etc.

### III. INTERNALLY DISPLACED PERSONS

The Council of Europe possesses particularly relevant experience and expertise in community development and integration of vulnerable groups of IDPs. Established co-operation in this area exists with the UNHCR, UNICEF and the authorities of some countries concerned (Georgia, Bosnia and Herzegovina, Serbia, Armenia, and Azerbaijan).

#### CO-OPERATION

Cooperation with Member States is of essence for the implementation of standards agreed. The Council of Europe will focus on projects which shall comprise awareness-raising activities, including those that constitute part of the regular follow-up to monitoring results. Upon request, targeted co-operation activities should be pursued in all above areas, aiming at providing member States with capacity to address shortcomings identified in their law and practice. These activities may take the form of legislative expertise, training and other capacity building assistance. In the same spirit, the Council of Europe can contribute to setting-up of networks of member States authorities that face similar problems to promote sharing of good practices.