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Asylum seekers and refugees: sharing responsibilities in Europe

Reply to Recommendation[1]: Recommendation 1973 (2011)
Committee of Ministers

1. The Committee of Ministers has examined Parliamentary Assembly Recommendation 1967 (2011) on "The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores"[2] Recommendation 1969 (2011) on "Unaccompanied children in Europe: issues of arrival, stay and return"[3] and Recommendation 1973 (2011) on "Asylum seekers and refugees: sharing responsibilities in Europe".[4]

2. With respect to Parliamentary Assembly Recommendation 1967 (2011) on "The large-scale arrival of irregular migrants, asylum seekers and refugees on Europe's southern shores", the Committee of Ministers wishes to emphasise, as did the Assembly, the initiative of the Secretary General of the Council of Europe and the response given by the Committee of Ministers as regards the Organisation's possible action in the event of mass arrivals of asylum seekers and migrants from the southern Mediterranean region. At the 1127th (Budget) meeting of the Ministers' Deputies from 22 to 24 November 2011,the Committee of Ministers approved the Council of Europe Programme and Budget 2012-2013,[5] which states that:

> *"… In 2012, member States that might experience large-scale arrival of irregular migrants and asylum seekers are provided with requested assistance in strengthening capacity of their migration and asylum services (in co-operation with the EU and the UNHCR). …"* [6]

3. The Committee of Ministers welcomes the Assembly's idea to bring together those responsible for reception and detention in member States, along with relevant Council of Europe bodies, to look at best practices and methods of co-operation to ensure respect for human rights standards.

4. With respect to the role of the Council of Europe Development Bank (CEB) in supporting member States in the reception of irregular migrants, refugees and asylum seekers, and in the integration of those in need of international protection, the Committee of Ministers notes that according to Article II, section a. of the Articles of Agreement of the CEB "The primary purpose of the Bank is to help in solving the social problems with which European countries are or may be faced as a result of the presence of refugees, displaced persons or migrants consequent upon movements of refugees or other forced movements of populations and as a

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1. Joint reply to Recommendations 1967 (2011), 1969 (2011) and 1973 (2011), adopted at the 1146th meeting of the Ministers' Deputies (20 June 2012).
2. This recommendation was forwarded to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), to the Steering Committee for Human Rights (CDDH) and to the Council of Europe Development Bank (CEB) for information and possible comments. It was also communicated to the Council of Europe Commissioner for Human Rights for information.
3. This recommendation was forwarded to the European Committee on Legal Co-operation (CDCJ), to the Steering Committee for Human Rights (CDDH), to the Council of Europe Network of National Focal Points on Children's Rights and to the Council of Europe Development Bank (CEB), for information and possible comments.
4. This recommendation was forwarded to the Steering Committee for Human Rights (CDDH) for information and possible comments. It was also communicated to the Council of Europe Commissioner for Human Rights for information.
5. CM/Del/Dec(2011)1127/11.1, Part 1 – paragraph 9.
6. Council of Europe Programme and Budget 2012-2013, page 43 – Expected result 5 (CM(2012)1).

result of the presence of victims of natural or ecological disasters." Since 2006, in response to requests by its member States, the CEB has approved a total of €177 million in the field of aid to refugees, migrants and displaced persons. It is currently examining, within the scope of its mandate and Policy for Loan and Project Financing, possible support, technical assistance or financing of projects in the Mediterranean region. The Committee of Ministers also observes that financing of bankable projects in non-member countries with the approval of a member State and adequate guarantees for the loan is under consideration. Finally, the Bank maintains close contacts with the European Commission, the EIB and the EBRD to investigate possible synergies, while the Bank further co-operates with UNHCR and the IOM with a view to possible identification of bankable projects.

5. With respect to Recommendation 1969 (2011) on "Unaccompanied children in Europe: issues of arrival, stay and return", the Committee of Ministers underlines the important role that the Council of Europe has in protecting the rights of migrant children, as evidenced by the many binding and non-binding instruments adopted in the field.

6. The Committee Ministers has aimed to integrate issues relating to unaccompanied children into the transversal project "Building a Europe for and with children." Through the recently adopted Strategy, covering the years 2012-2015, the Council of Europe aims to improve the protection of migrant children and children "on the move", including asylum-seeking, refugee, unaccompanied, separated, internally displaced and stateless children. It should be noted that the Guidelines on child-friendly justice[7] include as a fundamental principle the protection of the rights of the child from discrimination and recommend special protection and assistance for the most vulnerable children.

7. The Committee of Ministers has taken note of the Assembly's request that the Committee of Ministers give instruction for the elaboration of guiding principles on the protection of unaccompanied children and draws the attention of those responsible for the Programme "Building a Europe for and with Children" to it.

8. As recommended by the Parliamentary Assembly, the Committee of Ministers encourages member States to submit projects to the CEB with a view to funding or co-funding life projects for unaccompanied children: it has been informed that the Bank stands ready to co-operate with national authorities in the preparation of such projects. In this respect, the Committee of Ministers recalls that "The CEB takes action in this sector in favour of populations regarded as vulnerable, such as: […] abandoned children, children in vulnerable situations and persons with disabilities;" (Handbook for Preparation and Monitoring of Projects – Chapter 1.1. Aid to refugees, migrants and displaced persons). Projects approved by the CEB in favour of vulnerable children have financed reception centres for abandoned/street children, day care centres, counselling and support centres, training of civil servants and social workers involved in child assistance at the community level, as well as community centres for displaced, conflict-affected children and for children that were victims of earthquakes. The CEB signed a general co-operation agreement with UNICEF in 2006 and a Memorandum of Understanding with UNHCR in 2008, which help in the identification and implementation of projects for refugees and children.

9. Finally, with respect to Recommendation 1973 (2011) on "Asylum seekers and refugees: sharing responsibilities in Europe", the Committee of Ministers agrees with the Parliamentary Assembly that Europe has to take further measures to ensure that responsibilities for refugees and asylum seekers are shared fairly in Europe and that those seeking international protection have access to fair and efficient processing of their claims.

10. In 2012, the Council of Europe will establish co-operation with organisations primarily active in the field of migration (EU, UNHCR, IOM, OSCE and ILO).

11. The Committee of Ministers again wishes to highlight what was stated above on assistance to member States facing large-scale arrival of irregular migrants and asylum seekers.

12. Underlining the efficiency of existing Council of Europe human rights standards, the Committee of Ministers would like to inform the Assembly that it does not consider the elaboration of a good practice guide in asylum determination practice and procedure as necessary. However, the Committee welcomes the Assembly's initiative and also takes note of the Assembly's request that it provides a framework for mutual assistance, resettlement and relocation of refugees across the 47 member States of the Council of Europe.

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7. Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies.