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The situation of migrants and refugees on the Greek islands: more needs to be done

Reply to Recommendation¹: Recommendation 2155 (2019)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2155 \(2019\)](#) entitled “The situation of migrants and refugees on the Greek islands: more needs to be done” which it has forwarded to the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Gender Equality Commission (GEC) and the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group).

2. The Committee of Ministers notes that issues raised by the Parliamentary Assembly [Recommendation 2155 \(2019\)](#) have been previously addressed in the Committee of Ministers’ replies to [Recommendation 2136 \(2018\)](#) on “Human rights impact of the ‘external dimension’ of European Union asylum and migration policy: out of sight, out of rights?”, [Recommendation 2078 \(2015\)](#) on “Countries of transit: meeting new migration and asylum challenges”, [Recommendation 1925 \(2010\)](#) on “Readmission agreements: a mechanism for returning irregular migrants”.

3. In the past years, almost all member States of the Council of Europe have had to face various challenges concerning entries into their territories and the processing of an increasing number of asylum claims. All these challenges have an important human rights dimension. The Committee of Ministers fully understands the legal, ethical and political implications of migration in its member States and seeks to assist them in facing challenges in several ways. The Organisation has developed, together with its member States, an important array of standards designed to handle emergency situations and to shape long-term solutions. The human rights protection mechanisms of the European Court of Human Rights and of the European Committee of Social Rights provide feedback on national policies and practices. The work of the Commissioner for Human Rights in the field of migration provides substantive analyses on the situation in member States and recommendations to national authorities for improving the protection of the human rights of asylum-seekers, refugees and migrants. The monitoring mechanisms of the European Commission against Racism and Intolerance (ECRI), the Group of Experts on Action Against Trafficking in Human Beings (GRETA), the Lanzarote Committee, the Gender Equality Commission and the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) provide guidance and examples of good practices. International co-operation in criminal matters through the European Committee on Crime Problems (CDPC) focuses on supporting member States in fighting migrant smuggling, with emphasis on addressing investigative, prosecutorial and judicial challenges in smuggling-related cases, mutual legal assistance, rapid law enforcement co-operation, and fine-tuning investigative techniques. Numerous co-operation programmes cater to the different aspects of migration and human rights.

4. The Committee of Ministers recalls that, in view of the urgency of the situation in 2015, the Secretary General decided to appoint a Special Representative on Migration and Refugees, who took up his duties in February 2016. The SRSG undertook his first fact-finding visits to Greece and Turkey and his reports and recommendations put forward were presented to the Committee of Ministers on 11 May 2016 and 8 March

1. Adopted at the 1356th meeting of the Ministers’ Deputies (9 October 2019).



2017, respectively, and constitute an important basis for assistance and support on behalf of the Council of Europe. The Organisation is able and available to provide targeted assistance to its member States, should they wish to engage in closer co-operation in the field of migration.

5. The Committee of Ministers would highlight in this context the adoption of the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2109) at its 127th Ministerial Session on 19 May 2017. Many of the activities launched in the framework of the action plan provide a comprehensive response to the identified protection gaps. Targeted assistance can be offered to member States, should they so request, to better ensure access to rights and child-friendly information, to provide effective protection from different forms of violence and to enhance the integration of children who are to stay in Europe. The Committee of Ministers conducted a mid-term review of the action plan in 2018. The Ad hoc Committee for the Rights of the Child (CAHENF) is developing guidelines on guardianship and on age assessment for children in the context of migration.

6. The Committee of Ministers continues to emphasise the solidarity Greece has been showing in the past years receiving a large number of refugees and migrants, as well as its constructive efforts to implement Council of Europe standards with the assistance of specialised monitoring bodies (paragraph 2). For example, with regard to GRETA, mention could be made of the first evaluation report on Greece, published in October 2017 and the recommendations set out therein. On the basis of this report, the Committee of the Parties to the Convention issued a recommendation to the Greek authorities on 9 February 2018, requesting that they report on measures taken to implement GRETA's conclusions within two years of the adoption of the recommendation (i.e. by 9 February 2020). Similarly, Turkey, which also hosts an exceptionally large number of refugees, was evaluated for the first time by GRETA in October 2018 (report adopted in July 2019).

7. The Lanzarote Committee for its part has expressed its deep concern over the situation of migrant and refugee children and their particular vulnerability to sexual exploitation and sexual abuse, as illustrated by its urgent monitoring round "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse". In this regard, the Committee of Ministers would draw attention to the recommendations addressed to the Parties to the Lanzarote Convention, contained in the Special Report adopted by the Lanzarote Committee in March 2017. An evaluation of the follow-up given by the Parties concerned by the recommendations is underway.

8. The Committee of Ministers also recalls its recent decisions adopted in the framework of the supervision of the execution of the European Court judgment in the case *H-46-9 M.S.S. and Rahimi groups v. Greece*².

9. With regard to paragraph 2.5 of the recommendation, the Committee of Ministers does not intend to provide for a general assessment to be made of the human rights impact of the EU-Turkey Statement. However, it relies on the various monitoring bodies mentioned above to take any such impact into account in their evaluations, as appropriate.

2. [CM/Del/Dec\(2019\)1348/H46-9](#).