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European solidarity in the context of asylum and international protection

Reply to Recommendation[1]: Recommendation 2248 (2023)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2248 (2022) "European solidarity in the context of asylum and international protection". The recommendation has been brought to the attention of the governments of the member States and forwarded to the Special Representative of the Secretary General (SRSG) on Migration and Refugees. The Committee of Ministers welcomes the Assembly's continued concern with regard to the situation of refugees, internally displaced persons and those under international protection.

2. The Council of Europe has followed the situation of migrants and refugees over many years and has been particularly concerned with the protection of the most vulnerable, such as women in vulnerable situations and children on the move, including unaccompanied and separated children. In response to paragraphs 4.1 and 4.4 of the Assembly recommendation, the Committee of Ministers recalls that since 2016, support to Council of Europe members States to help refugees and migrants in a human rights compliant manner has been intensified, also through the activities of the SRSG on Migration and Refugees. The SRSG's mandate, among others includes suggesting immediate assistance and support to member States, as well as complementing activities of other relevant Council of Europe bodies related to migration and refugees. In the framework of effective multilateralism, the SRSG also co-ordinates the actions of the Council of Europe with other international partners, notably the UNHCR, IOM, UNICEF, European Union, and its specialised agencies, and other national, regional, and international stakeholders, including civil society.

3. In this respect, the SRSG's recently conducted fact-finding missions to Council of Europe member States mostly affected by the consequences of the aggression of the Russian Federation against Ukraine. She observed an extraordinary solidarity towards people fleeing Ukraine, the majority of whom are women and children. Volunteers, civil society organisations and municipalities played a crucial role in offering help. The governments also encouraged such generosity. The Committee of Ministers has also noted with satisfaction the first time ever activation of the Temporary Protection Directive in the European Union through the Council Implementing Decision 2022/382, which allows people from Ukraine to move freely in certain circumstances, to have residency rights, access to employment and self-employment, to social welfare, to healthcare, to education, to accommodation. In addition, they can enjoy temporary protection in the country of their choice.

4. The SRSG also has also addressed recommendations to the visited member States, offering targeted support on behalf of the Council of Europe to strengthen the protection of those in a vulnerable situation. These activities are proposed in the framework of the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025), which was adopted by all Council of Europe member States in May 2021, and the effective implementation of which is co-ordinated by the Office of the SRSG.

1. Adopted at the 1469th meeting of the Ministers' Deputies (14 June 2023).

5. The Committee of Ministers invites all member States to draw inspiration from the conclusions of these fact-finding mission reports, as well as the recommendations therein, and make full use of the Council of Europe's tools and standards adapted to the situation and developed within the afore-mentioned action plan to better protect those in need.

6. The Commissioner for Human Rights has also addressed the importance of solidarity between Council of Europe member States on various occasions. She has particularly called for concrete solidarity measures for member States at the forefront of receiving people fleeing the war in Ukraine following her emergency missions on this subject. The Commissioner repeatedly called for enhanced solidarity and responsibility sharing as part of human rights compliant solutions to migration challenges faced by individual member States. Furthermore, she has highlighted the key role of solidarity and responsibility sharing in her thematic recommendations, such as those on protecting lives and rights at sea (2019 and 2021) and on ending pushbacks in Europe (2022). In these publications, she identified that collective responsibility of member States, including through enhanced solidarity, was an important factor in ensuring member States fully meet their search and rescue obligations, and that this may help prevent them from implementing border practices that do not meet human rights standards.

7. In the Final Declaration of the Reykjavík Summit (paragraph 31), the Heads of State and Government of the Council of Europe recalled "the increasing challenges of migration and the necessity to fight against trafficking and smuggling of migrants". They pledged "intensifying efforts to foster and improve international co-operation in this regard, while continuing to protect the victims and respect the human rights of migrants and refugees, as well as supporting frontline States, within the existing Council of Europe frameworks".

8. Finally, in response to paragraphs 4.2 and 4.3, the Committee of Ministers invites those member States that have not yet done so to consider acceding to the Council of Europe Development Bank (CEB) and to the European Centre for Global Interdependence and Solidarity (North-South Centre), which, within their respective mandates, are highly appreciated for their activities in supporting these vulnerable groups of persons.