

**1403<sup>rd</sup> meeting, 5 May 2021**

4 Human rights

**4.5 Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)****1. Context**

1. Human rights challenges in the field of refugees<sup>[1]</sup> and migration have long been a focus of the Council of Europe and in recent years have taken on a new importance. As the root causes of migration (armed conflicts, instability, demographic and economic development, climate change, etc.) have become increasingly present in Europe's neighbouring regions, addressing these challenges remains a priority for the Council of Europe as the continent's leading human rights organisation. This action plan comes at the time of an unprecedented public health crisis, the Covid-19 pandemic, and of increasing migration distress. In such circumstances, vulnerable groups, such as vulnerable persons in the context of migration and asylum, are often the hardest hit. The Covid-19 pandemic has exacerbated existing inequalities such as access to healthcare and welfare services, education and employment.
2. In the context of the current challenges, not least those emerging in connection to Covid-19, both the Council of Europe and its member States acknowledge the need to work together in placing specific focus on vulnerable persons in the context of migration and asylum in Europe. No country can face these challenges alone.
3. At its Helsinki Ministerial Session in May 2019, the Committee of Ministers recalled the need to continue to address the challenges arising from global migration. At the end of 2019, the Council of Europe completed the implementation of the Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019) co-ordinated by the Special Representative of the Secretary General (SRSG) on Migration and Refugees. Amongst its achievements are two Committee of Ministers' recommendations (CM/Rec(2019)4 on supporting young refugees in transition to adulthood and CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration), practical guidance on alternatives to immigration detention, Human Rights Education for Legal Professionals (HELP) courses on refugee and migrant children, and on alternatives to immigration detention, practical tools promoting good practices for communicating with children in a child-friendly manner and in promoting child-friendly approaches in the area of migration and the promotion of practical solutions for facilitating qualification recognition.<sup>[2]</sup> The main lessons learned reflected the need for further focus on the national implementation of results obtained, for inter-agency dialogue and co-ordination and for a reflection about a wider assistance framework on behalf of the Organisation.
4. The implementation of the Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019) was supported by member States through voluntary contributions and staff secondments. The Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe have taken an active part in the implementation of the plan, while co-operation with international partners including the European Union (EU), the United Nations' High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR), the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM) opened a constructive dialogue for synergies and complementarity.

**2. Rationale, scope and duration of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)**

5. The lessons learned from the previous action plan, along with discussions with member States and within the Council of Europe, revealed the need for further action and co-ordination with a wider scope than refugee and migrant children, to maximise the national implementation of results obtained and to integrate a gender equality perspective, in line with existing Council of Europe standards. This action plan has been developed based on internal co-ordination and consultation and on dialogue and feedback from member States based on an initial concept paper, and aims to focus on vulnerable persons in the context of migration and asylum in Europe.
6. The European Court of Human Rights (the Court), as well as Council of Europe steering committees and monitoring bodies have emphasised the special protection that States need to provide to vulnerable persons in the context of asylum and migration.<sup>[3]</sup> In this action plan, "vulnerable persons in the context of migration and asylum" are persons found to have special needs after individual evaluation of their situation and are entitled to call on States' obligation to provide special protection and assistance.<sup>[4]</sup> This is with the understanding that it is for the national authorities, based on national legislation and international obligations, to effectively identify on a case-by-case basis the vulnerabilities of those arrivals and provide, where necessary, the required referral, assistance, information and protection throughout asylum and migration procedures.

7. Without seeking to establish any new definitions or an exhaustive list of criteria of vulnerability, or a new surveillance mechanism, especially for the member States which carry a disproportionate burden of managing migration flows, the action plan proposes a targeted assistance package for Council of Europe member States, enhancing their capacity to identify and address vulnerabilities throughout the asylum and migration procedures through its four main objectives.
8. The present action plan provides a means to: (i) assist in building stronger asylum and migration systems based on human rights foundation stones and standards in the area (such as relevant Council of Europe conventions, Committee of Ministers' recommendations, recommendations of monitoring bodies as well as recommendations and resolutions of the Council of Europe Parliamentary Assembly and Congress of Local and Regional Authorities); (ii) place migration in transversal action within the Council of Europe and with partners; (iii) take new action together with member States in priority areas; and (iv) develop further synergies with key international partners, when appropriate.
9. The key factors that provide a solid rationale for this action plan are: the unique role of the Council of Europe as a standard-setting organisation, its key values and main interventions; its unique geographic scope encompassing the dynamics of migration across countries of origin, transit and destination; its strong co-operation with external partners such as the European Union and the United Nations; its work with national parliaments through its Parliamentary Assembly and with local and regional authorities through its Congress; the support offered to member States for the implementation of existing standards and response to common challenges, as well as its capacity to address emerging trends and challenges, such as the effects of Covid-19.
10. The present action plan is scheduled for implementation from 2021 to 2025. This timeframe allows planning and allocation of ordinary budgetary resources, corresponds to our partners' planning instruments in the humanitarian and development field and facilitates proper co-ordination and complementarity with the planned actions.
11. The structure of the action plan reflects a total of four pillars. Three *pillars* are based on the core mandate of the Council of Europe – human rights, democracy and the rule of law – and one transversal pillar focuses on co-operation, as follows:

Pillar	Impact/outcome
1. Human rights: ensuring protection and promoting safeguards (by identifying and responding to vulnerability)	Member States strengthen the safeguards and systems in place to prevent and to respond to abuse, neglect, exploitation of and violence against vulnerable persons in the context of migration and asylum.
2. Human rights and rule of law: ensuring access to law and justice	Member States improve access to law and justice, including legal aid and procedures adapted to vulnerable persons in the context of migration and asylum without discrimination and with the appropriate procedural safeguards, in line with relevant Council of Europe standards.
3. Human rights and democracy: fostering democratic participation and enhancing inclusion	Member States enhance inclusion and foster democratic participation, in line with relevant Council of Europe standards.
4. Transversal support: enhancing co-operation between migration and asylum authorities in Council of Europe member States	Member States fulfil their obligations under Council of Europe standards by enabling inter-agency and trans-border co-operation and peer exchanges through the existing Network of Focal Points on Migration (NFPM).

12. The actions set out below have been identified through internal co-ordination and consultation with member States. These actions consist of (i) those which are already being carried out under the current programme and budget cycle (2020-2021) and support and advance the aim of this action plan; (ii) those which were initiated in the context of the previous action plan and will be further developed and promoted during the course of this action plan; and (iii) new actions identified as priority areas during the course of the internal and external consultations. The actions proposed aim to ensure sustainability, transparency, accountability and adjustability (see also Section 4 below on the transversal approach).

13. The actions marked \* are transversal actions which contribute simultaneously to and therefore appear under several pillars of the present action plan.

14. Actions marked \*\* are actions which are already being carried out under the current programme and budget cycle and support and advance the aim of the action plan (this information is based on the situation as of 1 December 2020).

#### **Pillar-1 Ensuring protection and promoting safeguards by identifying and responding to vulnerability (human rights)**

15. An essential component of the relevant standards of the Council of Europe concerns the protection from abuse, neglect, exploitation and violence as well as better identification of, and support and assistance to, persons in vulnerable situations throughout asylum and migration procedures. The implementation of the previous action plan showed that there is a need to enhance support and assistance to persons in

vulnerable situations in access to asylum procedures and necessary services. This would require, in particular, vulnerability screening to be part of the reception system and alternatives to detention to be put in place.<sup>[6]</sup> Special measures are also needed to ensure access to healthcare and to include such concerned groups in disaster risk reduction and emergency responses, such as Covid-19.

### **Actions within Pillar 1**

#### *1.1. Promote effective vulnerability screening and safeguards*

- Develop/compile transversally and support the implementation of practical guidance for professionals for the effective identification and referral of vulnerable persons and address vulnerabilities throughout asylum and migration procedures, including reception conditions.\*
- Complete guidelines and draft an explanatory memorandum to guidelines on human rights principles and guidelines on age assessment for children in migration, and develop targeted action on safeguards in age-assessment procedures, including training for practitioners in the field.\*\*
- Promote good practices in the implementation of the recommendations of the special report of the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) on children affected by the refugee crisis, with a focus on aspects of missing children and preventive measures.\*\*
- Organise an exchange of good practices on implementing at national level the Court judgments concerning vulnerability of accompanied and non-accompanied minors and access to asylum.\*
- Draft a recommendation on migrant and refugee women, on the basis of Recommendation No. R(79)10 concerning women migrants.\*\*
- Promote the use of practical tools to ensure women's safety in transit and reception centres.

#### *1.2. Enhance special assistance, protection and support services*

- Support the practical implementation and piloting of alternatives to immigration detention including through co-operation programmes and awareness-raising.
- Draft an explanatory memorandum to CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration, and develop targeted action to support its implementation.\*\*

#### *1.3. Enhance access to healthcare, and involvement in disaster risk reduction and emergency measures*

- Develop measures, including support for healthcare literacy, promoting fair access to healthcare for vulnerable groups including in the context of migration and asylum, especially in view of pandemics.\*\*
- Develop a handbook and guiding principles for professionals working with migrants and refugees in the field of addiction and drug prevention.\*\*

### **Pillar 2 - Ensuring access to law and justice (human rights and the rule of law)**

16. An essential component of the rule of law is ensuring access to law and justice. Vulnerable persons often face barriers to access asylum procedures and to justice more generally, including various forms of discrimination. The implementation of the previous action plan showed that there is often a lack of awareness of their specific needs and systems may lack special procedural safeguards and support services to enable them, particularly children, women and other groups with special needs, to co-operate and to engage with the justice system.

17. Concerning access to law and justice in practice, it is proposed to support vulnerable persons in the context of asylum and migration through the provision of information, legal aid and legal representation. Further clarification of standards and exchange of good practices in this field would contribute to preventing ill-treatment and violence and to ensuring remedies as appropriate. The implementation of child-friendly justice in the fields of administrative and migration law would further facilitate decision-making in line with the best interests of the child.

### **Actions within Pillar 2**

#### *2.1. Strengthening procedures and improving decision-making*

- Prepare a thematic factsheet presenting the measures adopted by member States to implement Court judgments related to migration and asylum.

- Develop guidance on family-based care for unaccompanied and separated children.\*\*
- Hold thematic discussions on child-friendly approaches and procedures in migration in the Network of Focal Points on Migration and with other stakeholders (including in follow-up to the CM/Rec(2019)11 on effective guardianship).\*
- Identify and promote good practices in respect of legal aid and representation, and access to information and justice for vulnerable people in the context of asylum and migration, and develop related guidelines or policy recommendations.\*\*

- Implement Council of Europe pledges to the UNHCR campaign to end statelessness (international conference on statelessness, technical meetings on statelessness).\*\*
- Develop specific guidance on data protection and digital identity in the context of migration, in conformity with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol.
- Foster international co-operation and investigative strategies in fighting the smuggling of migrants.[7]

## **2.2. Empowering vulnerable groups to access their rights**

- Translate and promote the Council of Europe's handbook on child-friendly information for children in migration.
- Promote the practical implementation of CM/Rec(2019)4 on supporting young refugees in transition to adulthood.\* \*\*

### **Pillar 3 - Fostering democratic participation and enhancing inclusion (human rights and democracy)**

18. The essential components of democracy include promoting human rights and dignity, strengthening democratic governance, fostering innovation and promoting participation and diversity. These aims can be furthered by member States by strengthening social inclusion in education, building trust in local communities and reshaping the narratives on migration.

#### **Actions within Pillar 3**

### **3.1. Promoting non-discrimination and diversity**

- Continue and support the national implementation of HELP courses on refugee and migrant children, alternatives to immigration detention, asylum and the European Convention on Human Rights, the fight against racism and xenophobia, and radicalisation prevention.
- Promote the use of dedicated resources and capacity-building activities to support the linguistic integration of migrants and refugees.\*\*
- Support the practical implementation of a literacy framework for migrants and refugees with a non- or low-literate background.\*\*
- Develop a practical guide and training to support educators in schools with refugee children to ensure their inclusion in the education system and society.\*\*
- Develop co-operation with the Union of European Football Associations (UEFA) on supporting sports integration of refugees and migrants based on the existing platform of sports projects.\*\*

### **3.2. Promoting democratic participation and inclusion**

- Develop a multilevel policy framework for intercultural integration taking as a starting point CM/Rec(2015)1 on intercultural integration and the results of the Intercultural Cities programme and its Inclusive Integration Policy Lab.\*\*
- Promote the practical implementation of CM/Rec(2019)4 on supporting young refugees in transition to adulthood.\* \*\*
- Support participation of young refugees in youth work and youth participation platforms, including refugee-led organisations and their role in social inclusion.\*\*

- Promote the integration of refugees by enhancing their access to education and employment, by facilitating the recognition of their qualifications through the European Qualifications Passport for Refugees and by fostering linguistic integration through education.\*\*
- Develop a training course for public authorities' press services on alternative narratives and positive intercultural communication.\*\*

#### **Pillar 4 - Enhancing co-operation between migration and asylum authorities in Council of Europe member States (transversal support)**

19. The lessons learned from the previous action plan indicated the positive impact of co-ordination and dialogue among multiple agencies involved in the protection of human rights in the field of migration. The Council of Europe Network of Focal Points on Migration (NFPM), created in 2019, pursues a direct dialogue with migration and asylum authorities in Council of Europe member States with the purpose of enabling inter-sectoral and cross-border exchanges. The NFPM was set up with the aim of exchanging good practices and enhancing co-operation between the different stakeholders, including facilitating the sharing of information on relevant Council of Europe activities in the context of migration.[8]

20. In view of the network's mandate and potential to foster peer-to-peer exchanges and thematic discussions, it has a central role in enabling co-operation and dialogue among migration and asylum authorities in Council of Europe member States, with Council of Europe intergovernmental committees and monitoring bodies, and also with other specialised authorities in Council of Europe member States involved in the protection of vulnerable persons in the context of asylum and migration. The actions within Pillar 4.1 have been identified as those involving the NFPM as a way to develop and reinforce the direct dialogue on human rights of the Council of Europe with authorities in member States responsible for asylum and migration issues and with a view to promoting a better understanding of the current and emerging challenges faced by member States.

#### **Actions within Pillar 4**

##### **4.1. Promoting inter-agency co-operation**

Use the Network of Focal Points on Migration to :

- Develop/compile transversally and support the implementation of practical guidance for professionals for the effective identification and referral of vulnerable persons and address vulnerabilities throughout asylum and migration procedures, including reception conditions.\*
- Hold thematic discussions on child-friendly approaches and procedures in migration in the NFPM and with other stakeholders (including in follow-up to the CM/Rec(2019)11 on effective guardianship).\*

##### **4.2. Fostering peer-to-peer exchanges**

- Organise an exchange of good practices on implementing at national level the Court judgments concerning vulnerability of accompanied and non-accompanied minors and access to asylum.\*

#### **4. Transversal approach**

21. The action plan relies significantly on transversal action, themes and implementation modalities. It proposes comprehensive interventions which address the multi-fold objectives of the action plan (policy recommendations, training) on cross-cutting themes such as the rights of refugee and migrant children, women's rights, youth work, intercultural integration and democratic participation. Many of the action plan's activities are normally managed by the relevant specialised departments, intergovernmental committees[9] as well as monitoring bodies. [10] The proposed implementation modalities promote numerous synergies inside the Organisation as well as dialogue with the NFPM. For this reason, many activities respond to several objectives and/or may concern several target groups and require the joint effort of several sectors. In addition, the proposed interventions are to build transversally on the findings of the European Court of Human Rights and key Council of Europe monitoring bodies, the work of the Commissioner for Human Rights, Parliamentary Assembly and Congress reports, resolutions and recommendations, and SRS mission reports, with the purpose to bridge even closer the monitoring, standard-setting and co-operation pillars of the Council of Europe activities.

22. The action plan is complementary and supports the implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021) and the Gender Equality Strategy (2018-2023), and will inform the priorities of the next Council of Europe Strategy for the Rights of the Child (2022-2027). The action plan fosters synergies with other strategic documents, such as the Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025) which addresses the equity of access to healthcare, including in the context of a pandemic, and health literacy among its priorities, and the Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants, notably through its criminalisation and the prosecution of smugglers.

23. The transversal approach of the action plan builds on but also seeks to further bridge the work and values of the Council of Europe with activities of the Council of Europe Development Bank (CEB). The CEB's Development Plan (2020-2022) has three strategic lines of action that reflect the CEB's social mandate of support for vulnerable groups, and these include migrants and refugees. The priorities of the action plan can serve as guidance for the identification of projects in need of the CEB's financial support. The Financial Framework Partnership Agreement

(FFPA) signed in 2020 between the CEB and the European Commission also aims to pursue concrete actions ranging from support for social infrastructure and migrant and refugee solutions to climate change mitigation and adaptation. The CEB remains an important actor in supporting Council of Europe values in the field of migration and asylum.

## 5. Multilateral co-operation

24. The action plan enhances multilateral co-operation on migration and creates new synergies with key international partners, such as the EU, UNHCR, OHCHR, IOM and the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The action plan aims to contribute to a reinforced co-operation and co-ordination with international organisations.

25. Protecting and upholding human rights in the context of asylum and migration in Europe is a shared priority of the Council of Europe and the European Union.<sup>[11]</sup> The current practice of consultation, co-operation and synergies can be further strengthened through legal and programmatic co-operation to enhance standards' coherence and convergence, and policies' complementarity. Information sharing and regular consultations with respect to all four pillars of the action plan remain pivotal to ensure coherence in normative work, as also foreseen by the forthcoming EU Action Plan on Human Rights and Democracy 2020-2024 and the proposed EU Pact on Migration and Asylum.

26. Partnerships developed with the UNHCR have enhanced the spread of Council of Europe human rights standards in the field of asylum and migration and remain essential for Council of Europe work on monitoring and development of standards. Further co-operation with the OHCHR, IOM and OSCE/ODIHR and other organisations is key for further convergence on standards without duplication of programmatic activities. The action plan reflects priority actions which are either implemented in partnership with international organisations or which represent the Council of Europe's official commitments, such as its pledges to the Global Refugee Forum (continued support for facilitating recognition of qualification and education credentials of refugees through the European Qualification Passport for Refugees) or the pledges made to the UNHCR campaign to end statelessness.

27. Relations with national human rights institutions, the European Network of National Human Rights Institutions, ombudspersons institutions and civil society are strongly embedded in the priorities outlined in the action plan and are part of its objectives and means to achieve expected results.

## 6. Implementation modalities

28. *Special Representative of the Secretary General (SRSG) on Migration and Refugees.* As outlined in the mandate,<sup>[12]</sup> the SRSG has a co-ordination role for the implementation of this action plan, intended to secure fluid communication inside the Organisation and with member States, and effective engagement with external key partners. The SRSG will be responsible for running a co-ordination mechanism and for leading the preparation of action plan reports and reviews, where necessary. The SRSG will have an advisory role on migration in all action plan related interventions, providing political support for their implementation and content contribution to their development, where necessary. In addition, the SRSG will take the lead in organising thematic discussions and in involving the Focal Points Network on Migration in the implementation of the action plan.

29. *Network of Focal Points on Migration (NFPM).* Composed of representatives of migration and asylum authorities in member States, the NFPM is a new Council of Europe actor in the field of migration. Set up in 2019, its main role is to facilitate the sharing of information addressing human rights challenges in the field of migration, to enhance the co-ordination between different institutions or agencies responsible for migration issues within the member States, to liaise with other Council of Europe intergovernmental and expert monitoring bodies and to exchange good practices in the field of migration. Its working methods were approved on 1 July 2020. In connection with the action plan, the NFPM will serve as a forum for consultations and for sharing good practices, but also as an interlocutor for various multi-disciplinary interventions relying on direct dialogue with national authorities.

30. *Specialised departments, monitoring bodies and intergovernmental committees.* Holding the ownership of specialised knowledge in their fields, the relevant departments, monitoring bodies and intergovernmental committees will manage activities, as follows from their working plans and terms of reference and have full control of these activities.

31. *Review.* The Committee of Ministers will receive regular updates on the progress and results of the action plan through interim and final reports. The Secretary General will submit interim reports to the Committee of Ministers in mid-2022 and in mid-2024, and a final report by the end of 2025. The interim reports and biennial programming cycles of the Council of Europe will serve as opportunities for the Committee of Ministers to take stock, evaluate and adapt the action plan, if necessary. An internal evaluation will be carried out by the Office of the SRSG on Migration and Refugees following the term of the action plan.

32. *Co-operation projects.* The action plan is designed to enhance synergies between related activities so that they combine to support implementation, and optimise new initiatives or co-operation. The potential for more programmatic co-operation is outlined in particular in: (i) areas where the Council of Europe plays a strong role throughout the region deriving from its mandate on human rights, democracy and the rule of law and (ii) countries all across the region of the Council of Europe, especially outside EU member States. To facilitate the development of such co-operation projects on migration, the action plan includes an annex outlining indicative resource "packages" to address particular issues in technical assistance offerings (examples of possible action provided under annex 1). The tailor-made assistance provided through such projects could serve to translate the objectives and priority actions of the action plan into tangible achievements on the ground.

# Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)

## Annex 1 - Council of Europe co-operation on migration and asylum

### 1. Introduction

33. To facilitate the development of co-operation projects on migration in line with action plan priorities, this document illustrates “packages” of possible technical assistance offerings. These are meant to serve as an indication and source of inspiration. It is not exhaustive in any way and does not exclude other areas and types of intervention.

### 2. Key working principles

34. Any co-operation activity should build on the following principles and should:

- promote the implementation of key findings of Council of Europe monitoring bodies;
- include priority areas identified in the action plan;
- strengthen cross-border co-operation and regional exchange;
- promote the well-being, life-long learning and safety of personnel working in connection with migration, while simultaneously strengthening the human rights of vulnerable persons in the context of migration and asylum;
- advance long-distance learning and peer-to-peer exchange across sectors and borders, *inter alia* by disseminating and adapting online tools such as relevant Council of Europe HELP courses;
- ensure the active participation of diverse migration and refugees' personnel in key project activities;
- bring different sectors together to enhance co-ordination and mutual understanding;
- take into account gender-mainstreaming in all relevant activities.

### 3. List of areas and types of co-operation initiatives

35. All project activities need to be designed in the light of the particular national context, pursuing the priorities and recommendations drawn up by relevant Council of Europe monitoring bodies and by the SRSG on Migration and Refugees, in close consultation with relevant stakeholders, including national authorities.

Clusters	Examples of co-operation activities
<p><b>Promote protection and provide safeguards for vulnerable persons in the context of migration and asylum</b></p> <ul style="list-style-type: none"> <li>- Support member States in providing initial medical screening and appropriate assistance to migrants and asylum seekers while ensuring the well-being and safety of staff working in the field.</li> <li>- Support effective procedures for the identification and referral of vulnerable persons throughout asylum and migration procedures.</li> <li>- Enhance specific safeguards and protective measures to prevent abuse, sexual exploitation, violence against women and against other groups at particular risk, and human trafficking throughout asylum and migration procedures, including border procedures and return.</li> <li>- Improve return mechanisms to countries of origin, especially as regards voluntary return.</li> <li>- Support national independent border control monitoring mechanisms<sup>[13]</sup> as well as regional co-operation, through training and exchange of knowledge and experience.</li> </ul>	<p><b>Legislative and regulatory framework</b></p> <ul style="list-style-type: none"> <li>- Support the improvement of the existing legislative and regulatory framework on migration and asylum in line with European and international standards.</li> <li>- Reinforce the implementation of the existing legislative and regulatory framework on migration and asylum.</li> <li>- Assess the national legal and policy framework and identify gaps.</li> <li>- Promote the use of the checklist contained in the publication “Gender-based asylum claims and non-refoulement - Article 60 and 61 of the Istanbul Convention”.</li> <li>- Formulate recommendations, guidelines and legal opinions to strengthen the national legal and policy framework by specialised working groups.</li> <li>- Elaborate studies on the interpretation of the relevant decrees to facilitate their practical application by national, regional and local authorities.</li> <li>- Promote national action plans and strategies for better development of sound migration policies.</li> <li>- Develop operational procedures to ensure efficient performance by law enforcement and other frontline staff.</li> </ul>

- Support member States in guaranteeing human rights compliant returns.
- Provide fundamental rights and gender-sensitive expertise for the development and delivery of border officer training.
- Support member States in enhancing the dialogue with and consultation of local and regional authorities to enhance their national strategies and policies taking into account local needs.
- Raise awareness about action needed to provide better protection for young refugees in transition to adulthood.

#### **Child-specific vulnerabilities and child-friendly justice**

- Strengthen child-protection systems and procedures with particular attention to authorities and professionals in direct contact with children in the context of migration (at the border, age assessment, reception, access to healthcare, decision-making, return and other migration related procedures).
- Implement safeguards in age-assessment procedures at national level.
- Establish mechanisms for greater co-ordination between migration and child-protection entities and strengthen co-operation for the cross-border protection of children on the move.
- Strengthen mechanisms for the timely identification and referral of unaccompanied children, to address gaps which allow for children to go missing.
- Raise awareness about action needed to provide better protection for refugee and migrant children and to prevent them going missing.
- Expand family and community-based care for unaccompanied children.
- Support member States in implementing operational guardianship systems for unaccompanied children.
- Promote the implementation of child-friendly justice in administrative and migration law.

#### **Gender-related vulnerabilities**

- Promote gender-sensitive approaches in asylum and migration procedures.
- Develop reception guidelines addressing and preventing various forms of gender-related vulnerability.

- Establish mechanisms of consultation between authorities at all levels of governance in the planning, implementation and evaluation of national commitments and action plans.

**Capacity-building activities** for judges, lawyers, police, border guards and competent authorities working on migration and asylum, social workers, local authorities, and other relevant actors including higher education institutions, national recognition centres (ENICs-NARICs), NGOs, National Preventive Mechanisms and independent human rights institutions.

- Set up specialised and tailor-made training programmes in close co-operation with partners, promoting cross-border and peer-to-peer exchanges.
- Arrange study visits for decision-makers, judges, legal professionals, civil servants and other stakeholders in order to transfer critical knowledge and experience on selected topics.
- Train public officials at the national, regional and local levels, and the representatives of civil society organisations including on data collection and multi-agency co-operation approaches.
- Train officers and staff involved in reception and asylum procedures on violence against women and against other groups at particular risk and the recognition of the signs thereof, on gender-sensitive reception procedures and gender-sensitive asylum procedures.
- Adapt and translate into national languages specialised online e-learning courses, such as those developed under HELP on, *inter alia*:
  - *Asylum and Human Rights;*
  - *Refugee and Migrant Children;*
  - *Violence against women;*
  - *Access to Justice for women;*
  - *Alternatives to Immigration Detention;*
  - *CPT Standards;*
  - *Combating Trafficking in Human Beings;*
  - *Anti-discrimination.*
- Arrange national training workshops for professionals likely to come into contact with particularly vulnerable persons and children so that they can train their colleagues.

Train those working in fields where they are most likely to come into contact



- Promote good practices on preventing violence against migrant and refugee women.
- Promote and support the implementation of the future Committee of Ministers recommendation on migrant and refugee women.

#### **Vulnerabilities resulting from abuse, neglect, exploitation, trafficking, smuggling and other forms of violence**

- Develop effective remedies for victims of abuse, neglect, trafficking, smuggling and other forms of violence when these occurred in Council of Europe member States.
- Support initiatives enabling access to information, legal aid, asylum procedure and justice for victims of various forms of violence among vulnerable persons in the context of migration and asylum.
- Develop procedures and safeguards addressing the needs and vulnerabilities of victims of various forms of violence among refugees and migrants in the framework of asylum and migration procedures and reception.

#### **Alternatives to immigration detention and detention conditions**

- Support the development and implementation of effective alternatives to immigration detention, including the evaluation of costs and success rate based on concrete data.
- Improve the monitoring of detention conditions and ensure that appropriate procedural safeguards are in place as regards immigration detention.

#### **Access to healthcare and involvement in emergency measures**

- Develop local or regional initiatives on healthcare literacy for refugees and migrants.
- Strengthen access to healthcare for vulnerable persons in the context of migration and asylum by providing linguistic and culturally sensitive assistance.
- Ensure that vulnerable persons in the context of migration and asylum, including unaccompanied children and elderly persons, have access to psycho-

with child victims and/or potential victims of exploitation, trafficking in human beings and violence against women and against other groups at particular risk (law enforcement, health care workers, the judiciary, labour inspectors, non-governmental organisations (NGOs)).

- Train to raise awareness and increase the capacity of police managers and supervisors to enable better reporting and investigation of cases of victims of sexual and other forms of violence against women and against other groups at particular risk, human trafficking, etc., on the basis of operational guidelines for police officers.
- Arrange capacity-building activities for local authorities and their national associations concerning the protection of human rights at local level, including on mainstreaming the specific needs of migrants, refugees and internally displaced persons (IDPs) into local policies, delivering inclusive services to migrants and host communities and creating a safe environment in local communities.
- *Set up* peer-to-peer exchanges with law enforcement and legal professionals with expert input.
- Organise workshops on the empowerment of refugees with a particular focus on women and vulnerable persons.
- Support local initiatives to prevent and combat discrimination.
- Train professional credential evaluators on the European Qualifications Passport for Refugees (EQPR) methodology to facilitate the recognition of qualifications held by refugees and asylum seekers when these cannot be fully documented.

#### **Development and dissemination of manuals and other tools**

- Develop operational manuals and handbooks on the protection of vulnerable persons, including children and victims of violence against women and against other groups at particular risk, reception and detention conditions, alternatives to immigration detention, integration of migrants, IDPs and refugees, combating xenophobia, discrimination etc, tailor-made at national or regional and/or local level, reflecting guidelines and policy recommendations developed by the Council of Europe.
- Develop user-friendly guides and other materials in local languages.

social services and low-intensity psycho-social support, where appropriate.

- Pilot good practices in working with migrants and refugees among health professionals and social workers.
- Ensure access to sexual and reproductive health services, hygiene products and healthcare services specific to women and girls.
- Promote mental health support measures for vulnerable persons in the context of migration and asylum.
- Promote safeguards for migrants and refugees in situations of public emergency.
- Pilot initiatives involving refugees and migrants in emergency reaction mechanisms.
- Address the specific vulnerabilities of refugees with disabilities.

**Improving decision-making, procedural safeguards and empowerment through access to information, legal representation and rights**

- Support access to law and justice, child-friendly justice initiatives and legal aid schemes for vulnerable persons in the context of migration and asylum, including stateless persons.
- Develop and implement approaches and procedures sensitive to vulnerabilities and protection needs of vulnerable persons in the context of migration and asylum.
- Assess national frameworks and safeguards concerning use of artificial intelligence and digital identity in asylum and migration decision-making and procedures; provide recommendations for implementation of safeguards.
- Assess and address vulnerability-related challenges in accessing remedies and asylum procedure by vulnerable persons in the context of migration and asylum, including stateless persons.
- Promote the development and practical implementation of effective measures enabling access to rights by migrants without discrimination.

**Vulnerabilities of young refugees in transition to adulthood**

- Promote access to information and legal aid for young refugees in vulnerable situations.

- Develop factsheets summarising the main standards of the European Convention on Human Rights as interpreted by the Court and other Council of Europe bodies on migration and asylum with a particular focus on vulnerable persons and children. These would complement the current factsheets of the Court.
- Translate and disseminate Council of Europe resources on the rights of migrants, asylum seekers and refugees developed, *inter alia* by:
  - the Steering Committee for Human Rights (CDDH), in particular documents on migration and human rights;
  - the Special Representative of the Secretary General on Migration and Refugees (SRSG);
  - the Commissioner for Human Rights;
  - the European Social Charter;
  - the Council of Europe Convention on Action against Trafficking in Human Beings;
  - the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);
  - the Gender Equality Commission (GEC);
  - the Congress resolutions and recommendations on human rights at local level, migration and integration, as well as the Congress Human Rights Handbooks for Local and Regional Authorities.
- Compile and disseminate good practices among different Council of Europe member States.
- Set up online and face-to-face evaluation sessions to assess qualifications held by refugees and asylum seekers to allow them to pursue their studies or to find jobs relevant to their qualifications.

**Awareness-raising activities** for local authorities, civil society, the general public and other relevant actors, as well as refugees and asylum seekers.

- Arrange tailor-made awareness-raising activities, exhibitions, publications and events.
- Organise prevention activities and materials tailored to migrant children and women about the increased risks of exploitation and abuse, of violence against women, trafficking and available help services.
- Encourage awareness-raising on the rights of migrant and refugee women who are victims of violence, as set out

- Promote initiatives which enable young refugees in transition to adulthood to access their rights.
- Develop youth work initiatives which support access to rights for young refugees in vulnerable situations.
- Involve young refugees in vulnerable situations in initiatives related to emergency management.
- Support access of young refugees to citizenship and human rights and their capacity for action in social inclusion of their peers.
- Support local authorities in engaging with young refugees with a view to their inclusion in local communities and providing a safe environment.

#### **Promote non-discrimination and diversity**

- Strengthen the capacities of member States at all levels in managing diversity and preventing and combating xenophobia, racism, any form of discrimination – including on grounds of religion or belief, sexism and other forms of intolerance against vulnerable persons in the context of migration and asylum.
- Develop awareness-raising programmes, including campaigns to counter hate speech, xenophobia, racism, any form discrimination – including on grounds of religion or belief, and intolerance against vulnerable persons in the context of migration and asylum.

#### **Promote democratic inclusion**

- Promote the development of multilevel intercultural integration policies.
- Support the community-based empowerment of refugees with a view to providing long-term solutions at both the local and national level.
- Promote wider implementation of mechanisms to facilitate recognition of qualifications through the European Qualifications Passport for Refugees, based on the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention).
- Promote targeted action to enable the democratic participation and integration of refugee and migrant women and girls.
- Develop online participatory platforms for refugees and migrants.

in the Istanbul Convention, where applicable, notably to lodge an independent claim from their family, and to claim an autonomous residence permit from their spouse in cases of domestic violence, or in other cases such as forced marriage.

- Organise regional and local public awareness campaigns to combat negative stereotypes, xenophobia, and any form of discrimination – including on grounds of religion or belief – towards vulnerable persons in the context of migration and asylum and promote success stories, in co-operation with the Special Representative of the Secretary General on Antisemitic, Anti-Muslim and other forms of religious intolerance and hate crimes.
- Organise cultural activities to raise awareness and promote community participation.
- Set up peer-to-peer exchanges between local authorities to better respond to the particular needs of vulnerable populations, in particular women and young people.

- Pilot tools at national level for fact-checking and verification of migrant-related issues among journalists.
- Develop diaspora-led initiatives to assist the integration of refugees and migrants, including through support for co-operation between local authorities and diaspora associations.
- Engage with refugees and migrants at local level to enhance local policy-making and their protection.

#### ESTIMATED RESOURCES: Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)\*

In K€	2021		2022-2025**		TOTAL
	Ordinary Budget	Extrabudgetary needs	Ordinary budget	Extrabudgetary needs	
<b>Pillar</b>					
1 – HUMAN RIGHTS: Ensuring protection and promoting safeguards	75.4	710.0	43.0	2 040.0	<b>2 868.4</b>
2 – RULE OF LAW: Ensuring access to law and justice	105.5	185.0	120.6	740.0	<b>1 151.1</b>
3 – DEMOCRACY: Fostering democratic participation and enhancing inclusion	105.6	12.0	30.0	160.0	<b>307.6</b>
4 – TRANSVERSAL: Enhancing co-operation in the field of migration and asylum	119.0	71.2	180.0	11.2	<b>381.4</b>
<b>TOTAL</b>	<b>405.5</b>	<b>978.2</b>	<b>373.6</b>	<b>2 951.2</b>	<b>4 708.5</b>

\* This budget table does not include human resources and corresponding work undertaken in the ordinary course of business nor does it include the ordinary work of steering committees.

\*\* Estimate ordinary budget allocations are subject to approval of the relevant biennium budgets of the organisation.

[1] Any reference throughout the text to “refugees” means persons who are recognised as refugees according to the 1951 United Nations Convention Relating to the Status of Refugees, or have been granted subsidiary protection under European Union or national legislation, although it is encouraged to extend its application to asylum seekers. The provisions of the European convention on Human Rights and its protocols do not contain a right to asylum. States have the right, as a matter of well-established international law and subject to their treaty obligations, to control entry, residence and expulsion of non-nationals (*Hirsi Jamaa and Others*, [GC], no. 27765/09, § 113; *Abdulaziz, Cabales and Balkandali*, 28 May 1985, § 67).

[2] For more details on the achievements and lessons learned, see “Refugee and migrant children in Europe” – Final report on the implementation of the Action Plan (2017-2019), SG/Inf(2020)4, February 2020.

[3] For example, *M.S.S* [GC], no. 30696/09, §§ 232, 251, ECHR 2011; *Popov*, nos. 39472/07 and 39474/07, §§ 91-103, 19 January 2012; *S.F. and Others* no. 8138/16, §79, ECHR 2017; *Orchowski*, no. 17885/04, 22 October 2009, § 120; O.M., no. 9912/15, 5 July 2016, § 53; B and C, nos. 889/19 43987/16, 17 November 2020; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Factsheet on immigration detention, CPT/Inf(2017)3, (2017); Council of Europe factsheet on Protecting the rights of migrant, refugee and asylum-seeking women and girls (2019). See also “*Legal and Practical aspects of effective alternatives to detention in the context of migration*”, Analysis by the Steering Committee for Human Rights (CDDH), December 2017”; Council of Europe Committee of Ministers CM/Rec(2019)4 on supporting young refugees in transition to adulthood; Council of Europe Gender Equality Strategy (2018-2023); ECHR, *Guide on case law of the Convention – Immigration* (version updated on 31 August 2020).

[4] In the light of the existing Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025), the scope of the present action plan does not include this group of people.

[5] Key value of human rights, democracy and rule of law and its main interventions in the areas of standard setting, monitoring and co-operation.

[6] *Khan*, no. 12267/16, § 88, 28 February 2019; *Popov*, cited above, § 141.

[7] Council of Europe Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants (CDPC(2019)9-Fin).

[8] As of 1 April 2021, representatives have been nominated by 42 member States.

[9] Such as the Steering Committee for Human Rights (CDDH), the European Committee on Legal Co-operation (CDCJ), the European Committee on Crime Problems (CDPC), the Council of Europe Committee on Counter-Terrorism (CDCT), the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group), the Steering Committee for Education Policy and Practice (CDPPE), the Committee on

Bioethics (DH-BIO), the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), the Steering Committee on Media and Information Society (CDMSI), the Gender Equality Commission (GEC), the Steering Committee for the Rights of the Child (CDENF), and the European Steering Committee for Youth (CDEJ).

[10] Such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the European Commission against Racism and Intolerance (ECRI), the European Committee of Social Rights (ECSR), the Group of States against Corruption (GRECO), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), and the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee).

[11] Council of the European Union, "Council Conclusions on EU priorities for co-operation with the Council of Europe in 2020-2022", paragraph 17, adopted 13 July 2020.

[12] As updated on 1 July 2020.

[13] Independent monitoring mechanisms refer to institutions such as National Human Rights Institutions, National Preventive Mechanisms or Ombudspersons.

#### Related documents

**CM/Del/Dec(2021)1403/4.5**

**Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)**

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