

**OSCE/ODIHR – Human Dimension Implementation Meeting
(Warsaw)**

Working Session 13: Rights of Migrants, 18 September 2018

Ladies and Gentlemen,

Allow me first to express my gratitude to ODIHR for the invitation to speak to you today as one of the introducers of this most important topic.

The Council of Europe – which I represent here today – was founded in the aftermath of the second WW to uphold democracy, human rights and the rule of law across the European continent.

Our human rights' instruments and standards apply from Lisbon to Vladivostok; from Reykjavik to Nicosia. A network of monitoring bodies supervises their implementation. Via these bodies and other cooperation activities, we support our member states to ensure that the human rights of all of those who come within their jurisdictions – including migrants, asylum seekers and refugees – are protected. All of them also fall under the jurisdiction of the European Court of Human Rights.

Ladies and Gentlemen,

We are witnessing very important political developments in recent times in Europe, some of which are of great concern. Even though mass migration flows towards European countries have been steadily decreasing, the topic of migration remains high on the political agenda.

The code of conduct – at least from the human rights, rule of law perspective – is known and is, or at least should be mandatory. In the Council of Europe we have tools to help our member states: to assist them, when necessary, so that they can change and move in the direction of embracing the European Convention on Human Rights. The key question: is there a political interest, is there a political will?

The picture I see is not promising. Walls and fences are being erected at borders and reports of pushbacks are commonplace. Conditions for asylum-seekers and refugees who manage to penetrate Europe's defences are getting tougher. Immigration detention does not necessarily lead to increased expulsion rates. Many countries are applying a more limited protection status that bestows fewer rights on recipients. More and more restrictions are being imposed on family reunification. Welfare support for asylum seekers and refugees is being cut. Some of the measures proposed or adopted raise serious human rights concerns under the ECHR. While by no means universal, this is nonetheless a clear trend.

What to do?

Above all it must be recognised at the highest political level that not upholding our fundamental values when finding durable solutions will lead to the erosion of the system established after the second WW. All parties need to take actions using all efforts to reassure the public that migration could be effectively managed. Only by implementing the existing rules and principles, the obligations member states undertook when joining our respective organisations. Managing migration is about the rule of law: it is about respect for the rules accepted in the name of the collective responsibility for maintaining peace. We cannot compromise here.

- ▶ We must not give up on pressing for solidarity among our member states and promote the sharing of responsibility.

- ▶ We should continue to uphold the right to apply for asylum for all who seek international protection and increase our efforts to ensure that this right is effectively secured in practice. This means zero tolerance towards pushbacks at our member states' borders and simplified access to asylum procedures. A fair system which grants protection to those in need is a more credible system, and makes the case for returning those not granted protection status stronger.

- ▶ We must also ensure that asylum procedures function properly. Decent accommodation and minimum social rights, such as access to basic health care and education, should be enjoyed by all migrants while they are on our continent, regardless of their immigration status. Additional protections for the vulnerable, including women and children, should also be in place. Human rights should moreover be protected during removal procedures, and readmission agreements with countries not bound by our jurisprudence should be subject to proper international human rights supervision.

- ▶ We, international organisations have a responsibility to support member states to develop integration policies for those who will stay. Integration activities which encourage interaction between local communities, including religious organisations and newcomers can help to break down prejudices and foster mutual understanding. Improved access to the labour market for asylum seekers and refugees can boost local economies and make the public more aware of the advantages that migration can bring. The provision of language courses is essential for communication between migrants and members of the host community. Ensuring that refugee and

migrant children have access to mainstream education will help them and their families to integrate into host societies.

► We should also put in place legal pathways to Europe, for example by creating realistic prospects for lawful economic migration. In this way we can address the continent's labour and skills shortage and remove some of the attraction of irregular migration.

Ladies and Gentlemen,

We, in the Council of Europe believe that a sustainable, credible, feasible migration management strategy must have human rights protection at its heart. Our system for human rights protection is one of the most developed in the world, and for many years now we have worked on putting in place a range of standards and tools which help develop the capacity of our member states to also meet the challenges of migration.

Provided there is willingness from our member states, from your member states, from you to co-operate.

I thank you for your attention and look forward to your questions.