



OSCE Human Dimension Implementation Conference

Warsaw, 24 September – 5 October 2012

Working Session 3: Humanitarian issues and other commitments

Contribution of the Council of Europe

REFUGEES AND DISPLACED PERSONS

During their 28th Ministerial Conference held in Lanzarote, Spain, on 25-26 October 2007, the Ministers of Justice of the Council of Europe Member States identified problems and promoted common solutions to improve access to justice for vulnerable groups, in particular migrants and asylum seekers, and children.

- **Access to justice for migrants**

Further to Resolution n°1 on access to justice for migrants and asylum seekers adopted at the Conference, the Council of Europe's European Committee on Legal Co-operation (CDCJ) commissioned in 2008 an expert to prepare a feasibility study on access to justice for migrants and asylum seekers.

This study identified obstacles in accessing justice and effective remedies in current systems, concluding that there is a need for and the feasibility of an additional Council of Europe action in this field, more precisely a Council of Europe instrument focused on the specific issue of access to justice for migrants and asylum-seekers.

Further work on this topic may imply the setting-up of a Group of Specialists entrusted with the task of preparing a draft instrument focusing on the specific issue of access to justice for migrants and asylum-seekers, paying particular attention to unaccompanied minors and separated children.

- **Safeguards for asylum seekers in accelerated procedures**

In October 2005, the Parliamentary Assembly adopted its Recommendation 1727(2005) on accelerated asylum procedures in member states of the Council of Europe. In its reply to this text, the Committee of Ministers of the Council of Europe concluded that there was a need to establish "safeguards for asylum seekers in accelerated procedures", bearing in mind also that such work could constitute a useful source of inspiration for those member states that are members of the European Union. In June

2006, it entrusted its Steering Committee for Human Rights (CDDH) to examine the question and, as appropriate, to draft guidelines in this field. In March 2009, the CDDH finalised its draft guidelines on the human rights protection in the context of accelerated asylum procedures and Explanatory Memorandum and transmitted them to the Committee of Ministers. [On 1 July 2009, the Ministers Deputies' adopted the guidelines and authorised the publication of the Explanatory Memorandum.

- **Nationality**

The Council of Europe has produced the European Convention on Nationality (ETS No. 166) and the Convention on the Avoidance of Statelessness in relation to State Succession (CETS No. 200) which help to develop a common understanding of how to implement and safeguard the right to a nationality. The Council of Europe's unique expertise in this field provides States with internationally accepted rules and improves international co-operation on nationality issues, in situations which may be difficult, such as state succession.

Furthermore, the Committee of Ministers of the Council of Europe adopted on 9 December 2009 Recommendation (2009)13 on the nationality of children. The aim of the Recommendation is to reinforce the existing Council of Europe standards in order to avoid statelessness and also, to facilitate the acquisition of a nationality.

The Recommendation has a two-fold objective: reducing statelessness of children and facilitating the acquisition of a nationality by children. The Recommendation furthermore focuses on children's rights in the context of proceedings affecting their nationality and finally deals with a crucial formality in respect of nationality: the registration of birth.

- Participation and inclusion of young refugees

The Council of Europe promotes the active participation of young migrants and asylum seekers in European society and their access to social rights. The overall objective is to improve the capacity of young refugees, IDP's and asylum-seekers to work as youth leaders and multipliers through youth organisations; to promote intercultural dialogue and social cohesion; and to ensure that the challenges for social integration of young migrants are addressed.

Since 2006 two training courses, three study sessions and two consultation meetings with young migrants have been organised, leading to the establishment of a European network of young refugees. Two reports including policy recommendations have been drafted by participants themselves, aimed at an improved access of young migrants to social rights.

At the end of 2011, a Consultative Meeting was held on the challenges faced by young refugees and asylum seekers in accessing social rights and achieving integration while being in the transition phase to adulthood. The Committee on Migration, Refugees and Displaced Persons or the Parliamentary Assembly, in cooperation with the Youth Department of the Council of Europe and the UNHCR representation to the European institutions in Strasbourg, is drafting a report on the legal situation and the access of young migrants turning eighteen to their rights. The drafting process will include country

visits and a hearing attended by young refugees and asylum seekers; it could lead to the drafting of a recommendation from the Parliamentary Assembly of the Council of Europe on the topic.

The programme of activities of the European Youth Centre for 2012 includes two study sessions organised in cooperation with youth organisations. One, organised in cooperation with Voices of Young Refugees in Europe (VYRE), focused on the role of the media in the social inclusion of refugees. The second, organised in cooperation with the National Assembly of Youth Organisations of Azerbaijan, addresses the challenges for equal participation faced by young IDPs.

Furthermore, in a commitment to participation of young refugees, the VYRE network is part of the Advisory Council on Youth for the period 2012-2013.

Contact: Rui Gomes (rui.gomes@coe.int)
www.coe.int/youth