

OSCE Human Dimension Implementation Conference

Warsaw, 26 September – 7 October 2011

Working Session 11: 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.