

International Dialogue on Migration 2018 - Towards effective migration governance: partnership and capacity development

Session 3: Partnership framework for developing capacity on migration: a regional perspective

Ladies and Gentlemen,

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

Coming from the Council of Europe, an intergovernmental organisation founded in the aftermath of the second WW to uphold democracy, human rights and the rule of law across the European continent and currently encompassing 47 member states, with some 800 million citizens, you will not be surprised if I approach the theme: “towards effective migration governance” from this particular perspective. The perspective of human rights and the rule of law.

In the Council of Europe we believe that sustainable governance can only be effective if it is founded on the principles of human rights and the rule of law. Migration governance is no different. A sustainable, credible, feasible migration governance and any management strategy must therefore have human rights protection at its heart.

Now, is there a need for capacity development in this area? For partnership? Definitely yes. Although the capacity which we must build upon already exists. Over the past 70 years the Council of Europe has developed extensive expertise in standard-setting, most notably through the European Convention on Human Rights but also through many other conventions and guidelines also in the field of migration. 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 are protected.

As I said, we in the Council of Europe have quite developed capacity as far as the rules and standards are concerned.

What we need now is to develop implementation capacity for the existing human rights standards and for the respect of the existing rules. This is the real task we have to face, and this is also the contribution we want to make to the process leading towards effective migration governance.

Of course ensuring this implementation capacity is a very challenging task. Especially now when there has been a shift in public opinion and we have also seen in Europe a hardening of states' attitudes towards migrants when security approach prevails. A number of legislative proposals and concrete actions are against the commitment of states to our values and discharge their obligations under the European Convention on Human Rights.

That is what is increasingly challenging: to uphold our human rights' standards and work towards their effective implementation. It is challenging, but it is not impossible.

Let me give you one example of successful capacity building to help states overcome the difficulties to implement human rights' standards. One extremely important aspect of my work as the Special Representative of the Secretary General of the Council of Europe on migration and refugees is the appalling situation of the high number of refugee and migrant children currently present in Europe. I conducted numerous fact-finding missions in countries touched by the migration crises, and saw for myself the situation on the ground. In

order to improve the protection of these children our 47 member states agreed on an Action Plan on protecting refugee and migrant children, which is now being implemented and which serves as the framework for the Council of Europe's activities in this area. The initiatives undertaken in implementation of the Action Plan represent some of the most ambitious and successful actions of our organisation in the migration field. They, in particular, can offer a valuable contribution to our member states, but also other regions and the international community as a whole seeking to secure the practical implementation of the laudable objectives in the Global Compact on Safe, Orderly and Regular Migration. We have already achieved tangible progress under the Action Plan. Guidance on alternatives to immigration detention of children, European qualification passports for refugees, identification of children who are victims of child trafficking, or a HELP course on refugee and migrant children for professionals working with children, just to mention a few results. New guidelines regarding effective guardianship and a handbook on promoting child friendly information are also underway.

As I have referred to before, this is a challenging time for countries across the globe. And we therefore cannot compromise on our values and the principles we stand for. On the contrary: now, more than ever, we, international and regional organisations must unite our forces to achieve our common goals, building on the expertise and added value we each have. One thing connects us all: the shared principle of human rights' protection. Because it's not a continent specific idea, but a universal one.

The principle that human rights and the rule of law are integral parts of any migration management policy was also a guiding element in our contribution to the preparation of the Global Compact and,

subsequently, it will continue to be our guiding principle throughout its implementation. The Council of Europe is uniquely placed to share its experience on how to progress in practice. 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 helps to develop the capacity of our member states to meet the challenges of migration. I have already mentioned the European Convention on Human Rights, respect for which is overseen by the European Court of Human Rights. Through the Court's judgments, standards on detention for migration purposes, accommodation and minimum social rights for migrants and protection of migrant children have been elaborated. Training courses and cooperation activities have been developed to help member states implement these standards. A number of other Conventions, many of which are open to signature by non-Council of Europe member states, contribute to capacity development in the migration related areas, such as prevention of torture, prevention of violence against women and domestic violence, protection of children against sexual exploitation and sexual abuse, and trafficking in human beings. Monitoring bodies conduct regular visits to identify areas where more support is needed and the Council of Europe engages in follow-up work to enhance the capacity of states to address areas of challenge.

Being a pan-European organisation, our legal space stretches from Lisbon to Vladivostok; from Reykjavik to Nicosia. But even further. We are also providing a framework for effective partnership. Via its Neighbourhood Policy, the Council of Europe is co-operating with countries of North Africa, the Middle East and Central Asia with a view to establishing a common legal area based on the Council of Europe's values and instruments. The aim of the Council of Europe's policy

towards neighbouring regions is to facilitate democratic political transition and promote good governance in the beneficiary countries, while reinforcing and expanding the Council of Europe's regional action in combating cross-border challenges, such as migration. We stand therefore ready to exchange our experiences with partners outside the European legal space.

Migration-related challenges are not decreasing. I am certain that it is only by working together effectively on capacity development that we can address today's challenges and build a fair and sustainable model for the future.