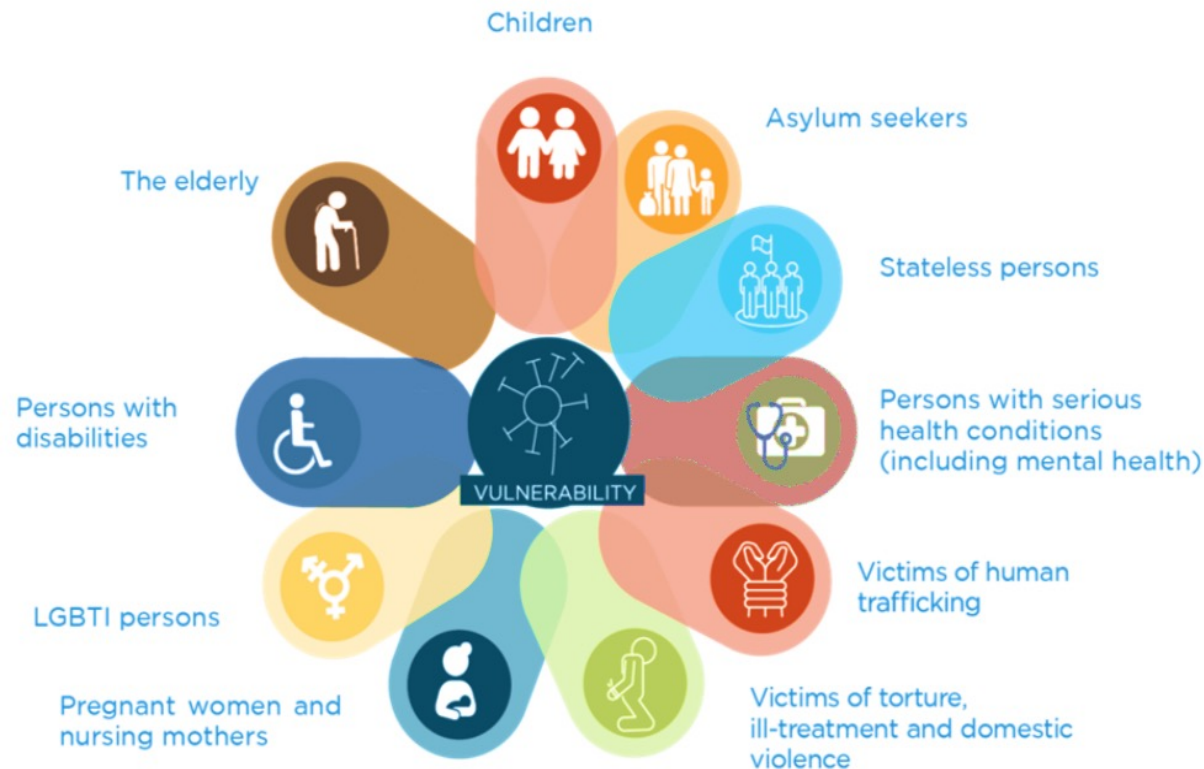




Council of Europe standards and actions regarding the protection of asylum seekers and refugees with specific needs

2 March 2023 - Madrid

Theodora Kristofori, Adviser and Project Coordinator on Migration and Displacement, Co-operation Programmes Division, DG1, Council of Europe



- **Non-exhaustive examples**
- **Multiple or changing vulnerabilities**
- **Evolving concept of vulnerability**
- **Vulnerability due to a specific context of (e.g., detention)**

Persons in a vulnerable situation have specific needs and require special protection

Detection of vulnerabilities at the earliest stage possible

Access to vulnerability assessments procedures and individual approach

Access to information about the existence of vulnerability assessment procedures

Access to special protection and guarantees

❖ **European Social Charter (revised)**

- *specific provisions for:*

Children (Art.17);

Pregnant women (Art. 8);

Persons with disabilities (Art.15);

The elderly (Art.23)

❖ **Council of Europe Convention on Action against Trafficking in Human Beings**

❖ **Council of Europe, Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

❖ **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**

The Council of Europe Committee of Ministers and the Parliamentary Assembly have acknowledged that the **deprivation of liberty may increase the vulnerability** of asylum seekers and irregular migrants.

Committee of Ministers, [Reply](#) to the Parliamentary Recommendation 1900 (2010).

Persons in immigration detention “are particularly vulnerable to various forms of torture and ill-treatment” at various stages of the process.

CPT, [Safeguards for irregular migrants deprived of their liberty](#), Extract from the 19th General Report of the CPT, published in 2009, § 75.

Individualised assessment regarding vulnerable persons apply a ***fortiori*** in the context of detention.

Particular vulnerabilities may preclude detention.

Alternatives to immigration detention must be considered based on the specific circumstances of the **individual case**.

Detention will be unlawful if the same aim could be achieved by less coercive measures.



Asylum and Human Rights

Start Module

HELP
Human Rights Education for Legal Professionals

Project funded by the European Union and the Council of Europe



Refugee and Migrant Children

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CPT Standards

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Alternatives to Immigration Detention

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UNHCR
CONSEIL DE L'EUROPE

Alternatives to Immigration Detention



Combating Trafficking in Human Beings

HELP HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

Combating Trafficking in Human Beings



Violence Against Women and Domestic Violence

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Violence Against Women and Domestic Violence

AGE ASSESSMENT FOR CHILDREN IN MIGRATION

A human rights-based approach



How to convey child-friendly information to children in migration



Promoting child-friendly approaches in the area of migration



Standards, guidance and current practices

GENDER-BASED ASYLUM CLAIMS AND NON-REFOULEMENT: ARTICLES 60 AND 61 OF THE ISTANBUL CONVENTION



A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence

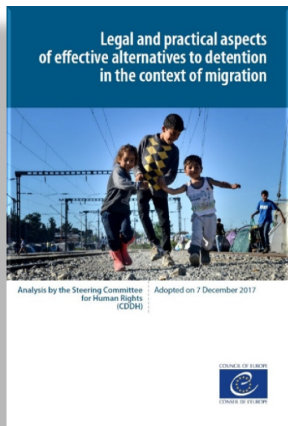
A guide for policy makers

Building a Europe for and with children
www.coe.int/t/e/children

Building a Europe for and with children



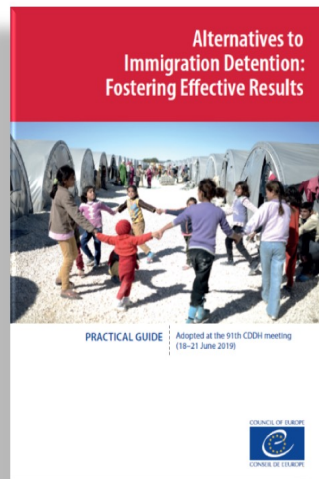
Steering Committee for Human Rights (CDDH)



Adopted in 2017

- 1 Legal Aspects:
Applicable Human Rights Standards
- 2 Practical Aspects:
Effective Alternatives to Immigration Detention
- 3 Policies and Practices
on Alternatives to Immigration Detention
- 4 The Way Forward

Steering Committee for Human Rights (CDDH)



Adopted in 2019

1

WHY
consider alternatives to immigration detention?

2

WHAT
types of alternatives could potentially be considered?

3

HOW
to make alternatives effective ?

What is the ultimate aim of Cooperation projects?

Providing expert and practical assistance to authorities and other actors based on the needs in the field and the Council of Europe mandate.

- **All and any authorities – local, national, regional**
- **Migration and asylum authorities**
- **Child protection authorities**
- **Judges**
- **Law enforcement officers and border guards**
- **Lawyers and other legal professionals**

- **Front line officers**
- **Social workers**
- **Field officers**

- **Ombudspersons and other Independent human rights institutions**
- **NPMs**
- **Civil society**

Thank you for your attention