

RIGHTS

FUNDAMENTAL RIGHTS CONFERENCE 2014

Fundamental Rights and Migration to the EU

DRAFT PROGRAMME

10/11 NOVEMBER 2014, ROME



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The EU Agency for Fundamental Rights (FRA) is dedicating its annual flagship event, the Fundamental Rights Conference (FRC), to the importance of a fundamental rights-based approach to EU migration policy.

The *Strategic Guidelines for legislative and policy planning in the area of freedom, security and justice*, adopted by the European Council in June 2014¹, identified the need for “an efficient and well-managed migration, asylum and border policy” in the EU that is underpinned by “full respect for fundamental rights”. It recognised that the EU is “faced with challenges such as instability in many parts of the world as well as global and European demographic trends”. It also noted that “a comprehensive approach is required, optimising the benefits of legal migration and offering protection to those in need while tackling irregular migration resolutely and managing the EU’s external borders efficiently”. As the guidelines emphasise, it is important to “support Member States’ efforts to pursue active integration policies, which foster social cohesion and economic dynamism”.

The Fundamental Rights Conference will highlight key fundamental rights challenges that need to be considered when implementing the Strategic Guidelines. It will discuss means of alleviating the effects of the current migration pressures at the EU’s external sea and land borders, while fully respecting fundamental rights. The conference will also debate the best ways of promoting social inclusion and migrant integration, in order to create an environment in which migrants can take full advantage of their own potential, to the benefit not only of themselves but also of EU society as a whole.

The high-level event is co-hosted together with the **Italian Presidency of the Council of the European Union**. It brings together over 250 policy makers and practitioners from across the EU, including representatives from EU institutions, international organisations, national governments and parliaments, law enforcement, civil society and many more.

OBJECTIVES

- To ensure fundamental rights remain at the centre of migration policy in the EU.
- To discuss the fundamental rights at stake in the practical implementation of the Strategic Guidelines for legislative and policy planning in the area of freedom, security and justice, which were adopted by the European Council in June 2014.
- To build on the work of the Task Force Mediterranean by supporting the development of fundamental rights-based activities that address current humanitarian emergencies at the EU external borders.
- To address migrant integration from a fundamental rights perspective in order to create inclusive societies, that are free of racial and other forms of discrimination, helping both migrants and recipient countries to develop.

¹ [European Council, Conclusions, EUCO 79/14, 26/27 June 2014](#)

Background

The EU is part of a globalised and interconnected world where migrant and refugee flows are on the rise. These are not only due to instability, war and poverty, but also respond to demographic trends and labour market gaps in the EU. Asylum, migration and integration, have become closely related to the phenomena of xenophobia and intolerance, and all these continue to dominate much of the fundamental rights debate and concerns across the Union. To meet the challenges faced by EU Societies, policy responses to the movement of people need to keep fundamental rights at the centre of the decision-making process.

Borders: guarding EU's external borders while protecting the rights of migrants and refugees

The EU's external borders are the gateway to the European Union. People come to Europe to seek safety from persecution and war, to join family members or to find a better life. With limited access to legal channels of migration, many people - whether asylum seekers, children, trafficking victims, or other migrants - fall prey to smugglers and traffickers, making them vulnerable to abuse and exploitation. Once in the EU, some are granted protection, some are returned, and some remain in an EU Member State either with or without right to stay.

There have recently been significant efforts by the EU and Member States, in particular Italy, to save the lives of migrants arriving in the EU. The creation in October 2013 of the *Task Force Mediterranean* was a swift and important response that set out a course of action to address unsafe migration at sea. However, the challenges at the EU's borders, both sea and land, points to the urgent need for a more comprehensive, sustainable, coordinated and effective European response that uses a fundamental rights-oriented approach to deal with all aspects of migration from cause to effect. Only in this way can we ensure respect for the inviolable right to human dignity.

Building an inclusive society to the advantage of all.

As intolerance and extremism have grown in many countries across the EU, the situation of migrants living and working there has become increasingly vulnerable. Efforts to actively promote migrant inclusion into EU societies, as well as to combat rac-

ism and xenophobia, need to be guided by fundamental rights and the EU values of equality, pluralism, non-discrimination, diversity, and social cohesion.

A proactive approach that builds on these values and promotes inclusion can help to reduce racial discrimination and intolerance, dispel tension, and strengthen security. Protecting fundamental rights is important to empower migrants and thereby provide them with the tools to lead economically productive lives that are to the advantage of everyone in the EU. Strengthening the EU as an area of strong fundamental rights protection will ensure that the EU continues to remain an attractive region for high skilled workers as well as for essential services, and a space of freedom, security and justice for all.

The conference discussions will build on FRA's reports on migration, asylum and borders, including the new reports on the fundamental rights situation at the EU's air and land borders.

- ['Fundamental rights at Europe's southern sea borders'](#)
- ['Detention of third country nationals in return procedures'](#)
- ['Criminalisation of migrants in an irregular situation and of persons engaging with them'](#)
- ['Coping with a fundamental rights emergency - The situation of persons crossing the Greek land border in an irregular manner'](#)
- ['Fundamental rights of migrants in an irregular situation in the European Union'](#)
- ['Guardianship for children deprived of parental care - A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking'](#)
- ['Handbook on European law relating to asylum, borders and immigration'](#)
- ['Inequalities and multiple discrimination in access to and quality of healthcare'](#)
- ['European Union Minorities and Discrimination Survey \(EU-MIDIS\) Main Results Report'](#)
- ['Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary'](#)

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MONDAY, 10 NOVEMBER 2014, CHAMBER OF DEPUTIES

12.30 – 14.00

REGISTRATION AND WELCOME COFFEE

Entrance: Via Campo Marzio 78, Aula dei Gruppi, Palazzo Montecitorio, Chamber of Deputies

14.00 – 14.30

WELCOME

Laura Boldrini, President of the Chamber of Deputies, Italy
Morten Kjaerum, Director, FRA

14.30 – 15.00

KEYNOTE ADDRESS

Benedetto della Vedova, Senator, Undersecretary of State at the Ministry of Foreign Affairs, Italy
EU Commissioner for Home Affairs (tbc)
Prince Zeid Ra'ad Zeid al-Husseini, UN High Commissioner for Human Rights (tbc)

15.00- 15.30

COFFEE BREAK

15.30 – 16.15

Ensuring the rights of migrants in the EU: from vulnerability to empowerment

Presentations by:

Nils Muiznieks, Commissioner for Human Rights of the Council of Europe
Aydan Özoguz, Minister of State, Commissioner for Immigration, Refugees and Integration, Germany

16.15 – 17.45

PANEL DEBATE:

Towards a fundamental rights-based approach to migration and integration: from arrival to inclusion

Focus:

A discussion on the fundamental rights challenges in the area of migration, from arrival to inclusion in the societies of the EU. How can a fundamental rights based approach to migration contribute to the EU's future? The panel will also address EU and Member States' responses to migration and migrant integration policies: how to ensure that such policies are fundamental rights-compliant and compatible with the vision for a cohesive EU society oriented to inclusive growth?

Introduction to the panel debate by **Rainer Münz**, Head, Group Basic Research, Erste Group Bank

Matthias Ruete, Director General Home Affairs, European Commission

Iliana Iotova, Vice-Chair of the Committee on Civil Liberties, Justice and Home Affairs, European Parliament

Senator Luigi Manconi, Chair of the Extraordinary Commission for the Promotion and Protection of Human Rights, Italian Senate

Giuseppe Iuliano, European Economic and Social Committee

18.30

Shuttle to venue of day II

20.00

RECEPTION

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TUESDAY, 11 NOVEMBER, THE INTERIOR MINISTRY SCHOOL OF ADMINISTRATION

08.30 - 09.00

Registration (late comers only)
Scuola Superiore dell'Amministrazione dell'Interno (S.S.A.I.)
Via Veientana, 386 – 00189 Roma

09.00 - 10.00

PANEL DEBATE:

Fundamental rights challenges and considerations in the field of migration, border management, asylum and migrant integration

Focus:

A discussion on key fundamental rights challenges and considerations that need to be taken into account in the field of migration, asylum, border management and migrant integration, when implementing the *Strategic Guidelines for legislative and policy planning in the area of freedom, security and justice*.

Introduction to the panel debate by: **William Lacy Swing**, Director General, International Organisation for Migration (IOM)

Panellists:

Eva Åkerman Börje, Ambassador, Secretariat for the Swedish Chairmanship of the Global Forum on Migration and Development
Mario Morcone, Prefect, Chief of Civil Liberties and Immigration, Ministry of Interior, Italy
Nicolas J. Beger, Director, Amnesty International European Institutions Office
Vincent Cochetel, Director, UNHCR- Bureau for Europe
François Crépeau, Special Rapporteur on the human rights of migrants, OHCHR
Samuel Azzopardi, Mayor of Victoria, Gozo, Representative of Malta to the Commission for Citizenship, Governance, Institutional and External Affairs (Civex), Committee of the Regions

10.00- 10.30

COFFEE BREAK

10.30 – 11.00

Testimonies from:
Özlem Sara Cekic, Member of Parliament, Danish Socialist People's Party
Peter Bossman, Mayor of the town of Piran, Slovenia

11.00 – 13.00

WORKING GROUPS (*in parallel*)

Working group I: A rights-based approach to border surveillance, including cooperation with third countries

Chaired by: Giovanni Pinto, Director of the Central Unit for Immigration and Border Police Management, Public Security Department, Frontex Management Board, Italy

Focus:

The discussion will focus on border control and the surveillance of sea as well as land borders, and particularly on cooperation with third countries. The *Task Force Mediterranean* includes cooperation with third countries as one of the most effective ways to tackle irregular migration. Building upon FRA's work, the discussions will seek to offer

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guidance on ensuring that fundamental rights are upheld in joint activities with third countries in the context of land as well as sea border surveillance. The discussions will also address the fundamental rights challenges emerging immediately upon arrival, such as reception conditions, use of detention, ensuring needs of children, identification of survivors of torture and suspected victims of trafficking and fair screening processes.

Panellists:

- **Charmaine Hili**, Policy advisor, Unit order management and Schengen governance/relations with Frontex, DG HOME, European Commission
- **Inmaculada Arnaez Fernandez**, Fundamental Rights Officer - Frontex
- **Francesca Fritz-Pruguda**, Head UNHCR Spain

Working group II: Smuggling as a means of last resort to enter the EU

Chaired by: Tineke Strik, Member of Dutch Senate, Parliamentary Assembly of the Council of Europe (PACE)

Focus:

Due to limited possibilities to enter the EU legally migrants and persons seeking protection often fall prey to criminal organisations that abuse and exploit them in return for promises to transport them into the EU. How to fight smuggling will be discussed from a law enforcement, fundamental rights, as well as law of the sea perspective. Topics will also include ways of ensuring that rescue and provision of humanitarian assistance are excluded from punishment for smuggling of human beings, using the findings and analysis of FRA's paper Criminalisation of migrants in an irregular situation and of persons engaging with them. Large numbers of smuggled people and irregular arrivals have given rise to calls for EU solidarity, relocation and exploring legal ways to access Europe. The workshop will therefore also discuss resettlement and possible protected entry mechanisms. Limited resettlement opportunities challenge the capacity of regional protection programmes, but resettlement and protected entry are integral parts of any refugee policy.

Panellists:

- **Kris Pollet**, Senior Legal & Policy Officer of European Council on Refugees and Exiles (ECRE)
- **Simona Ardo vino**, Policy Officer, Immigration and Integration Unit, DG HOME, European Commission
- **Morgane Nicot**, Crime Prevention and Criminal Justice Officer, Human Trafficking and Migrant Smuggling Section, UNODC
- **David Hammond**, President, Human Rights at Sea International Initiative

Working group III: Protection of children in the context of migration

Chaired by: Margaret Tuite, Coordinator for the Rights of the Child, - Fundamental Rights and Rights of the Child, DG JUST, European Commission

Focus:

Children migrate from their country of origin to and within the territory of the EU in search of survival, security, improved standards of living, education, economic opportunities, protection from exploitation and abuse, family reunification or a combination of these factors. They may travel with their family or independently or with non-family members. They may be seeking asylum, be victims of trafficking, or be undocumented migrants. The status of children on the move may differ at various stages on their journey and they may encounter many differing situations of vulnerability. The workshop will address how to fully reflect child protection standards in border procedures, such as identification of needs, screening procedures, reception conditions, detention practices, referrals to child protection authorities and appointment of a guardian and it will also look at responsibility for unaccompanied children in transnational co-operation. The discussions will take place against the backdrop of preparatory work for the forthcoming Commission's Communication on integrated child protection systems and the FRA hand-

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book on Guardianship for Child Victims of Trafficking. The workshop will take account of lessons learnt from recent EU-funded projects.

Panellists:

- **Verena Knaus**, Senior Policy Advisor, UNICEF Brussels Office
- **Petros Stagkos**, Vice-President of the European Committee of Social Rights, Council of Europe;
- **Delphine Moralis**, Secretary General, Missing Children Europe
- **François Bienfait**, Head of the Centre for Training, Quality and Expertise, EASO

Working group IV: Migrant integration in the EU: a fundamental rights' perspective

Chaired by: Prof. Han Entzinger, FRA Scientific Committee

Focus:

Human rights constitute the foundation of the EU and need to be clearly linked to migrant integration policies; 10 years after the EU's *Common Basic Principles for Migrant Integration* came into effect. The workshop will discuss how integration of migrants can be taken forward from a fundamental rights perspective. The discussion will look therefore into strategies of social inclusion and migrant integration in the EU and its Member States towards the targets of the *EU 2020 strategy for smart, sustainable and inclusive growth* in light of fundamental rights' standards. The overall aim will be to find feasible ways to assess, support and promote national migrant integration policies in this direction, boosting both the economies as well as social cohesion in the EU.

Input providers:

- **Chiara Adamo**, Head of Unit - Fundamental Rights and Rights of the Child, DG JUST, European Commission
- **Pedro Lomba**, Secretary of State Assistant to the Minister in the Cabinet of the Prime Minister and for Regional Development, Portugal
- **Liz Collett**, Director of Migration Policy Institute (MPI) Europe and Senior Advisor to MPI's Transatlantic Council on Migration
- **Claire Courteille**, Labour migration, Democratic Governance, Human Rights Officer, International Labour Organisation (ILO)
- **Walter Kindermann**, General Director for Integration Affairs at the State of Hessen's Ministry for Justice, Integration and Europe
- **Christine Nanlohy**, European Network of Migrant Women

Working group V: Towards inclusive and pluralist democratic societies.

Chaired by: Marco de Giorgi, Director, Ufficio Nazionale Antidiscriminazioni Razziali (UNAR), Italy

Focus:

For the EU to develop both politically and economically, it is vital that we are in a position to build democratic, inclusive and pluralist societies. Granting and full enjoyment of rights on the basis of commonly shared political and democratic values is a major integration policy objective and challenge, as well as a precondition for cohesive and inclusive societies that allow everybody to develop their full human potential to the benefit of all. This working group aims to propose concrete policies and solutions to shift the often negative narrative about migration and bring about a change in the public discourse in the EU. In particular, it will discuss policies of granting and promoting rights of participation at local and national level that may tangibly contribute to inclusive and vibrant democracies to the advantage of both migrants and the countries receiving them. Experiences and views will be shared regarding challenging myths and misinformation, and eradicating misperceptions of the public, supporting the creation of societies in which everyone in the EU can live together in diversity.

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Input providers:

- **Juan Gonzalez Mellizo**, Team Leader, Non-discrimination policies and Roma coordination, Directorate Equality, DG JUST, European Commission
- **Nikos Sitaropoulos**, Deputy to the Director and Head of Division, Office of the Council of Europe Commissioner for Human Rights, Council of Europe
- **Jean-Paul Makengo**, Regional Councillor for the Midi-Pyrénées part of France (tbc)
- **Anna Triandafyllidou**, Director of Cultural Pluralism Research Area, Professor at the Global Governance Programme (GGP) of the Robert Schuman Centre for Advanced Studies (RSCAS), European University Institute
- **Rui Gomes**, No hate speech movement, Council of Europe
- **Viorica Nechifor**, President, Associazione Nazionale Stampa Interculturale (ANSI)
- **Anna Ludwinek**, Research Manager in the Living Conditions and Quality of Life Unit, Eurofound

13.00-14.30 LUNCH

14.00 **Presentation of the European Union Agency for Fundamental Rights reports on the fundamental rights situation at the EU's air and land borders.**

14.30-16.00 **REPORTING FROM THE WORKING GROUPS**

16.00-16.30 COFFEE BREAK

16.30-17.00 **CONCLUSIONS**
Angelino Alfano, Minister of Interior, Italy (tbc)
EU Commissioner for Justice, Justice, Fundamental Rights and Citizenship (tbc)
Maija Sakslin, FRA Management Board Chair