



## **CoE-FRA-ENNHRI-Equinet Platform on rights of refugees, migrants and asylum-seekers**

A meeting between FRA, the Council of Europe, Equality Bodies, National Human Rights Institutions and Ombudsperson Institutions

**Vienna, 15-16 February 2016**

### **MEETING REPORT**

Compiled by FRA, CoE, Equinet and ENNHRI<sup>1</sup>

#### **BACKGROUND**

The establishment of the cooperation platform is the follow-up of the joint conference of the Council of Europe (CoE), the European Network of Equality Bodies (Equinet), the European Network of National Human Rights Institutions (ENNHRI) and the European Union Agency for Fundamental Rights (FRA), which took place in October 2013 in Vienna. The October meeting set the scene for closer cooperation among national bodies and between national and international bodies. It was agreed to focus on establishing platforms for collaboration on pressing topics such as asylum and migration, Roma integration, combating hate crime, and advancing social and economic rights and socio-economic equality.

Asylum and migration issues pose some of the most pressing and serious human rights challenges in Europe today. The aim of the Platform members - national bodies and European institutions and networks - is to devise ways in which can work together more closely to attain concrete results for migrants in need. The general aim of the thematic platform cooperation is to enhance coordination, cooperation and exchange of information between national level institutions and European level institutions and structures, as well as to facilitate the cooperation between national level institutions.

#### **OBJECTIVES OF THE MEETING**

The meeting discussed how National Human Rights Bodies are currently involved in migration related issues in their countries. What are the challenges and possibilities for the NHRBs? How could the Platform support national level institutions in their work?

The aim was to develop concrete suggestions for cooperation among national institutions and between national institutions and European organisations and structures. The focus was on inclusion and integration of migrants; rights of the child and non-discrimination.

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<sup>1</sup> DISCLAIMER: Please note that this report is a compilation of the outcomes of the meeting including views and opinions of the participants. Thus, the views or opinions expressed therein are not the official opinions of the FRA, the CoE, Equinet or ENNHRI.

The expected result of the meeting was to come up with suggestions for a plan of activities for the Platform for 2016.

## **DAY 1**

The thematic sessions of the first day were inclusion/integration of migrants and ensuring the rights of migrant children.

### **Inclusion/integration**

This session looked at the needs and possibilities for National Human Rights Bodies to contribute to inclusion efforts for migrants, given the unprecedented number of migrants, asylum-seekers and refugees that arrived during the second half of 2015. The introduction to the session was given by Adriana van Dooijeweert, Chair of the Netherlands Institute for Human Rights.

The objectives of this session were: to identify tools and actions in the area of migrant integration in which each Platform partner can contribute effectively; and to identify ways in which the Platform partners together can contribute concretely to the integration of migrants. As an essential it was also agreed for both topics of day 1 to distinguish between:

- Status of the migrant (asylum seeker/refugee and those that will not have or get legal status)
- Status of the NHRB and their legal mandate
- Phase 1 of the migration process (refugee situation) to phase 2 ('integration')

### Main outcomes from the plenary and small group discussions

*Which activities and tools are used by Platform members to work on these issues?*

- Research on discrimination concerning access to housing, education, health care, immigrants' integration in the labour market;
- Impact assessments;
- Overseeing detention conditions, in particular the treatment of children;
- Campaigning on specific issues (e.g., the treatment of victims of torture, victims of sexual abuse);
- Advising on conditions of reception centres;
- Giving feedback on legislative proposals pertaining to migration;
- Complaints handling with regard to access to education and national health service, administrative actions;
- Cooperating with other NHRBs (e.g., twinning projects)

*What actions are open to each partner to improve the situation in this field?*

- Exploring cooperation with private sector;
- Exploring cooperation with social partners;
- Integration agreements for migrants to sign can be an incentive in highlighting rights and obligations;
- Training on non-discrimination targeting public authorities, social partners, private sector, NGOs, etc.

- Advise government on integration plans;
- Engaging with local communities;

*What are the obstacles?*

- A limited mandate can be an obstacle;
- Limited language skills of migrants combined with limited resources of authorities to provide interpretation and translations services;
- Limited knowledge of having children as clients by NHRBs and service providers;

*How do you think the Platform can act to make practical difference to improve the situation on the ground?*

- Exchange of experiences and good practices on specific issues (e.g., on specific complaint issues, a sign of alarm from one country to another);
- Share information on policy and legislative models, structural models from one country to another;
- Share practical examples concerning private sector involvement and cooperation, as well as with social partners concerning employment of asylum-seekers and newly arrived migrants;
- FRA to facilitate linking up between the Platform and the European Commission expert and government networks on migration and integration;
- Collect and exchange information on living conditions in detention and reception centres;
- Review the fundamental rights compliance of minimum requirements/standards, e.g., concerning asylum-seekers' reception, migrant detention (ref. to ECHR case law);
- Compile experiences in low scale forms of access to labour market (training, internship);
- Share information on funding possibilities;

### **Ensuring the rights of migrant children**

As a continuation of session 1, this session looked at the specific needs of children in migration and how NHRBs in their work can take into account the needs of children. The introduction to this session was given by Marc Dullaert, Chair of the European Network of Commissioners and Ombudsmen for Children (ENOC) who presented the key recommendations of ENOC for children on the move relevant guiding also the work of the Platform:

1. EU Action plan for children on the move
2. Prioritize children in the relocation scheme
3. Swiftly improve conditions in reception and transit centres
4. Safe and legal opportunities to enter EU
5. Child rights perspective in humanitarian aid

Main outcomes from the plenary and small group discussions

*Which activities and tools are used by Platform partners, including NHRBs, to work on these issues?*

- Advise government on specific issues, such as fundamental rights implications of age definition;
- Undertake child rights impact assessments, how to take into account best interest of child;
- Cooperation with NGOs in addressing the issue of detention of children;
- Provide a check-list for the authorities on how to take into account the best interest of the child;
- Reports on alternatives to detention; undertaking visits to detention facilities; specific recommendations for children in detention in a transit situation;
- Reports (e.g., legal analysis, children in the Dublin procedure, family reunification);
- Promoting recommendation that unaccompanied minors should not stay in reception centres, but special care centres;
- Promoting recommendation that asylum applications of children and families with children would be prioritised;

*What actions are open to each partner to improve the situation in this field?*

- Activities and advocacy at national level, to participate in the political discussion regarding asylum seekers children;
- Cooperation with schools in preventing harassment, campaigning among youth for non-discrimination;
- Cooperation with sports clubs for the inclusion of asylum-seeker and migrant children in their activities;
- Try to enter in a dialogue with authorities as a tool for implementing recommendations;

*What are the obstacles?*

- Lack of skills required when communicating with children;
- Difficulties to reach out to children coming with their families
- If the overarching political context does not take into account the best interest and specific needs of migrant and asylum-seeker children;

*How do you think the Platform can act to make practical difference to improve the situation on the ground?*

- Learn from experiences in other EU MS and develop a method of information exchange for the Platform specifically concerning child rights issues;
- Support of Belgrade Declaration re protection of children by identification of alternatives to detention; map alternatives and map those EU MS which still use detention;
- Share experiences on participating in training of social aid workers sensitising for the specific needs of children, e.g. via linking the Platform to the EC network of national rapporteurs of trafficking in human beings;
- Share experiences with regard to barriers (also cultural) in access to education;

## DAY 2

Building on the outcomes of the Day 1, the objective of Day 2 was to come up with suggestions for concrete activities for 2016. In addition to taking into account the results of sessions 1 and 2, the focus on the second day was on possible roles NHRBs can have in relation to safeguarding the rights and non-discrimination of migrants. In addition, it took into account the discussions held during the Belgrade Conference in November 2015, which led to the adoption of the Belgrade Declaration.

### **The role of NHRBs and the Platform in the current migration situation – plan of activities for 2016**

Introductions to the session were given by Jelena Jelić from the Office of the Ombudsman of the Republic of Serbia and Eduardo Qua from the High Commission for Migrations of Portugal.

### **Suggested topics and working methods for the Platform for 2016**

- Ensure links to the **Belgrade Declaration** and its commitment
- **General/transversal topics:** access to labour market of asylum-seekers and newly arrived migrants (if relevant, in subgroups according to Platform members' priorities)
- **Exchange of information on current projects, initiatives and good practice facilitated by FRA based on regular inputs from the national level institutions, CoE, Equinet and ENNHRI secretariats** and on specific topics, such as:
  - new integration/inclusion initiatives;
  - on participation in governments' consultations on legislative proposals
  - on own initiative inquiries by NHRBs;
  - impact assessment studies;
  - fundamental rights compliance of minimum requirements/standards (ref. to ECtHR case law);
- **Joint actions, mapping and research:**
  - Policy and legislative models for integration/inclusion; how structural models vary from one Member State to another
  - Providing evidence on the benefits of migrants for business and economy
  - Explore possibilities for joint non-discrimination campaigns;
- **Explore cooperation with other stakeholders:** private sector cooperation and involvement in NHRBs' work, in enabling access to jobs (trainings, internships), cooperation with trade unions (e.g. in the field of enabling access to labour market, combating discrimination)**Introduction of a new cooperation method for information collection, "ad hoc queries";**
- **Conducting on the spot joint visits;**
- **Coordination/cooperation with other CoE-FRA-Equinet-ENNHRI Cooperation Platforms** (namely Economic and Social Rights and Hate Crime/Hate Speech)

### **Next steps in the Platform cooperation**

It was agreed that the Platform members will enhance the exchange of information as the main working method of the Platform. The members will send information on upcoming events, conferences, studies and publications relevant for the Platform. FRA as the

coordinator of the Platform will compile this information and send it out as an email newsletter to the Platform members and include it in a dedicated website section of the FRA website. The aim is that the Platform will inform participants of experiences, lessons learnt and good practice. The Platform can also serve as a forum for an early alert concerning new phenomena and developments in Member States, as well as inspire for future work and cooperation.

A work plan for the year 2016 will be proposed by the FRA-CoE-Equinet-ENNHRI partners to the Platform members.