

SUMMARY

Inclusion of and discrimination against migrants in Europe

The contribution of equality bodies

MigrantInclusion

Thursday, 7th December 2017

09:00-16:00

Husa President Park Hotel

44, Boulevard du Roi Albert II, Brussels



Co-funded by the
Rights, Equality and
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ABOUT THE CONFERENCE

The conference “**Inclusion of and discrimination against migrants¹ in Europe - The contribution of equality bodies**” gathered 60 participants from national equality bodies, civil society networks and international organisations.

It aimed to:

- **Explore the current context** across Europe in relation to discrimination against migrants and the implications of this for the work of equality bodies,
- Discuss **what can be done** at international, EU and national levels to improve inclusion of migrants and address discrimination against migrants,
- **Connect with stakeholders** working on migrants’ rights and discuss ways of cooperating with them.

Background information

According to the [Migrant Integration Policy Index](#), non-EU citizens of working age make up 37% of those with lower educational attainments in Europe. Since 2008, their employment rates have dropped to 56.5%. In 2014, their risk of poverty or social exclusion increased to 49%, which is twice the level for EU citizens. The [EU MIDIS Survey](#) of the EU Agency for Fundamental Rights (FRA) also gave a first picture of the very low rates of reporting of discrimination cases against people with an ethnic minority or immigrant background.

Equality bodies have the mandate to protect any victim of discrimination regardless of nationality and citizenship. At a challenging time marked by the rise of far-right parties, hate crime and hate speech, **their contribution is essential to protect migrants from discrimination and support their inclusion.**

The EU has limited competence in the area of inclusion of migrants. However, an [Action Plan on the integration of third country nationals](#) was recently adopted by the European Commission. It foresees several actions in the areas of social inclusion, education, access to basic services and labour markets.

In this context, **building cooperation** between national equality bodies, civil society organisations dealing with migrants’ rights and other relevant stakeholders is key in order to:

- Ensure **access to justice** to migrant victims of discrimination,
- Promote the need for **comprehensive protection against nationality-based discrimination**,
- Promote an **inclusive approach to national integration policies** with a focus on equality and non-discrimination,
- And **strengthen intersectional approaches to addressing discrimination against migrants.**

Complementary information about the conference, pictures and power point presentations are available [on the Equinet’s website](#)

¹ The conference focused on third-country nationals migrating to the EU, including undocumented migrants and refugees.

AGENDA

08:30 - 09:00 Welcome & Registration

OPENING SESSION

09:00 - 09:15 Opening & Presentation of Equinet Factsheet on inclusion of migrants, refugees, and asylum seekers
Kirsi Pimiä
Member of the Equinet Executive Board and Non-Discrimination Ombudsman, Finland

09:15 - 09:45 Keynote Address
Rossalina Latcheva & David Reichel
EU Agency for Fundamental Rights (FRA)

09:45 - 10:00 Questions & Answers

SESSION 1

Discrimination against migrants in Europe: State of Play

Chair: Kirsi Pimiä, Member of the Equinet Executive Board & Non-Discrimination Ombudsman, Finland

10:00 - 10:15 ENAR shadow report on racism and discrimination in the context of migration in Europe
Ojeaku Nwabuzo
Senior Research Officer, European Network against Racism (ENAR)

10:15-10:30 Discrimination against migrant women and access to justice
Salome Mbugua
Chair, European Network of Migrant Women (ENOMW)

10:30-10:45 Discrimination against LGBTI+ migrants and access to justice
Jules Teoh
Advocacy Officer, ILGA-Europe

10:45-11:00 Remedies and reaching out to migrants: the equality bodies' perspective
Andreas Pottakis
Greek Ombudsman

11:00-11:30 Questions & Answers

11:30-12:00 Coffee Break

Inclusion of and discrimination against migrants in Europe

The contribution of equality bodies

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10E Equinet
European Network
of Equality Bodies
2007-2017

SESSION 2

Panel discussion: Promising Practices & ways forward

Facilitator: Isabelle Chopin, Acting Director, Migration Policy Group (MPG)

Stand4HumanRights Campaign

[Dima Yared](#)

Human Rights Officer, United Nations Human Rights Office (UNOHCHR)

Urban agenda for the EU - Partnership on Inclusion of migrants and refugees

[Mark Boekwijt](#)

Member of the Partnership and representative Amsterdam in Brussels

12:00-13:15

Mentoring Programme for Migrants

[Barbara Duque](#)

High Commission for Migration (HCM), Portugal

[Catia Almeida](#)

Commission for Equality and against Racial Discrimination, Portugal

Promoting positive narratives

[Anna Roguski](#)

Outsider Project Manager, Migrants' Rights Network (MRN)

13:15-13:30

Concluding words

[Anne Gaspard](#)

Equinet Executive Director

13:30-14:30

Lunch

DISCUSSION SESSIONS **14:30-16:00**

Strengthening cooperation for better inclusion of migrants

GROUP 1

Discrimination against undocumented migrants: implementation of the ECRI GPR n°16

[Alyna Smith](#)

Advocacy Officer, Platform for International Cooperation on Undocumented Migrants (PICUM)

GROUP 2

Promoting disability-sensitive approaches to discrimination against migrants

[Catherine Naughton](#)

Director, European Disability Forum (EDF)

GROUP 3

Reaching out and first line support to migrants

[Gwenda De Cooman](#)
Collaborator, Myria &

[Emilie Van Laer](#)
Legal Adviser, Unia

16:00

End of the conference

OPENING SESSION



Kirsi Pimiä, Equinet Board member and Finnish Non-Discrimination Ombudsman, opened the conference and presented the updated version of the [Equinet Factsheet and Compendium of Good Practices on inclusion of migrants, refugees and asylum seekers](#).

Both documents are based on an internal survey conducted within Equinet membership in 2016. The compendium was updated with new practices from the members in December 2017.

The factsheet depicts the **work of equality bodies in the area of inclusion of migrants, refugees and asylum seekers with a specific focus on discrimination**. Indeed, even if an equality body does not explicitly cover migration status as a discrimination ground, it has the power to assist any victim of discrimination irrespective of their nationality or migration status.

It describes the challenges encountered by equality bodies in this area:

- **Prioritising and resources:** Engagement on the issue is frequently a function of the given equality body's geographical proximity or distance to significant migration routes. It is also moderated by the lack of human and financial resources within the equality body.
- **Data collection:** Little quantitative information regarding the proportion of migrants seeking help from equality bodies is available.

EQUALITY BODIES AND INCLUSION OF MIGRANTS, REFUGEES AND ASYLUM SEEKERS AN EQUINET FACTSHEET | 2017 UPDATE |

BACKGROUND INFORMATION Equinet, the European Network of Equality Bodies, brings together 48 equality bodies from 34 European countries. Equality bodies are public institutions set up across Europe to promote equality and tackle discrimination on grounds of gender, race, age, sexual orientation, religion and belief, disability or other grounds. They play a fundamental role in the non-discrimination architecture of the EU. As a first point of contact for victims of discrimination, equality bodies have an extensive understanding of how discrimination affects people in Europe.

The work of equality bodies on inclusion of migrants, refugees and asylum seekers



Equality bodies' mandate

According to EU legislation, each EU Member State is required to set up an equality body covering the grounds of race and ethnicity and gender. However, many EU Member States went beyond these requirements and have the power to address discrimination on the grounds of religion and belief, sexual orientation, disability, nationality, origin, language, age, etc. Even if an equality body does not explicitly cover migration status as a discrimination ground, it has the power to assist any victim of discrimination irrespective of their nationality or migration status.

In some cases, equality bodies also have other specific functions related to migration and asylum, such as National Human Rights Institutions or National Reporters on Trafficking in Human Beings under Directive 2011/36/EU.

Areas of work

Almost all respondents reported work in relation to the inclusion of migrants, refugees and asylum seekers. Specific examples are compiled in the appendix "Compendium of Good Practices".

CONTEXT OF THE SURVEY

In May 2016, the Equinet Secretariat launched an internal consultation within its membership in order to get an overview of equality bodies' work on equality, integration and inclusion of migrants, refugees and asylum seekers in Europe. 20 equality bodies out of 48 replied to the survey.

The Factsheet aims to summarise the contributions received, with a specific focus on the area of inclusion of and discrimination against migrants, refugees and asylum seekers.

The Factsheet and Compendium of Good Practices were updated in December 2017.

CASEWORK

Equality bodies address cases of discrimination against migrants, refugees and asylum seekers on the grounds of nationality, religion and belief and race and ethnicity. Disability and gender were also mentioned. Cases concerned issues such as access to education, housing and social protection, and wearing of the headscarf at the workplace. However, several equality bodies do not compile data based on the nationality of the complainants.

AWARENESS RAISING

Raising awareness is part of the core mandate of national equality bodies. Most of the activities reported were organised in connection to the ground of race and ethnicity, such as creating pedagogical tools for schools, raising campaigns against racism and organising anti-racism thematic days.

PUBLIC STATEMENTS AND RECOMMENDATIONS

Several equality bodies made public statements or recommendations to decision makers on inclusion issues. They concerned, for instance, the provision of information on anti-discrimination legislation by local authorities, the access of children to education and the reform of national anti-discrimination and labour legislation to take the situation of migrants into account.



For more information
www.equineteurope.org



- **Underreporting and reaching out to migrants:** Cooperating with migrant organisations and providing targeted information in order to ensure migrants know about anti-discrimination legislation and the existence of the equality body could be ways to address underreporting in the future.

New practices of the compendium include:

- A [research on risks of discrimination against refugees and asylum-seekers](#) by the Federal Anti-Discrimination Agency (FADA, Germany).
- A [Refugee Welcome Kit](#) by the High Commission for Migration (HCM, Portugal).

Keynote address

Rossalina Latcheva & David Reichel, EU Agency for Fundamental Rights (FRA)



Rossalina Latcheva & David Reichel from the EU Agency for Fundamental Rights (FRA) presented the methodology and main results of the [newly released Second European Union Minorities and Discrimination Survey](#) (EU-MIDIS II).

Learnings of the presentation:

- **Occurrences of discrimination:** The survey gives precise numbers about the type and occurrence of discrimination against the respondents, which include immigrants. For instance, **38% of respondents felt discriminated against because of their ethnic or immigrant background** in the five years before the survey.
- **Low levels of reporting and awareness of equality bodies:** The results also give an indication of the low level of reporting of discrimination cases across the EU (12% in average). Only 38% of respondents know about one equality body in their country.
- **Hate crime against migrants and asylum seekers:** Speakers mentioned the monthly reports of the FRA on migration and emphasized the findings in relation to hate crime against migrants. Violent acts targeting asylum seekers, migrants and ethnic minorities are committed in a number of Member States. Also, the reports highlight the lack of systematic data collection on hate crime related incidents and violence against recently arrived migrants.

Conclusions:

Speakers highlighted **two opinions** put forward by the FRA:

- EU Member States should take into account the **potential positive impact of secure residence status on integration** when reviewing their national immigration legislation.
- EU Member States should place **anti-discrimination measures at the core of their national integration policies**, in line with the [Common Basic Principles for Immigrant Integration Policy in the EU](#).

The FRA's presentation is available [here](#).

SESSION 1 Discrimination against Migrants in Europe: State of Play

Chair: Kirsi Pimiä, Member of the Equinet Executive Board & Non-Discrimination Ombudsman, Finland

ENAR shadow report on racism and discrimination in the context of migration in Europe

[Ojeaku Nwabuzo, European Network against Racism \(ENAR\)](#)



The [shadow report](#) looks at the intersection of racism and migration in Europe in 2015 and 2016. It explored **3 main areas**: political narratives and public policies, labour market and racist crime and access to justice. It is based on national questionnaire responses from 26 EU Member States.

Learnings of the presentation:

- **A migration “crisis”?** The report analyses the rhetorical narrative of “migration crisis”, by examining the number of third country nationals and refugees in the 28 EU Member States. It concludes there have been a rising number of third country nationals and refugees, but the crisis actually occurred in the lack of adequate response to this rise.
- **Securitization of migration as a source of discrimination:** The report emphasizes the disproportionate negative impact on foreign nationals and ethnic/religious minorities of newly adopted counter-terrorism attacks. Respondents also reported racial profiling practices in several countries.
- **Approaches to integration policies:** In some Member States, integration policies are mostly based on emergency management. Overall, there is a lack of long term perspectives.

Conclusion:

Ojeaku Nwabuzo provided the following recommendations:

- Remove the **exemption for equal treatment based on nationality from the Race Equality and Employment Directives.**
- Reform national laws, policies and practice to ensure that migrants have **equal access to social rights regardless of nationality, migration or residence status.**
- Develop **new channels of migration** that allow – for example a one-year visa to search for employment.
- Build a **firewall** between service provision and migration enforcement.
- Better **monitoring and data collection.**

ENAR’s power point presentation is available in power point [here](#).

Discrimination against migrant women and access to justice

Salome Mbugua, European Network of Migrant Women (ENOMW)

Learnings of the presentation:

- It is essential to **recognize the gender aspect of migration**, as well as specific barriers in migrating and when getting in the country. The diversity of migrants should also be reflected in decision making and data collection.
- **Specific challenges** faced by migrant women include:
 - **Trafficking** in human beings. In 2012 in the EU, 10 998 victims of trafficking were registered by EU Member States. 80% of them are female.
 - Many girls are at risk of **female genital mutilation (FGM)**, even in the EU.
 - **Forced marriages.**
 - Protection of **undocumented women and girls.** Some countries put a reservation of the Istanbul



Convention on provisions protecting undocumented women and girls.

- **Mental health issues and trauma** are high among migrant women. More research on these issues is needed.

- **Education challenges:** Many women were brought by refugee programmes. Lack of recognition of qualification is also an issue. We should consider women who do not fit in formal employment and think about entrepreneurship.

- **Economic challenges:** Many migrant women work in domestic care, where important levels of abuse occur.

- Sexist and racist representations of migrant women in the **media**.

Conclusion:

Salome Mbugua provided the following recommendations:

- Developing gender **disaggregated data and research on migration**,
- Putting **women at the centre** of employment and integration policies,
- Developing **training about rights** of migrant women,
- European countries should **ratify without reservation the Istanbul Convention**,
- Member States should provide **sustainable funding for integration to migrant organisations**,
- Granting migrant women **access to employment and education** in order to support their full participation in society,
- **Positive measures** for migrant women should be developed at national level.

Discrimination against LGBTI+ migrants and access to justice

Jules Teoh, ILGA-Europe

Learnings of the presentation:

Jules Teoh gave an overview of the challenges faced by LGBTI+ migrants and asylum seekers:

- Overall, there is a **lack of awareness of specific needs** in reception centres and by immigration officers.
- **Assessment of asylum claims:** Credibility of asylum claims by LGBTI+ asylum seekers is narrowly assessed and is used as a basis to reject many claims. Questions on sexual practices are also asked during interviews. If the LGBTI+ status is only declared at a later stage and not during the first interview, this can undermine their claim.
- **Access to healthcare:** Lack of specific needs and accommodation can have negative consequences on trans persons using hormone therapy.
- In practice, risks for LGBTI+ people are acknowledged by states, but a lot of them are told to **return to their home country**.



Conclusion:

- In order to address lack of awareness by states, we need to develop trainings to improve welcome of LGBTI+ asylum seekers and refugees.

Remedies and reaching out to migrants: the equality bodies' perspective



Andreas Pottakis, Greek Ombudsman

Learnings of the presentation:

Andreas Pottakis presented the two-track approach of the Greek Ombudsman to address discrimination against migrants:

1. Raise awareness by highlighting specific cases

Andreas Pottakis referred to the [Chowdury and Others v. Greece](#) case of the Court of Justice of the EU (CJEU) (30th March 2017). The CJEU condemned the Greek state for failing to effectively protect migrants who were subjected to forced labour and human trafficking. The judgment of the Court was based on a report prepared by the Greek Ombudsman in 2008.

2. Promoting networking

The Greek Ombudsman regularly meets with networks of civil society organisations and representatives of communities in order to discuss the best strategies to address discrimination against migrants.

- Andreas Pottakis also mentioned the **lack of adequate political framework and narrative** to address the situation of migrants in Greece, as highlighted [in a report](#) produced by the equality body in early summer.
- He also highlighted the risk of institutionalization and segregation created by the use of camps to accommodate migrants and asylum seekers, in spite of regular apartments.

Conclusion:

- EU-level discussions never focus on inclusive policies, but give priorities to migration “management”.
- With the new flows following, including climate change migrants, it is essential to apply common humanitarian principles.

SESSION 2 Panel discussion: Promising Practices & Ways Forward

Facilitator: Isabelle Chopin, Acting Director, Migration Policy Group (MPG)



The panel discussion started with the presentation of 4 promising practices implemented by different stakeholders: the **United Nations**, the city of **Amsterdam**, the **High Commission for Migration of Portugal** (an equality body) and the **Migrants’ Rights Network (MRN)**.

Dima Yared
United Nations Human Rights Office (UNOHCHR)

#StandUpForHumanRights Campaign



- States are duty bearers because of their national obligations, but actions from other stakeholders are also needed. These include equality bodies, civil society organisations, media providers, etc.
- The campaign was launched on the occasion of the 70th anniversary of the Universal Declaration of Human Rights.
- It is based on the idea that individuals can be multipliers to defend human rights.
- The pledge can be signed [here](#).
- Rokhaya Diallo, a French writer, journalist, film director and activist, is one of the [Human Rights Champions of the campaign](#).

Mark Boekwijt
City of Amsterdam

Urban agenda for the EU - Partnership on Inclusion of Migrants and Refugees



- [Urban agendas for the EU](#) are partnerships gathering urban authorities, the European Commission, networks of local authorities and civil society organisations. A thematic partnership is dedicated to inclusion of migrants and refugees.
- This partnership started in 2016 and will finish in 2018. One of the expected outcomes is to produce evidence-based recommendations on how the European Commission can better promote inclusion of migrants and refugees.
- More information about the current and upcoming actions of the partnership is available [here](#).

Barbara Duque
High Commission for Migration (HCM), Portugal

Programa mentores para Migrantes

Mentoring programme for migrants

- The HCM mentoring programme for migrants started with a pilot project in 2002. It was extended in 2014.
- It is based on volunteering and exchange of experience.
- Since the beginning of the programme, 500 participants were involved in 200 mentoring processes.
- The mentoring processes focus on two main areas: employment and labour market.
- More information about the Mentoring Programme is available [here](#).

Barbara Duque's power point presentation is available [here](#).

Anna Roguski
Migrants' Rights Network (MRN)



Promoting positive narratives: the Outsider Project

- The [Outsider Project](#) was implemented in 4 different locations within the UK. They were chosen because a majority of people voted for the Brexit and a large number of non-UK born population lives there.
- The project is migrant-led and designed by migrants.
- It aims to support migrants affected by the negative discourse around immigration and promote positive narratives.
- In each area, a local coordinator works with communities. Leadership training and campaigns were organised.
- Migrant people were also interviewed. In 66.1% of the cases, they reported being spoken of negatively. In 41% of the cases, they reported incidents of discrimination.
- The project produced positive outcomes. Some migrants involved in the implementation saw differences in engagement and speaking positively.

DISCUSSION GROUPS



GROUP 1: Discrimination against undocumented migrants: implementation of the ECRI GPR n°16

Facilitator: Alyna Smith, Platform for International Cooperation of Undocumented Migrants (PICUM)

- [ECRI General Policy Recommendation N°16 on safeguarding irregularly present migrants from discrimination](#) aims to address the barriers faced by undocumented migrants because of their status.
- The concept of **firewall** lies at the heart of the GPR. Firewalls aim to “to prevent, both in law and practice, state and private sector actors from effectively denying human rights to irregularly present migrants **by clearly prohibiting the sharing of the personal data of, or other information about, migrants suspected of irregular presence or work with the immigration authorities for purposes of immigration control and enforcement**”.
- In most cases, firewalls do not exist at national level. In some countries, like in Portugal, firewalls exist in theory but are not put into practice.

Ways forward:

- When talking about undocumented migrants, we should pay close [attention to the language we use](#) in order to avoid spreading stereotypes.
- **Training for social workers and front desk officers** could help implement the GPR n°16.
- More **cooperation between civil society organisations and equality bodies** could help better protect undocumented migrants and promote their access to justice.

- In the same way, **more cooperation between equality bodies and ombudsperson institutions** – when these mandates are held by two different institutions – could help addressing state discrimination and violation of rights of undocumented migrants.

GROUP 2: Promoting disability sensitive approaches to discrimination against migrants

Facilitator: Catherine Naughton, Director, European Disability Forum (EDF)

Learnings:

- Participants agreed on the importance of **outreach activities**. For instance, using interpreters and documents in different language can help increasing the level of complaints.
- Ethnic minorities and migrants are seriously **under-represented** among complainants and in disability NGOs.
- There is a strong lack of awareness of rights among some refugees, *e.g. parents refusing the help offered by disability NGOs*. It might take some time until new arrivals understand the system and claim their rights.
- Some states might also be refusing to take persons with disabilities into account in their **relocation programmes**.
- Specific issue of children with disabilities: sometimes, States only offer choice between the child staying while the mother is deported, or deporting the child together with the mother.
- **Accessibility of buildings and services** is not anything specific for refugees, it is for all in all countries.

Ways forward and possible initiatives:

- **Reflection is needed on:**
 - How could disability NGOs and equality bodies be more inclusive of refugees and migrants?
 - How can the CRPD mandate help equality bodies assist migrants with disabilities?
- Importance of the **easy-to-read and accessible language** about the legal framework, the rights and access to complaint mechanisms
- Some **practices implemented by equality bodies** can be developed and further adapted to migrants and refugees with disabilities: intercultural trainings to nurses, possibility of filing complaints in sign language.

GROUP 3: Reaching out and first line support to migrants

Facilitators: Gwenda De Cooman, [Myria](#) & Emilie Van Laer, [Unia](#)

The workshop started with a presentation on the **work of Myria (Federal Migration Centre) and Unia** and how they undertake complaints launched by migrant people.

- **Many tools** are in place to get in touch with Myria and Unia: People can contact them by email. Free phone number available twice a week. 4 times a week, people come to office and can receive advice on their case.
- **Some issues are regularly reported, such as:**
 - **Problems with town halls.** Myria or Unia then contacts the ombudsperson for town halls or the mayor or deputy mayor.
 - **Opening bank accounts** by undocumented migrants, although they have passports.

- Undocumented migrants **going to the police**, where they could be asked for an ID card.
- Housing and access to accommodation.

Learnings:

- **What can be done to better reach out to migrants?**
 - **Developing a strategy is important:** Who do we want to reach? What are the resources available?
 - **Translate written materials** where possible, but consider necessary follow up in that language for support and appointments.
 - Develop resources that are **visual** and not just written.
 - Think of how different communities access institutions and go through **more unusual allies** such as scouts and parents associations.
 - Develop links with NGOs in order to make sure they know their equality body/ies.
- **How can we organize our first line support to make it practical/make it work?**
 - If there are long waiting lists for appointments, people may find answers elsewhere in the meantime, and ultimately not attend appointments.
 - Consider open days to access people in their regions.
 - Organise open cafés for chatting and finding out about general problems, and organize appointments after that to treat more specific complaints.
 - Create profiles and keep data to see if a problem is recurrent.