



Annual Dialogue on Multilevel Protection and Promotion of Fundamental Rights:

Implementing fundamental rights of irregular migrants – towards multi-level governance

17 October 2011 – Brussels

CONCLUSIONS

On the occasion of the 3rd Annual Dialogue on the Multi-level Protection and Promotion of Fundamental Rights, taking place in Brussels on 17 October 2011, the members of the CIVEX Commission of the Committee of the Regions and the representatives of the European Union Agency for Fundamental Rights (FRA):

- stress that fully respecting, protecting and promoting fundamental rights is among the most important duties of the European Union's bodies and institutions, of the Member States, and of local and regional authorities, and concerns both elected representatives and officials;
- highlight that the fundamental rights guaranteed in the EU Charter must be at the centre of EU policies and legislative developments, including in the area of freedom, security and justice;
- remind that legitimate efforts to prevent irregular migration and combat trafficking have to be built on this basis, with due respect to Member States' competences to determine the entry into and residence on their territory;
- recall that the local and regional dimension is crucial to the fulfilment of the EU goals in the field of fundamental rights, given the specific key responsibilities of

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the actors on these levels in promoting and protecting fundamental rights and their pivotal role as frontline providers of essential services related to fundamental rights;

- recall that the lack of a legally recognised status makes irregular migrants vulnerable to severe fundamental rights violations, including various forms of exploitation, lack of access to basic services, and arbitrary detention.

On this basis and with a view to the discussions that will be held at the Agency's annual Fundamental Rights Conference on 21-22 November 2011 in Warsaw, the CIVEX members and FRA representatives:

- highlight the existing practical solutions which respect fundamental rights of irregular migrants that have been implemented at local and regional level, providing access to education, basic health care and social services; Call for initiatives that facilitate the cross-border exchange of such practices;
- stress their commitment to removing legal and practical obstacles that make it difficult or impossible for irregular migrants to seek justice, for instance, when they are exploited by employers, to access health care or to send their children to school;
- call, in this context, on all levels of government to avoid disproportionate measures when detecting and apprehending irregular migrants - such as arrests at schools or hospitals and reporting requirements by social service providers - that undermine the access of irregular migrants and children to basic rights and services;
- consider that overall, a more effective cooperation on the fundamental rights of irregular migrants should be promoted at local, regional, national and European level and highlight the role of the FRA in developing knowledge and fostering the exchange of expertise on methods of implementing fundamental rights across different levels of governance;
- stress their commitment to developing a culture of multi-level promotion and protection of rights, notably by working together to engage all levels of governance and to sensitise local and regional authorities throughout the European Union to the fundamental rights of irregular migrants;
- reiterate the need for a European immigration and asylum policy that has been coordinated with local and regional authorities and is based on solidarity, responsibility, and respect for human rights, including those of irregular migrants;
- point out, in this context, the need to address the fundamental rights of migrants who have been subject to a return decision but have not yet been removed from

the Member State; this should in particular be taken into account for the upcoming evaluation of the Returns Directive planned for 2014;

- highlight that actions supported through the current and future EU Funds in the area of freedom, security and justice, such as the External Borders Fund, the European Return Fund, the European Refugee Fund, and the Integration Fund, need to take into account the respect of fundamental rights of irregular migrants.

Brussels, 17 October 2011