Fundamental Rights Conference

Dignity and rights of irregular migrants

Warsaw, 21-22 November 2011

FRA
This year, the Agency’s annual Fundamental Rights Conference (FRC) will be held in Warsaw, with the support of the Polish Presidency of the Council of the European Union. The FRC will address the issue of access to fundamental rights for migrants with an irregular migration status who are living in the European Union. Discussions will be informed by the results of the Agency’s research on this issue, which will be released in the run-up to the conference.

The FRC is the Agency’s flagship event, and gathers senior officials and experts from national governments, EU bodies, intergovernmental organisations, local authorities, civil society and specialised human rights bodies. The conference promotes the sharing of information on innovative policies, promising practices and projects through practice-oriented workshops and interactive plenary discussion.
OBJECTIVES

- Inform debate and raise awareness among policy makers, specialists and practitioners about the challenges facing irregular migrants in the EU and the need to develop policies and practices to overcome these.

- Discuss practical follow up to the FRA’s findings to promote the mainstreaming of fundamental rights standards into migration management.

- Provide a forum for participants at different levels of policy making to develop opportunities for future cooperation and share promising practices that promote access to fundamental rights for irregular migrants.

BACKGROUND

While no fully verifiable estimates exist on the number of irregular migrants in the EU, a recent EU-funded project (CLANDESTINO) estimated that it could range from 1.9 to 3.8 million people. This amounts to approximately 6% to 12% of all those born outside the EU who are currently residing in the EU Member States. While some of them are living in hiding, others are known to the authorities but cannot be removed for administrative or humanitarian reasons. The FRA research indicates that their lack of a legally recognised status makes them vulnerable to severe fundamental rights violations, including various forms of exploitation, lack of access to basic services, and arbitrary detention.

The abuse and widespread exploitation at work of third country migrant workers in irregular (and sometimes regular) situations remains a major challenge. Measures taken by the EU to fight trafficking in human beings address a small portion of irregular migration and only the worst forms of abuse of migrants. While recognising that policies to prevent irregular migration are legitimate, the FRC will focus on the need to ensure that the fundamental rights of irregular migrants are respected at all times. Discussions will be framed by the EU Charter of Fundamental Rights as well as international and regional (Council of Europe) human rights standards, including the international labour law framework.
The conference topics relate to current and future EU policy and legislative developments, as laid out in the Stockholm Programme in particular. Current EU policy aims at preventing irregular migration by reducing pull factors, but it also recognises the strong demand for foreign labour across the EU and the need to facilitate regular immigration by developing legal immigration schemes. Immigration control tools adopted include the 2008 Return Directive as well as the 2009 Employer Sanctions Directive. Proposals for directives on ‘seasonal workers’ (a group particularly vulnerable to labour exploitation) and a ‘single permit’ have been put forward by the European Commission in 2010 and 2007, respectively, and aim to facilitate regular labour migration.

Within this wider policy context, the conference will contribute to an informed debate about the rights of irregular migrants. Building on the research findings of the FRA and others, the aim is to support policies and action at various levels that will help uphold these rights in practice. Although the FRC is not intended to produce formal or agreed conclusions, the results of the conference will be summarised and shared with all the relevant actors and will feed into the Agency’s work.

FRA WORK ON THE RIGHTS OF IRREGULAR MIGRANTS

In 2010, the FRA published a report on the detention of third-country nationals in return proceedings. This report describes the policies of the 27 EU Member States regarding when an irregular migrant can be detained and what procedural safeguards apply. It also encourages the use of alternatives to detention and highlights safeguards to be applied to children.

In 2011, migrants in an irregular situation have been one of the focus themes of the Agency with four main reports being released by the FRA:

- *Coping with a fundamental rights emergency: the situation of persons crossing the Greek land border in an irregular manner* (March 2011)
- *Migrants in an irregular situation: Access to healthcare in 10 European Union Member States* (October 2011)

These reports identify a number of areas that require action, including, among other things, the need to:

- restricted access to healthcare for children and pregnant women, and emergency medical treatment which is often not available on the same cost-free basis as for nationals;
- barriers to primary education for irregular migrant children resulting from requirements to produce official documents;
- legal and practical barriers that make it difficult or impossible for migrants in an irregular situation to seek access to justice, for instance, when they are exploited or abused by employers;
- obstacles preventing access to fundamental rights for irregular migrants who cannot be removed for legal or practical reasons, and remain without any official legal status for protracted periods of time.
PROGRAMME

SUNDAY, 20 NOVEMBER

14.00 – 19.30  Arrival and registration  
                (Hotel Novotel Warsaw, ul Marszalkowska 94/98)

19.30  WELCOME RECEPTION  
       Hosted by the European Union Agency for Fundamental Rights (FRA)  
       (Hotel Novotel Warsaw, ul Marszalkowska 94/98)

MONDAY, 21 NOVEMBER

8.30 – 9.30  REGISTRATION

9.30 – 9.45  WELCOME

Ilze Brands Kehris, Chairperson of the Management Board, FRA
Radoslaw Sikorski, Minister of Foreign Affairs, Poland
Cecilia Malmstrom, European Commissioner responsible for Home Affairs, European Commission (video message)

9.45 – 10.45  KEYNOTE ADDRESSES

Claude Moraes, Committee on Civil Liberties, Justice and Home Affairs (LIBE), European Parliament
Belinda Pyke, Director - Migration and Borders, DG Home Affairs, European Commission
Kyung-wha Kang, Deputy High Commissioner for Human Rights, United Nations (UN)
Morten Kjaerum, Director, FRA

10.45 – 11.00  A MEMBER STATE PERSPECTIVE

Feliciano Barreiras Duarte, Secretary of State to the Deputy and Parliamentary Affairs Minister, Portugal

11.00 – 11.30  COFFEE BREAK
11.30 – 13.00  FUNDAMENTAL RIGHTS IN MIGRATION MANAGEMENT:
A REALITY CHECK
Panel debate and plenary discussion with policy makers and practitioners:

Nikolaos Dendias (EPP/CD), Chair of the Sub-Committee on Migration,
Parliamentary Assembly of the Council of Europe
Ilkka Laitinen, Executive Director, FRONTEX
Luc Van den Brande, Chair of the Commission for Citizenship, Governance,
Institutional and External Affairs (CIVEX), Committee of the Regions
Henrik Ankerstjerne, Deputy Permanent Secretary, Ministry of Justice,
Denmark
Oleksandra Gusak, Committee ‘Migrants for Amnesty’, Poland

13.00 – 14.00  LUNCH

14.00 – 15.00  FUNDAMENTAL RIGHTS SITUATION OF IRREGULAR MIGRANTS IN THE EU -
FRA FINDINGS
Adriano Silvestri, Programme Manager – Legal Research, FRA
Commentary by:
Michele LeVoy, Director, Platform for International Cooperation of
Undocumented Migrants (PICUM)
Questions & Answers

15.00 – 16.00  MARKETPLACE OF IDEAS
Presentations and side workshops
New initiatives and reports in the field presented by:

- Amnesty International
- City of Utrecht
- Council of Europe
- Foundation for Development without Borders (FROG)
- FRA
- Helsinki Foundation for Human Rights
- International Labour Organisation
- Legal Aid Centre
- Médecins du Monde
- Multicultural Centre Prague
- Platform for International Cooperation on Undocumented Migrants (PICUM)
- Polish Migration Forum
- Spanish Ministry of Labour and Immigration
- UNICEF

16.00 – 17.30  WORKING GROUPS
POLICY IN THE MAKING: INNOVATIVE SOLUTIONS AND PROMISING
PRACTICES
Working groups will have an interactive format aimed at pooling and sharing
experience between participants on challenges and solutions in four key areas.
Introductory presentations by practitioners in the field will highlight promising
practice examples and share their lessons learned.
1. RIGHTS OF ACCOMPANIED CHILDREN IN AN IRREGULAR SITUATION
Chaired by Gordon Alexander, Global Director of Research, UNICEF

Speakers:
Alenka Prvinsek, Senior Policy Advisor, International Centre for Migration Policy Development (ICMPD) and Vice-Chair, Committee of Experts on Nationality, Council of Europe
Carla van Os, Defence for Children International (DCI), the Netherlands
Petra Tiarks-Jungk, Department of Health, City of Frankfurt am Main, Germany

2. LABOUR EXPLOITATION
Chaired by Rudi Delarue, Director, Office for the European Union and the Benelux countries, International Labour Organization (ILO)

Speakers:
Emilija Mitrović, Ver.Di Hamburg, Germany
Matthieu Gremaud, Labour inspector, Ministry of Employment, Labour and Health, France
Conny Rijken, University of Tilburg, the Netherlands

3. DETENTION OF IRREGULAR MIGRANTS
Chaired by Ralf-René Weingärtner, Director of Human Rights and Antidiscrimination, Council of Europe

Speakers:
Latif Hüseynov, President, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Council of Europe
Irena Rzeplińska, Helsinki Foundation for Human Rights (HFHR), Poland

4. SOLUTIONS FOR PROTRACTED IRREGULARITY
Chaired by Fabian Lutz, DG Home Affairs, European Commission

Speakers:
Andreas Takis, Secretary General of Population and Social Cohesion, Ministry of Interior Decentralisation and e-Government, Greece
Tamás Molnár, Head of unit of Migration Management, Ministry of Interior, Hungary
Mikael Franssens, Political advisor, Coordination and initiatives for migrants and asylum seekers (CIRE), Belgium

19.30
RECEPTION in the Warsaw Uprising Museum
Hosted by the Polish Ministry of Foreign Affairs (ul. Grzybowska 79)

Welcome by Radosław Sikorski, Minister of Foreign Affairs, Poland
Guest speaker: Władysław Bartoszewski, Secretary of State in the Chancellery of Prime Minister, Plenipotentiary of Prime Minister for International Dialogue, Poland
TUESDAY, 22 NOVEMBER

9.00 – 9.15  KEYNOTE ADDRESS
Monika Prus, Director of the Migration Policy Department, Ministry of Interior, Poland

9.15 – 10.30  LABOUR EXPLOITATION OF IRREGULAR MIGRANTS
Panel debate and plenary discussion with policy makers and practitioners:

Michel Quillé, Deputy Director and Head of Operation Department, EUROPOL
Padraig Dooley, Deputy Director, National Employment Rights Authority (NERA), Ireland
Irena Lipowicz, Human Rights Defender of the Republic of Poland
Sam Hägglund, General Secretary, European Federation of Building and Woodworkers (EFBWW)
Pedro Augusto Almeida Freire, Vice-President, Confederation of Portuguese Commerce and Services (CCP), Member of the European Economics and Social Committee

10.30 – 10.50  COFFEE BREAK

10.50 – 12.30  WORKING GROUPS
FROM PROMISING PRACTICES TO MAKING RIGHTS A REALITY

- How can a real impact on the lives of irregular migrants be achieved?
- Which are the actors to be involved and which means should be used?
- What future steps should be taken?

12.30 – 13.00  RIGHTS-BASED APPROACH TO MIGRATION POLICIES – Summary from the working groups and next steps
Panel debate with the working group chairs from UNICEF, International Labour Organization, Council of Europe and European Commission.

13.00 – 13.45  CLOSING REMARKS
Maciej Szpunar, Undersecretary of State, Ministry of Foreign Affairs, Poland
Morten Kjaerum, Director, FRA

13.45 – 15.00  LUNCH

The FRC 2011 will be moderated by and Shirin Wheeler, BBC Correspondent in Brussels and Friso Roscam Abbing, Head of Department Communication and Awareness Raising, FRA.
PRACTICAL INFORMATION

Attendance of the conference is only possible for registered participants.

For more information please consult the conference website at http://fra.europa.eu/fraWebsite/frc2011/ or contact the FRC secretariat at frc@fra.europa.eu.

The FRC 2011 will be held in the Copernicus Science Center, situated on the Vistula river bank on the east of Warsaw’s old city center.

Copernicus Science Center
Wybrzeże Kościuszkowskie 20
00-390 Warsaw
Poland

The conference venue and the locations of the evening receptions are all accessible to persons with disabilities. In case you need further assistance, please get in touch with the organisers, who will make any effort to accommodate your needs.

WI-FI is available free-of-charge to all participants.