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UN & CoE

January

7 February – CoE launches communication for integration (C4i) project to combat prejudice, stereotypes and racism

February

March

15 April – UN High Commissioner for Refugees (UNHCR) issues observations on current asylum system in Bulgaria

April

13 May – UNHCR issues 'Central Mediterranean Sea Initiative: EU solidarity for rescue-at-sea and protection of refugees and migrants'

May

24 June – CoE Parliamentary Assembly (PACE) adopts two resolutions on irregular migration crossing the Mediterranean Sea: Resolution 1999 (2014) on the left-to-die boat: actions and reactions and Resolution 2000 (2014) on the large-scale arrivals of mixed migratory flows on Italian shores

25 June – PACE adopts Resolution 2006 (2014) on the integration of migrants: the need for a pro-active, long-term and global policy

June

1 July – In *Conference of European Churches (CEC) v. the Netherlands* (Complaint No. 90/2013), the CoE European Committee of Social Rights rules on the right of irregular migrants to shelter

1 July – In *S.A.S. v. France* (No. 43835/11), the ECHR upholds the face veil ban, as justified under the state's obligation to secure conditions under which individuals can live together in their diversity

24 July – In *Kaplan and others v. Norway* (No. 32504/11), the ECtHR finds disproportionate a five-year entry ban separating a father from his sick daughter

July

August

10 September – CoE promotes new approach to managing increasingly diverse societies based on the concept of 'diversity advantage' through a worldwide contest meant to raise awareness about the benefit of diversity

September

3 October – PACE adopts Resolution 2020 (2014) on the alternatives to immigration detention of children

21 October – In *Sharifi and Others v. Italy and Greece* (No. 16643/09), the ECtHR rules that automatic return to Greece of persons arriving irregularly by boat violates the ECHR

23 October – Office of the High Commissioner for Human Rights (OHCHR) issues recommended principles and guidelines on human rights at international borders

28 October – UNHRC issues General Comment No. 35 on the right to liberty

October

4 November – In *Tarakhel v. Switzerland* (No. 29217/12), the ECtHR rejects transfer under Dublin Regulation of an Afghan family to Italy without obtaining individual guarantees of age-appropriate treatment after transfer

November

10–11 December – UNHCR protection dialogue on 'Protection at sea'

December

EU

16 January – In *Flora May Reyes v. Migrationsverket* (C-423/12), the CJEU defines the concept of dependant in the Free Movement Directive (2004/38/EC)

30 January – European Commission adopts Dublin Implementing Regulation ((EU) 118/2014)

30 January – In *Diakite v. Commissaire général aux réfugiés et aux apatrides* (C-285/12), the CJEU interprets the existence of internal armed conflict required for subsidiary protection

January

4 February – European Parliament adopts a resolution on undocumented women migrants in the EU (2013/2115(INI))

26 February – EU adopts Seasonal Workers Directive (2014/36/EU)

27 February – In *Federaal agentschap voor de opvang van asielzoekers v. Selver Saciri and Others* (C-79/13), the CJEU confirms asylum seekers' right to family housing

February

28 March – European Commission adopts communication on EU return policy

March

3 April – European Commission issues guidance on Family Reunification Directive (2003/86/EC)

16 April – EU adopts Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement

16 April – EU adopts two new funds in the area of migration and home affairs covering 2014–2020: Asylum, Migration and Integration Fund, and Internal Security Fund

April

15 May – EU adopts Regulation ((EU) 656/2014) on Frontex-coordinated sea operations and Intra-Corporate Transfers Directive (2014/66/EU)

22 May – European Commission implementation reports on Blue Card Directive (2009/50/EC) and Employer Sanctions Directive (2009/52/EC) reveal deficiencies in their transposition into national law

May

5 June – In *Mahdi* (C-146/14 PPU), the CJEU clarifies various aspects of detention and judicial review of its extension

5–6 June – JHA Council issues conclusions on the integration of third-country nationals

26 June – European Commission proposes to amend the provision on unaccompanied children (Article 8 (4)) of the Dublin Regulation ((EU) 604/2013)

26–27 June – European Council adopts strategic guidelines for legislative and operational planning for the coming years within the area of freedom, security and justice

June

10 July – In *Dogan v. Bundesrepublik Deutschland* (C-138/13), the CJEU interprets language requirements for family reunification

17 July – In *Pham v. Stadt Schweinfurt, Amt für Meldewesen und Statistik* (C-474/13) and *Bero v. Regierungspräsidium Kassel and Bouzalmate v. Kreisverwaltung Kleve* (Joined cases C-473/13 and C-514/13), the CJEU rules on special facilities for persons in return procedures

17 July – In *Tahir v. Ministero dell'Interno and Questura di Verona* (C-469/13), the CJEU confirms requirements that family members need to fulfil under the Long-Term Residence Directive; in *Noorzia v. Bundesministerin für Inneres* (C-338/13), the CJEU confirms possibility of minimum age requirement for family reunification of spouses

July

August

4 September – In *Air Baltic v. Valsts robežsardze* (C-575/12), the CJEU rules that a uniform visa affixed to an invalid travel document is not automatically invalidated

10 September – In *Ben Alaya v. Bundesrepublik Deutschland* (C-491/13), the CJEU prohibits imposing requirements for the admission of students additional to those listed in the Students' Directive (2004/114/EC)

September

17 October – European Commission issues mid-term review of EU anti-trafficking strategy and report on application of Directive 2004/81/EC on the residence permit issued to victims of trafficking

October

November

2 December – In *A B and C v. Staatssecretaris van Veiligheid en Justitie* (Joined cases C-148/13 to C-150/13), the CJEU confirms prohibition of methods of assessing credibility of asylum claims based on sexual orientation that infringe human dignity

17 December – European Parliament calls for safe and legal access to EU asylum system

18 December – In *Centre public d'action sociale d'Ottignies-Louvain-La-Neuve v. Abdida* (C-562/13), the CJEU confirms that claims based on serious illness must suspend the removal, as well as EU Member States' obligation to provide basic needs to ensure emergency healthcare until removal

18 December – In *M'Bodj v. Belgian State* (C-542/13), the CJEU clarifies that provision of social welfare and healthcare of Qualification Directive (2011/95/EU) does not apply to persons granted a right to stay on humanitarian grounds based on health considerations

December

4

Asylum, borders, immigration and integration



An estimated 3,280 persons died at sea in 2014 while attempting to reach a haven in Europe, and the number of those rescued or apprehended at sea quadrupled compared with 2013. The number of displaced persons worldwide reached Second World War levels in 2014. Many move on from where they first arrive, with Germany and Sweden together receiving almost half of the asylum applications submitted in the EU. Member States at the external borders are put under pressure to ensure that new arrivals are registered in Eurodac, the EU database set up to assist in determining which Member State is responsible for examining an asylum application under the Dublin Regulation. Migration is one of the 10 priorities of the new European Commission. The equitable participation of migrants and their descendants in society remains a major challenge in many countries. Xenophobia, extremism and racist violence against migrants and refugees persist. Many Member States have policies and measures in place, but there is little evidence that their impact on the ground is effectively monitored.

4.1. Emergency at borders continues

For the first time since the Second World War, the number of refugees, asylum seekers and internally displaced people worldwide exceeded 50 million people in 2013, according to figures released in mid-2014 by the UN High Commissioner for Refugees (UNHCR). In what UNHCR called “the worst humanitarian crisis of our time”, Syrians became the largest refugee population.¹ The other countries from which refugees mainly originate are Afghanistan, Somalia and Sudan.²

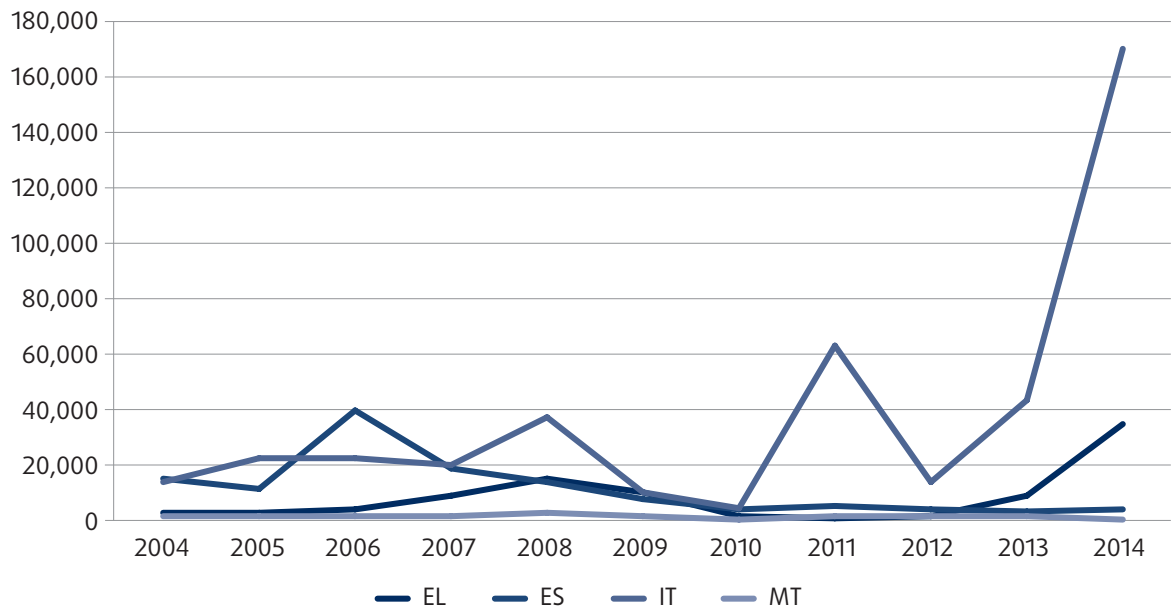
Most refugees find safety in their regions of origin. By December 2014, Iraq, Jordan, Lebanon and Turkey were hosting over 3.6 million Syrian refugees, compared with some 180,000 Syrians who submitted an asylum application in all 28 EU Member States combined from January 2012 to December 2014, according to Eurostat.³ By December 2014, almost 1,150,000 Syrians had been registered in Lebanon as refugees, thus making up over a quarter of Lebanon’s population.

Asylum applications in the 28 EU Member States rose to 625,000 in 2014, from 432,000 in 2013.⁴ Almost

half of the applications were submitted in **Germany**, where applications doubled compared with 2013, and **Sweden**. As [Figure 4.1](#) illustrates, a substantial number of applicants arrived in southern Europe by crossing the Mediterranean Sea and then moved on, usually without applying for asylum in the EU Member State they reached first. At the point of entry, many of them were not fingerprinted for Eurodac, the EU database set up to assist in determining which Member State is responsible for examining an asylum application under the Dublin Regulation. This triggered a discussion about the possibility and appropriateness of using coercive measures to force third-country nationals to give their fingerprints.⁵

This phenomenon raises further questions about the effectiveness of the Dublin system, which uses a hierarchy of criteria to define the Member State responsible for examining an asylum application. Member States at the EU’s external land and sea borders have already questioned the fairness of the system in previous years, since it gives considerable importance to the place where asylum seekers first enter the EU when assigning responsibilities to examine an asylum application.

Figure 4.1: Irregular arrivals of third-country nationals by sea, in four EU Member States, 2004-2014

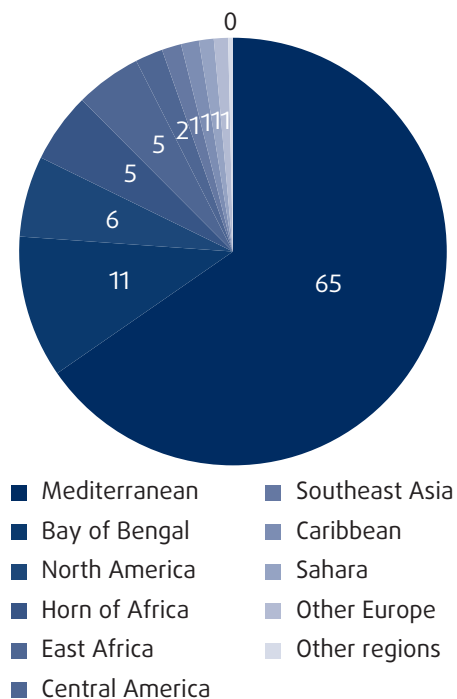


Note: In addition, 849 persons arrived by sea in an irregular manner to Cyprus in 2014.
Source: National police data, 2014

Because there are limited opportunities to enter the EU lawfully, people in need of protection continued to resort to smuggling networks to reach safety. In the central Mediterranean, irregular arrivals by sea increased substantially – 170,100 persons reached Italy alone (Figure 4.1). Most of them were people likely to be in need of protection fleeing countries such as Eritrea or Syria. The majority of them were rescued under the auspices of *Mare Nostrum*, a large rescue at sea operation Italy launched on 18 October 2013 in response to the tragedy near Lampedusa costing the lives of 365 persons.⁶ The military vessels deployed by Italy as part of the *Mare Nostrum* operation remained at sea until the end of 2014, although the operation scaled down after the start of the Frontex-coordinated *Triton* operation in November. Unlike *Mare Nostrum*, the main objective of *Triton* is border surveillance and not rescue at sea, although it also contributed to the detection and rescue of significant numbers of people in distress.

The perilous crossing of the Mediterranean Sea resulted in more deaths than ever before. The International Organization for Migration (IOM) estimates that 3,279 people died in the Mediterranean from January to December 2014, accounting for an estimated 65 % of all deaths at borders (Figure 4.2).⁷ The increase in fatalities is likely to be the result of the higher number of people attempting to cross the central Mediterranean: almost three times as many as during the Libyan civil war in 2011.

Figure 4.2: Regions in which migrants died at borders worldwide, 2014 (%)



Notes: N = 5,017.

Regions generally correspond with UN classifications of regions. East Africa excludes the horn of Africa. Deaths while trying to reach Spanish enclaves are included in totals for the Mediterranean. North America refers to deaths along the United States-Mexico border.

Source: IOM, 2015

Irregular arrivals also continued at the EU's land borders. In the last few months of the year, arrivals increased significantly at the **Hungarian** border with Serbia, with most people coming from Kosovo. **Bulgaria** completed the construction of a 30-km fence on parts of its border with Turkey, thereby continuing the trend of building fences around the EU's external borders.

Thousands of migrants tried to reach **Spanish** territory by climbing over the fences around the cities of Ceuta and Melilla, the two Spanish enclaves in North Africa. A new draft law on public safety amending the Aliens Act proposed to legalise the immediate removal of those migrants caught trying to cross the border irregularly. Both the European Commission⁸ and the Council of Europe Commissioner for Human Rights⁹ criticised this development. At the same time, Spanish authorities also took steps to enable individuals who manage to reach the border-crossing point to apply for asylum.

By the end of 2014, all 30 Schengen states were connected to Eurosur, a tool for the exchange of information on incidents, patrolling assets and other information gathered at the EU's external borders. Eurosur serves to combat irregular migration and cross-border crime, but also to contribute to protecting migrants and saving their lives. Several EU Member States improved information exchange and enhanced cooperation with the Maritime Rescue Coordination Centres. Further efforts are however needed both inside and outside the framework of Eurosur to help protect migrants and prevent fatalities at sea.¹⁰

In May 2014, the European Parliament and the Council of the EU adopted Regulation (EU) No. 656/2014, setting rules for Frontex-coordinated sea operations.¹¹ It provides guidance to ensure compliance with the



Bulgarian border police stand near a barbed wire fence in the Bulgarian-Turkish border, 14 July 2014.
(c) Reuters/Stoyan Nenov

principle of *non-refoulement* during sea operations and addresses the sensitive issue of where migrants intercepted or rescued during sea operations should be disembarked. It also states that migrants intercepted or rescued on the high seas must be disembarked in the EU Member State hosting the Frontex-coordinated operation, whenever practical or legal considerations (thus including the principle of *non-refoulement*) bar disembarkation in a non-EU country. The first annual report of the Frontex Consultative Forum also describes the fundamental rights challenges in sea operations.

Promising practice

Receiving asylum applications at land border-crossing points

Not many persons claim asylum at land border-crossing points, a 2014 FRA report on fundamental rights at land border crossing points shows. After the wave of demonstrations and civil unrest in Ukraine, **Polish** authorities, however, moved to facilitate access to international protection for asylum seekers at the Ukrainian land border. The Office for Foreigners established a dedicated phone line that people can call for information in Ukrainian on the asylum procedure and assistance in seeking asylum. Asylum information is displayed at border-crossing points and standard operating procedures are in place to handle asylum requests. This resulted in an increase in the number of applications lodged at Polish border-crossing points with a third country: 4,714 persons, mostly Russians and Ukrainians, requested asylum at Polish border-crossing points in 2014. Similarly, **Spain** announced the establishment of asylum offices at the border-crossing points with Morocco in Ceuta and Melilla and, because procedures at those border-crossing points were more accessible between September and December 2014, 399 persons, all from Syria, requested protection.

Sources: FRA (2014), Fundamental rights at land borders: findings from selected European Union border crossing points, Luxembourg, Publications Office; Polish Ministry of the Interior; Spanish National Police

Although the EU established new legal safeguards to ensure compliance with the principle of *non-refoulement* in Frontex-coordinated sea operations, the situation at external borders deteriorated in 2014. Various non-governmental organisations (NGOs) reported instances in which persons were pushed or turned back at various sections of the EU external border, particularly in **Bulgaria**, **Greece** and **Spain**. Table 4.1 lists the main NGO reports issued in 2014.

Some reports are particularly sobering, as the interview notes shared by UNHCR show.

Table 4.1: Selected civil society reports on refoulement at the EU's external borders, 2014

ProAsyl (2014)	Pushed back: Systematic human rights violations against refugees in the Aegean Sea and at the Greek-Turkish land border
Platform for International Cooperation on Undocumented Migrants (20 March 2014)	Recommendations for EU policy to address 'push-backs' of migrants' rights in Greece
Amnesty International Greece (29 April 2014)	Greece: Frontier of hope and fear: Migrants and refugees pushed back at Europe's border
Human Rights Watch (29 April 2014)	Containment plan: Bulgaria's pushbacks and detention of Syrian and other asylum seekers and migrants
16 Spanish academics (27 June 2014)	"Expulsiones en caliente": Cuando el Estado actúa al margen de la Ley
Human Rights Watch (18 September 2014)	Bulgaria: New evidence Syrians forced back to Turkey. EU should press Sofia to investigate, provide protection
Human Rights Watch (21 October 2014)	Spain: Excessive force in Melilla. Ensure accountability; halt summary returns
Amnesty International, European Council on Refugees and Exiles, Human Rights Watch, Rights International Spain (6 November 2014)	Joint letter to Commissioner Avramopoulos to express their grave concern in relation to proposed changes to Spanish immigration law that would formalize the documented practice of summary expulsions to Morocco from Spain's enclaves in North Africa
Médecins Sans Frontières (3 December 2014)	EU and Greece turn their backs on refugees arriving at Greek islands

Source: FRA, 2014

"Around midnight a boat [with Syrian refugees] was intercepted by the Greek coast guard. [...] The coast guards [...] destroyed the motor of the boat and tried to make a hole in the wooden floor. [...] One of the persons shouted that he was working for [a human rights organisation, whereupon] the coast guard pulled off. [One person] managed to repair the motor, but when the group started to continue their journey towards the Greek coast, the coast guard vessel came back. They fired in the air, [...] threw a rope [and] asked the group to get on board the coast guard vessel. The coast guard vessel departed from the Greek coast line towards the high seas. [...] The [coast guard then] asked the group to go back to their own boat [and threw their mobile phones] into the sea. [...]. The Greek coast guard again tried to make a hole in the boat [and] left. [...] The boat did not have life vessels for everybody. [The Syrians thought] they were left out in the open sea to die. One of the [persons] who managed to hide his mobile called the Turkish Coast Guards and asked them to come and rescue them. [...] When [...] they could not locate him, he called an emergency number in the UK. Pretending that he was an American citizen, he asked them to locate him through his mobile [and] give the data to the Turkish coast guard. Shortly afterwards a [Turkish coast guard] vessel rescued the group."

Source: Extracts from UNHCR interview notes, 26 October 2014

In two Grand Chamber judgments, the European Court of Human Rights (ECtHR) reaffirmed the need to ensure

that intra-EU transfers carried out under the Dublin Regulation are applied in a manner compatible with the European Convention on Human Rights (ECHR). It indicated that the Dublin system could not be used to justify any form of collective or indiscriminate returns. The judgment on *Sharifi and Others v. Italy and Greece* condemned **Italy** for automatically returning persons arriving from Greece at Italian ports. The authorities violated their rights by handing these arrivals over to ferry captains, thus depriving them of access to the asylum procedure or any other remedy.¹² In *Tarakhel v. Switzerland*, the ECtHR ruled that there would be a violation of Article 3 of the ECHR if a family with minor children who applied for international protection were returned to **Italy** under the Dublin Regulation without Switzerland having first obtained the Italian authorities' guarantees that the applicants would be taken charge of in a manner adapted to the children's ages and that the family would be kept together.¹³

Finally, concerning border checks, some EU Member States and the European Parliament expressed concerns about the costs and overall feasibility of certain elements of the European Commission's 2013 proposal for a Smart Borders Package.¹⁴ The proposal includes the Entry-Exit System, under which fingerprints of all third-country nationals entering and exiting the Schengen area for a stay not exceeding

three months would be processed, and the Registered Travellers Programme,¹⁵ a fast-track entry system for pre-vetted and frequent travellers. A pilot project carried out by eu-LISA, the EU Agency for large-scale IT systems, in cooperation with volunteering Member States, will test and provide evidence on the systems' feasibility following a technical study published by the European Commission.¹⁶ The pilot project requested by the European Commission entails capturing biometric data from volunteering travellers from third countries at existing border-crossing points in accordance with data protection rules. It covers aspects such as the choice of biometric identifier to be used (four, eight or 10 fingerprints, facial recognition, iris pattern), the feasibility of using existing equipment to capture biometric data and the information on the processing of personal data to be given to travellers. The pilot project results will contribute to a possible revision of the Smart Borders Package by the European Commission.

4.2. Fundamental rights remain central in return policy discussions

In March 2014, the European Commission published a communication on EU return policy,¹⁷ which noted the considerable gap between the persons issued with a return decision and those who are actually returned. According to Eurostat, 430,230 third-country nationals were ordered to leave the 28 EU Member States in 2013, but only 216,025 were actually returned following the order to leave.¹⁸ Although it is unknown how many of them departed voluntarily or received a permit to stay, a significant number of persons most likely remained in the EU in a situation of legal limbo. This illustrates the importance of finding a solution for those persons who for practical or other reasons – partly based on their refusal to cooperate with the authorities – are neither removed nor granted a right to stay.

The European Commission communication shows positive developments in national law regarding fundamental rights. Examples include stopping detention when there are no reasonable prospects of removing a person; allowing NGOs and international organisations to visit detention centres; and the introduction of forced return monitoring. The communication also identifies shortcomings, for example in relation to certain aspects of immigration detention, and notes scope for improvement in promoting voluntary departures and a more systematic use of alternatives to detention. To promote consistent practices compliant with fundamental rights, the European Commission announced its plan of adopting a legally non-binding handbook on return policy in 2015. This handbook will cover topics such as apprehension practices,

alternatives to detention and safeguards concerning the detention of persons in return procedures.

Forced return monitoring under Article 8 (6) of the Return Directive (2008/115/EC) can be taken as an example of how fundamental rights safeguards included in the Return Directive are implemented in practice. Six years after the adoption of the Return Directive and four years after Member States were required to transpose it into national law, FRA calculates that among the EU Member States bound by the directive, eight states have no operational system yet, either because the monitoring body has yet to be appointed or to start work, or because the monitoring system is ad hoc and does not cover the whole country. In addition, two Member States, **Slovakia** and **Sweden**, have a monitoring mechanism implemented by an agency belonging to the branch of government responsible for return. It is thus not sufficiently independent to qualify as 'effective' under Article 8 (6) of the Return Directive. **Ireland** has no monitoring system, as it is not bound by the Return Directive (Table 4.2).

In three EU Member States (**Croatia**, **Slovenia** and **Slovakia**) return monitoring is not yet carried out by or in cooperation with a designated independent organisation. In another five Member States (**Bulgaria**, **Cyprus**, **Greece**, **Italy** and **Portugal**), the return monitoring system is still in a preparatory phase pending staff, funding, training and/or other action. In **Germany**, the monitoring system covers only the airports of Berlin-Schönefeld, Frankfurt and Hamburg, and does not include presence on return flights.

Ten Member States (**Croatia**, **Finland**, **France**, **Greece**, **Italy**, the **Netherlands**, **Poland**, **Portugal**, **Romania** and **Slovenia**), amended their legislation to establish independent monitoring systems in 2014. **Croatia** adopted rules on the treatment of foreigners, requiring the Ministry of the Interior to conclude an agreement with an organisation that would be responsible for the monitoring of forced returns.¹⁹ In **Finland**, an amendment to the Aliens Act entered into force, making it a duty of the Non-Discrimination Ombudsperson to monitor the return process.²⁰ **France** amended the mandate of the General Inspector of All Places of Deprivation of Liberty to include monitoring forced returns as far as the country of destination.²¹ In **Greece**, the Ministry of the Interior and the Ministry for Citizen Protection issued a joint decision regulating the structure and operation of the monitoring system by the Greek Ombudsperson in cooperation with other organisations.²² **Italy** created a national monitoring authority for persons deprived of liberty; once established, it should also monitor forced returns.²³ In the **Netherlands**, the Integral Returns Monitoring Commission, previously responsible for the monitoring of forced returns, transferred its tasks to the Security and Justice Inspectorate, which

Table 4.2: Effective forced return monitoring systems, 28 EU Member States

EU Member State	Organisation responsible for monitoring forced return	Operational?*	Monitors on board of flights?		Public report?	ERF** funded?
			2013	2014		
AT	Human Rights Association Austria (<i>Verein Menschenrechte Österreich</i>)	✓	✓	✓	✗	✗
BE	General Inspectorate of the General Federal Police and the Local Police (AIG) (<i>Inspection générale de la police fédérale et de la police locale, Algemene inspectie van de federale politie en van de lokale politie</i>)	✓	✗	✓	✗	✓
BG	Ombudsperson (<i>Омбудсманът</i>), national and international NGOs	✗	-	-	-	-
CY	Office of the Commissioner for Administration (Ombudsman)	✗	-	-	-	-
CZ	Public Defender of Rights (PDR) (<i>Veřejný ochránce práv, VOP</i>)	✓	✓	✗	✓	✗
DE	Fora at various airports (Frankfurt, Hamburg, Düsseldorf, Berlin)	(✗)	✗	✗	(✓)	-
DK	Parliamentary Ombudsperson (<i>Folketingets Ombudsmand</i>)	✓	✓	✓	✓	✗
EE	Estonian Red Cross (<i>Eesti Punane Rist</i>)	✓	✓	✓	✗	✓
EL	Greek Ombudsperson (<i>Συνήγορος του Πολίτη</i>)	✗	-	-	-	✓
ES	Ombudsperson (<i>Defensor del Pueblo</i>)	✓	✓	✓	✓	✓
FI	Non-Discrimination Ombudsperson (<i>Yhdenvertaisuusvaltuutettu/ Diskrimineringsombudsmannen</i>)	✓	✗	✓	✗	✓
FR	General Inspector of All Places of Deprivation of Liberty (<i>Contrôleur général des lieux de privation de liberté</i>)	✓	✗	✓	✗	✗
HR	Not appointed yet	✗	-	-	-	-
HU	Hungarian Prosecution Service (<i>Magyarország ügyésége</i>)	✓	✓	✓	✗	✗
IE**	No monitoring system in law	-	-	-	-	-
IT	National Authority for the Rights of Persons Deprived of Liberty (<i>Garante nazionale dei diritti delle persone detenute o private della libertà personale</i>)	✗	-	-	-	-
LT	Lithuanian Red Cross Society (<i>Lietuvos Raudonojo Kryžiaus draugija</i>)	✓	✓	✓	✗	✓
LU	Luxembourg Red Cross (<i>Croix-Rouge luxembourgeoise</i>)	✓	✓	✓	✗	✓
LV	Ombudsperson's Office (<i>Tiesībsarga birojs</i>)	✓	✗	✓	✓	✓
MT	Board of Visitors for Detained Persons (DVB)	✓	✗	✗	✗	-
NL	Security and Justice Inspectorate (<i>Inspectie Veiligheid en Justitie</i>)	✓	✓	✓	✓	✗
PL	Various NGOs, e.g. the Helsinki Foundation for Human Rights, Rule of Law Institute Foundation, Halina Nieć Legal Aid Centre, MultiOcalenie Foundation	✓	✓	✓	✓	✓
PT	General Inspectorate of Internal Affairs (<i>Inspecção-geral da Administração Interna, IGAI</i>)	✗	-	-	-	-
RO	Romanian National Council for Refugees (<i>Consiliul Național Român pentru Refugiați, CNRR</i>) (NGO)	✓	✗	✗	✗	✓
SE	Swedish Migration Board (<i>Migrationsverket</i>)	-	-	-	-	-
SI	Not appointed yet	✗	-	-	-	-
SK	Ministry of Interior	-	-	-	-	-
UK**	Her Majesty's Inspector of Prisons (HMIP), Independent Monitoring Boards (IMBs)	✓	✓	✓	✓	✗

Notes: ■ In Slovakia and Sweden, monitoring is implemented by an agency belonging to the branch of government responsible for return. It is thus not sufficiently independent to qualify as 'effective' under Article 8 (6) of the Return Directive. Therefore, the other fields have not been completed.

(✗) (✓) In Germany, the return monitoring system covers only parts of the country; a public report is available only for Frankfurt airport.

- Information not applicable.

* 'Operational' means that a monitoring entity has been appointed and has carried out some activities in 2013-2014.

ERF: European Return Fund.

** Ireland and the United Kingdom are not bound by the Return Directive.

Source: FRA, 2015; see also the online table on 'Forced return monitoring systems – State of play in 28 EU Member States' on the FRA website under asylum, migration and borders

accompanied 21 flights in 2014.²⁴ In **Poland**, the new Aliens Act entered into force, codifying the existing practice of NGOs monitoring returns. Further agreements on cooperation are planned, to establish a permanent group of monitors.²⁵ In **Portugal**, the General Inspectorate of Internal Affairs will now conduct the monitoring.²⁶ **Romania** also introduced a legal basis for monitoring forced removals, ensuring that relevant monitoring organisations are informed of the organisation of returns upon request and that assessment reports are submitted to the Ombudsperson for examination.²⁷ **Slovenia** introduced a legal basis for independent monitoring;²⁸ the selection of an independent monitoring organisation was nevertheless still pending a public call at the end of 2014. In **Slovakia**, legal changes detailing the practices to be monitored entered into force.²⁹ The Ministry of the Interior is still in charge; NGOs and/or the UNHCR may possibly cooperate, but this cooperation has not yet been put into practice.

One of the indicators of an effective monitoring system is the presence of monitors on return flights, particularly on charter flights, rather than just monitoring the preparation and pre-removal phase. In 2014, four more Member States (**Belgium, Finland, France** and **Latvia**) sent observers aboard return flights.

In 2014, Frontex managed 45 joint return flights with the participation of 21 EU Member States. Monitors were on 27 flights out of 45. This includes monitors from third countries on return flights chartered by Georgia and Albania. Effective national monitoring systems are in principle a prerequisite for organising Frontex-coordinated joint return operations. In 2014, however, five Member States (**France** – until May,³⁰ **Germany, Greece, Italy** and **Sweden**) that lacked an operational monitoring system carried out by an independent authority (i.e. an authority different from the branch of government responsible for return), according to FRA's assessment, organised 20 return operations. These operations concerned 1,089 of the 2,279 persons returned through Frontex-coordinated flights in 2014. In seven of these 20 operations, however, observers from other states were present. An EU-financed project run by the International Centre for Migration Policy Development (ICMPD) seeks to establish a European pool of monitors which aims to ensure more effective monitoring, particularly for Frontex-coordinated forced removals.³¹

Previous FRA Annual reports examined progress in the introduction of forced return monitoring by Member States. Two conclusions can be drawn: six years after the adoption of the Return Directive, most Member States provide for a monitoring system implemented by an agency different to the branch of government responsible for return; but several of these systems are not yet operational.

In 2014, the CJEU issued six new preliminary rulings providing guidance on different aspects of the Return Directive, all of which directly or indirectly impact on fundamental rights. In *Boudjlida* (C-249/13)³² and *Mukarubega* (C-166/13),³³ the court clarified the content and limits of the right of third-country nationals to be heard before the adoption of a return decision that affects them. The court also ruled on the obligations of EU Member States concerning the detention of third-country nationals in specialised detention facilities in *Pham* (C-474/14),³⁴ *Bero* (C-473/13) and *Bouzalmate* (C-514/13),³⁵ and on procedural requirements for the extension of detention in *Mahdi* (C-146/14).³⁶ In *Abdida* (C-562/13),³⁷ the CJEU ruled on the judicial review of removal orders and provided guidance on the application of the Return Directive in case of illnesses requiring special treatment.

FRA released two publications in 2014, which provide fundamental rights guidance for when implementing return policies. A paper on criminalising migration³⁸ examines the custodial penalties for irregular entry or stay for persons falling under the EU Return Directive, noting that criminal law sanctions should normally not be used for persons in return procedures. The paper also examines the risk that those who help migrants in an irregular situation or rent out accommodation to them are punished for smuggling human beings; it proposes anti-smuggling policies more sensitive to fundamental rights.

In June, FRA released a handbook jointly with the European Commission, to reinforce guardianship systems to cater for the specific needs of child victims of trafficking.³⁹ Among other things, the handbook describes the role of the guardian in identifying a durable solution in the best interests of the child, notes that the guardian should be a first point of contact for authorities intending to issue a return decision



to an unaccompanied child, and lists possible actions guardians can take in relation to return.

The UN Human Rights Committee, the supervisory body of the International Covenant on Civil and Political Rights (ICCPR), issued new guidance on the application of the right to liberty and security of the person, which also covers immigration detention. It also recommends that “any necessary detention should take place in appropriate, sanitary, non-punitive facilities, and should not take place in prisons”.⁴⁰

The situation of children in immigration detention remains at the centre of discussions. The International Detention Coalition, a global network of civil society organisations, continued its global campaign to end immigration detention for children. In August, the Inter-American Court released an advisory opinion in which it finds that immigration detention of children is always arbitrary.⁴¹ This was followed by a resolution of the Parliamentary Assembly of the Council of Europe, which calls on states to end immigration detention of children.⁴²

4.3. New funds to promote the application of EU law in practice

In 2014, developments took place concerning funding mechanisms. Two new funds were set up on 16 April: the Asylum, Migration and Integration Fund (AMIF, AMIF Regulation (EU) No. 516/2014), with a total of €3.137 billion for 2014–2020, and the Internal Security Fund (ISF), with a total of €3.8 billion for the same seven years. The ISF comprises two instruments: the ISF Borders and Visa Regulation (EU) No. 515/2014 and the ISF Police Regulation (EU) No. 513/2014. The ISF Borders and Visa Regulation lays down general rules for the two funds.

The AMIF is intended to support measures in four areas: asylum, legal migration and integration, return policy, and solidarity with EU Member States most affected by asylum flows. Most funds will be used to support Member State actions with the overarching goal of promoting a common EU approach to asylum and immigration. The AMIF Regulation lists the actions eligible for funding under each of the four objectives. The actions listed under returns (Article 11 and 12) include some measures which are important to promote fundamental rights in the return process, such as alternatives to detention, legal and language assistance, forced return monitoring, assisted voluntary returns and reintegration after return.

The ISF Borders and Visa is intended to promote a high level of security in the Union while facilitating legitimate travel. It will also support the setting up and running of common IT systems at European level. The ISF Police will provide financial support to activities

relating to police cooperation, preventing and combating crime, and the enhancement of the capacity of EU Member States and the Union to manage security-related risks and crises effectively. The strategic priorities of the ISF Police include, for example, measures to prevent trafficking in human beings. This was an area in which developments took place in 2014, as the European Commission issued a report on the application of Residence permits for victims of trafficking (Directive 2004/81/EC) and its mid-term review of the EU anti-trafficking strategy, which includes a section on joint activities implemented by EU agencies.⁴³

In its 2014 audit of the External Borders Fund, the European Court of Auditors also raised fundamental rights issues in the context of EU funding. The court found that the rental costs of the temporary detention centre at Pagani in **Greece** were included in the national programme, although the unacceptable conditions in this facility were widely known at the time. The European Commission refused to cover these costs when it closed the programme.⁴⁴

4.4. No major changes regarding legal migration

The new European Commission, under President Jean-Claude Juncker, lists migration as one of its 10 priorities and has committed itself to developing a new European policy on regular migration. As part of this commitment, the Commission states the need to promote the legal migration of persons with skills needed in Europe.⁴⁵ The main step announced in 2014 concerns the need to review the Blue Card Directive (2009/50/EC).⁴⁶

Meanwhile, the CJEU ruled on a few aspects of legal migration. It made clarifications on language (C-138/13, limited to Turkish workers under the EU–Turkey Association Agreement) and age requirements (C-338/13) for family reunification, and on conditions for admission of third-country nationals as students (C-491/13). The court also clarified the requirements applicable to family members of long-term residents to obtain such status (C-469/13). Three other cases are still pending, concerning integration measures under the Family Reunification Directive (C-153/14), fees for issue and renewal of long-term residence permits (C-309/14) and access of long-term residents to the labour market (C-176/14). [Table 4.3](#) shows the main 2014 policy developments that occurred at EU level on legal migration.

Table 4.3: EU policy developments on legal migration, 2014

Instrument	Legislative changes	CJEU case law	Other policy documents
Seasonal Workers Directive 2014/36/EU	Adopted on 26 February		
Intra-Corporate Transferees Directive 2014/66/EU	Adopted on 15 May		
Blue Card Directive 2009/50/EC			Communication COM(2014) 287 final
Scientific Research Directive 2005/71/EC	Changes pending COM(2013)0151 final		
Students Directive 2004/114/EC	Changes pending COM(2013)0151 final	C-491/13 (10 September 2014)	
Long-term Residents Directive 2003/109/EC, as amended by Directive 2011/51/EU		C-469/13 (17 July 2014) C-309/14 (pending reference) C-176/14 (pending reference)	
Family Reunification Directive 2003/86/EC		C-138/13 (10 July 2014) C-338/13 (17 July 2014) C-153/14 (pending reference)	Commission guidelines

Source: FRA, 2014

4.5. Challenges for migrant integration and the EU as an inclusive society

Many EU societies continue to face challenges in integrating migrants and their descendants, and fear failing in their social inclusion policies. Lack of access to employment opportunities and lower educational achievement, as well as intolerance, xenophobia and racist violence, are some of the issues that influence the integration of migrants and their descendants. FRA collected information on several distinct aspects of social inclusion and migrant integration policies across the EU countries in 2014. Most of these policies target employment and invest in language learning and support, but they rarely address broader issues of social inclusion, community cohesion, respect for human rights or political and civic participation. Although integration measures mainly target newcomers, in the long term they are intertwined and form a continuum with policies and actions for building and strengthening inclusive and diverse societies.

The attacks in Paris in early January 2015 stoked debates about emerging extremist and terrorist threats by fundamentalist organisations and their recruitment of radicalised EU youth. They thus emphasised the need for more effective policies that promote more inclusive societies. The Strategic

Guidelines for legislative and policy planning in the area of freedom, security and justice, adopted by the European Council in June 2014, stress that “the Union should support Member States’ efforts to pursue active integration policies which foster social cohesion and economic dynamism.”⁴⁷

In 2014, political figures in EU countries confronted prejudice and emphasised the EU’s commitment to its core values of respect of diversity and pluralist inclusive societies. In his Christmas message, Germany’s President Gauck urged Germans not to be afraid of refugees or of the world around them and to “trust in our values, our strengths and our democratic institutions”.⁴⁸ In her New Year’s address,⁴⁹ the German Chancellor, Angela Merkel, stressed that when Pegida’s supporters shout “we are the people” what they mean is “you are not one of us, because of your skin colour or your religion”. She urged all Germans to welcome refugees and reject racism. The French President, François Hollande, inaugurating the first immigration museum,⁵⁰ urged the French not to listen to threats of fear, nor to people “who dream of a smaller, spiteful, retreating France – a France that is no longer France”. He presented the museum as “our nation’s homage to the millions who came to France to give her their best” and emphasised that it would help “remind the French where they come from, what values they carry as French citizens, and what direction we wish to take together”.

At the 2014 Fundamental Rights Conference in Rome, FRA initiated a discussion on the different views in the area of migrant integration and collected suggestions for improvement. The participants discussed a wide range of topics, from border issues to inclusion in education. They concluded by suggesting ways to ensure respect for fundamental rights in migrant integration and social inclusion policies, and to help shift the narrative on migration towards achieving more inclusive and pluralist societies. These conclusions point to the fact that Member States need to confront misinformation and negative stereotypes, since racism and intolerance are major barriers to successful integration policies and inclusive societies. To this end, it was stressed that the media need to be actively engaged and encouraged to help increase the participation and visibility of migrants, contributing to a more positive overall narrative. The results of several studies and surveys conducted in 2014 across the EU highlight this need, as they indicate the persistence of intolerant attitudes towards migrants and refugees. In some countries, the majority population blames them for rising unemployment and crime rates. Such experiences of discrimination and xenophobia are presented more extensively in [Chapter 2](#). Some studies, however, show a more complex picture of EU citizens perceiving xenophobia as negative, while still worrying about the high numbers of asylum seekers. Survey findings in various EU Member States warn of community tensions and threats to social cohesion, but also indicate a mixed response of negative and positive attitudes towards diversity.

4.5.1. Survey findings draw mixed picture across the EU

In **Germany**, the results of a survey conducted by the University of Leipzig show that racist, xenophobic and antisemitic attitudes persist in all segments of the population.⁵¹ Some 18 % of the respondents supported xenophobic statements: about 43 % agreed with the statement that “Because of the high number of Muslims I sometimes feel like a stranger in my own country”, and 37 % were in favour of the statement that Muslims should be barred from migrating to **Germany**. Similarly, a representative attitude survey conducted by the **French** institute of market research and opinion, BVA, reveals a resurgence of racism in **France**, stemming in particular from a disturbing “significant increase in explicit racism”, especially against Muslims, Roma and Jews.⁵²

In **Sweden**, the picture is mixed. The results of the annual nationwide attitude survey show that about 60 % of the Swedish population believe that an increase in the number of refugees is ‘very’ or ‘fairly’ worrying. This, however, is not necessarily and exclusively a manifestation of intolerance or xenophobia. It may also reflect the pragmatic concern about the

pressure caused by the need to welcome high numbers of refugees. In fact, the overwhelming majority, around 80 % of the respondents, believe that increased xenophobia is very or quite worrying.⁵³ Likewise, the findings of an attitude survey in the **Czech Republic** show that 60 % of Czechs perceive the presence of foreigners who have moved to their country in recent years as a problem. At the same time, only 24 % of respondents believe that the foreigners who live near them constitute a problem. Long-term migrants are seen as responsible for increasing the unemployment rate and the crime rate.⁵⁴ Similarly, research conducted in Riga in **Latvia** shows that one out of three respondents express negative attitudes towards migrants. They justify this by blaming migrants for the rise in unemployment. In **Estonia**, 55 % of respondents believe that the migration of refugees is more likely to have a negative impact, while only 8 % see it as positive. At the same time, however, 55 % say that they are willing to participate in activities to facilitate the integration of refugees into the host society.⁵⁵

On the other hand, in **Spain**, the annual survey on attitudes towards immigration,⁵⁶ published in 2014, found that 42 % of the Spanish population has a positive perception of immigration, while 34 % has a negative perception. Spanish people approve the granting of rights to established immigrants and their bringing their families to Spain (78 %). They also approve of the fact that immigrants may receive unemployment benefits (87 %) or obtain Spanish citizenship (68 %), or that their own son or daughter could marry an immigrant (65 %). An average of 60 % accepts the presence of immigrant children in schools. Moreover, 82 % consent to work or study with immigrants. Some 66.9 % reject parties with a racist ideology, compared with 18.8 % who approve of them.

This turbulent landscape of increasing concerns, further fuelled by the dramatic events in early January 2015 in **France**, calls for rights-based responses oriented by core values and principles. The EU is duty bound to provide shelter to asylum seekers coming from distressed areas and war zones on the European periphery. At the same time, it is challenged to foster the democratic values of its societies, while preserving and securing social cohesion in inclusive communities. This effort requires the successful implementation of existing EU legal frameworks such as the Racial Equality Directive (2000/43/EC) and the Framework Decision on Racism and Xenophobia (2008/913/JHA), but also concrete social inclusion and social cohesion policies and positive actions. These may offer opportunities and may guarantee that people in the EU live together in diversity based on shared values and mutual respect, developing their human potential irrespective of ethnic, cultural or any other feature of their personality.

4.5.2. Living together in diversity – a debated court case

In its ruling in *S.A.S. v. France*, the ECtHR marks an important and much debated normative development in the field, since it introduces the concept of ‘living together’ as a principle that may justify restricting freedom of expression, private life and the manifestation of one’s religion or belief. For the first time, the court judged that the need of “respect for the minimum requirements of life in society”, as an aspect of the “rights and freedoms of others”, justified the ban on wearing a particular religious garment.

In the *S.A.S. v. France* case, the ECtHR ruled that the French ban on the public wearing of face veils, such as the niqab or burka, can be justified only under the state’s obligation to secure conditions under which individuals can live together in their diversity. The court accepted that a state may give particular weight to the interaction between individuals and consider that such public concealment of the face adversely affects that interaction. Two dissenting judges argued that acknowledging the legitimacy of the French ban could be seen as limiting fundamental rights and as a form of “selective pluralism”, meaning that women who are not allowed to wear the full-face veil in public places are actually not as free to express their personal, cultural and religious beliefs as are other women “living together” in the same society.

4.6. EU Member State measures promoting inclusive societies

“Common Basic Principles for Immigrant Integration Policy in the European Union

“Principle 1

“Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States. [...] Member States are encouraged to consider and involve both immigrants and national citizens in integration policy, and to communicate clearly their mutual rights and responsibilities.”

Council of the European Union (2004), Press Release, Brussels, 19 November 2004, p. 19

At the Justice and Home Affairs Council in June 2014, the EU Member States reaffirmed their commitment to Common Basic Principles for the Integration of Migrants (2004), 10 years after their adoption.⁵⁷ Also on the occasion of the 10th anniversary of the Common Basic Principles, the 11th meeting of the European Integration Forum developed its discussions about the current state of play and the future.

As stressed in the very first Common Basic Principle, effective and successful integration requires that measures promoting social inclusion target the wider community, both migrants and their descendants as well as nationals, to move towards inclusive societies where there is awareness and acceptance of both diversity and shared values.

FRA collected data in 2014 in all 28 EU Member States, focusing on an important aspect of integration policies that serve this purpose: if and how Member States address the needs of the general population in understanding, respecting and welcoming diversity in society. In particular, FRA identified whether Member States address the general population in their national action plans or strategies for the integration of migrants, and which concrete measures they implemented in 2014. In addition, FRA collected data about whether the educational systems and the school curriculums reflect the diversity in society as a core and mainstreamed component.

The relevant EU policy framework for related integration policies and actions aiming for inclusive societies is based on general principles and guidance rather than on legal or normative commitments. Similarly, policies at national level are not directly comparable among countries. In some of them, such policies and objectives may rather be set and implemented at regional or local level. Depending on historical and socio-political context, some Member States may address such needs via their migrant integration policies, while others may refer to social cohesion, civic education or programmes and actions to encourage living alongside minorities. Some Member States address such issues in their national action plans, while others refer to other types of policy documents at different governance levels. This effective fragmentation and multiplicity often serve to address particular needs and societal relations. They highlight the need to collect more data to understand better what works and what does not, and to assess the situation in EU Member States. In this way, important achievements can be probed and shared, and common indicators developed and populated. This effort may function as a multiplier serving to reach more profound knowledge, as well as ways to accomplish the EU policy goals through cooperation and sharing best standards and practices. This is why the FRA data collection for the Annual report 2014 focused on the national documents and their commitment to addressing the objectives set by Common Basic Principle No. 1. The data collected by FRA show that by 2014 most EU Member States (22) also targeted the majority population in their national integration strategy or action plan, as suggested by Common Basic Principle No. 1. This marks notable progress since 2012, when FRA found that only 12 Member States included programmes with majority involvement in their action plans or policy papers.

However, turning from policy to practice, fewer Member States adopted and implemented concrete measures, such as training for public officials and civil servants dealing with migrants. **Austria, Croatia, the Czech Republic, Germany, Greece, Hungary, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia** did so. **Bulgaria, Estonia, Poland and Portugal** have recently adopted such policies and are planning measures for 2015 and beyond. A very small number of Member States do not address the host society in their national policy documents, although they do implement concrete measures (**Denmark, Malta**) (see Figure 4.3).

In addressing the host society regarding the integration of migrants, several EU Member States conduct media and awareness-raising campaigns. Such measures may encompass activities including a 'Day of multicultural activities' to celebrate and promote diversity, during which prominent personalities and live bands endorse the theme of cultural diversity by participating in and presenting the event (**Malta**); a media campaign showing on national television

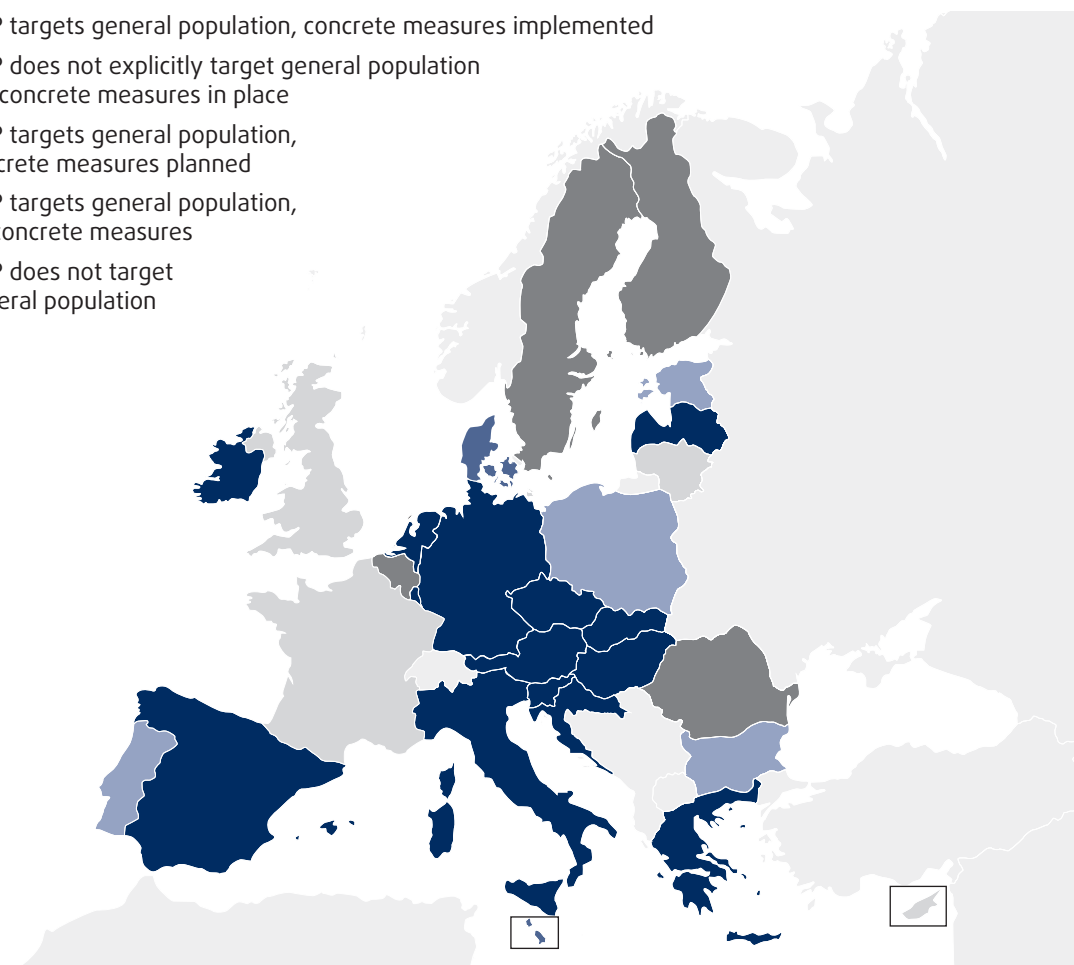
a set of 10 documentary films about the importance of accepting migration as a positive factor for social progress and cohesion (**Slovenia**); or even a press breakfast and discussion to involve the media in the debate on integration (**Latvia**).

Twelve EU Member States (**Austria, Croatia, the Czech Republic, Denmark, Germany, Greece, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia**), implement training programmes and capacity building for public administration. They offer these resources to civil servants dealing with migrants. **Croatia, Germany, Malta, the Netherlands, Slovenia and Spain** implement programmes targeting the private and third sectors, aiming to improve skills in and capacity for managing diversity in professional environments.

However, in the last year, 12 Member States (**Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Lithuania, Poland, Portugal, Romania, Sweden and the United Kingdom**) have not implemented any concrete measure for migrant integration and inclusion targeting the general population.

Figure 4.3: Common Basic Principle No. 1: National Action Plans (NAPs)

- NAP targets general population, concrete measures implemented
- NAP does not explicitly target general population but concrete measures in place
- NAP targets general population, concrete measures planned
- NAP targets general population, no concrete measures
- NAP does not target general population



Source: FRA, 2014

FRA research reveals that EU Member States have diverse policies and focuses in designing and implementing integration measures that target the general population. This seems crucial in the current situation in the EU, as xenophobia and intolerance increase and extremism finds fertile ground to threaten social cohesion. However, these social problems and phenomena are attributable to various factors. One of them could be that the general population is not successfully targeted by concrete measures promoting an inclusive society and more effort is needed. As the FRA Fundamental Rights Conference 2014 suggested, greater interaction, coordination, monitoring, closer cooperation, regular exchange of experiences and codification of common best practices are important to achieve successful inclusive integration policies. Policy recommendations at EU level can be operationalised through processes such as the European Semester.

Integration policies are difficult to compare and there is a limited range of legal commitments under EU law for concrete actions or national legislation. Different national contexts correspond to diverse inclusion policies at all governance levels, from national to regional and local, leaving much room for discretion to authorities and competent organisations. However, such data collection is useful because it can populate indicators and support the improvement of policies. Furthermore, it reveals the need for more comprehensive robust evidence of how integration policies respond to the need to also address the general population, and bring nationals together in society with migrants and their descendants. Addressing the need for more robust data and evidence in the area of migrant integration from a fundamental rights perspective, a wide range of research is under way at FRA. This ranges from extensive data collection in all EU Member States to the second wave of the EU-wide EU-MIDIS II survey, concerning the discrimination, victimisation, inclusion and participation experiences of minorities, migrants and their descendants. In addition, and in cooperation with the European Commission, FRA develops fundamental rights indicators for migrant integration. As stressed in the conclusions of the Fundamental Rights Conference 2014, independent monitoring based on robust common indicators that reference fundamental rights standards is needed to develop effective migrant integration policies, in particular in the areas of social inclusion and social cohesion, participation and active citizenship.⁵⁸

4.7. Transforming education, reflecting diversity in society

“Common Basic Principles for Immigrant Integration Policy in the European Union

“Principle 1

“Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States. [...] Member States are encouraged to consider and involve both immigrants and national citizens in integration policy, and to communicate clearly their mutual rights and responsibilities.”

Council of the European Union (2004), Press Release, Brussels, 19 November 2004, p. 19

The FRA Fundamental Rights Conference 2014 emphasised that civic and citizenship education is vital, and the mainstreaming of migrant integration through education is needed to help young people learn how to live in a society with people from different cultures and religions. Member States were encouraged to better reflect the diversity of society through their educational systems and curricula.

Education builds, grows and nourishes inclusive pluralist societies. EU Member States may address this need by providing curricular and extracurricular activities at school promoting equality, social cohesion and active citizenship. Such measures are important to prepare all children to develop their full human potential and live together in diversity. The key to this process is informing schoolchildren about the different cultures in society, including those of a country's migrant minority ethnic groups. As part of Europe 2020, the EU's growth strategy to become a sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion,⁵⁹ this diversity is de facto reshaping European schools. The transformation of the educational systems towards a more systemic, inclusive, community paradigm can be critical to reversing racism and intolerance, supporting economic and social development and recognising diversity as an important asset rather than as a problem or a threat.

FRA has looked into the way Member States respond to this challenge. In particular, data show that the education systems in EU Member States use different ways to inform children about different cultures, although most of them integrate such elements in the school curricula. The absence of programmes designated as 'multicultural' in schools does not necessarily mean that education systems are not addressing the underlying issues in their curricula. Depending on historical context and educational tradition, such needs are addressed differently, and direct comparisons are hardly possible. However, it is necessary to assess

how educational systems tackle this, so FRA collected data about the way they integrate teaching and learning about ethnic and cultural diversity, and about migrants and their descendants, as a central theme, subject or mainstreamed aspect of different subjects in the school curricula. FRA found that diversity and intercultural education are included as core elements in the general principles and objectives of 10 Member States: **Austria, Croatia, Denmark, Finland, Germany, Latvia, Malta, the Netherlands, Spain and Sweden.**

In primary or secondary education, most EU Member States do teach about different cultures in society. It is part of the curriculum in both primary and secondary education in the **Czech Republic, Denmark, Germany,**

Latvia, the Netherlands and Poland. Austria, Ireland, Lithuania, Malta, Slovenia and the **United Kingdom** include the study of different cultures in either primary or secondary education.

In most cases, such curricular programmes provide information, knowledge and skills enabling pupils to live in community in modern ethnically diverse societies. However, in eight Member States (**Belgium, Cyprus, Estonia, France, Greece, Hungary, Portugal and Slovakia**), there are no such elements in the national curriculum. In **Bulgaria, Italy and Romania**, diversity is addressed in extracurricular activities.

Promising practices

Reflecting diversity in society through education

In the **Netherlands**, primary school pupils learn about the main aspects of the religions which play an important role in Dutch multicultural society, and they learn to treat people's different perspectives respectfully. Secondary school pupils learn about similarities, differences and changes in culture and beliefs in the Netherlands, and how to connect their own and others' ways of life. They also learn to see the significance of respect for each other's ways of life and perspectives for society.

For more information, see: Netherlands, Ministry of Education, Culture and Science (2006), Kerndoelen Primair Onderwijs, The Hague; and Onderbouw-VO (2006), Karakteristieken en Kerndoelen voor de Onderbouw, Zwolle, Onderbouw-VO

In the **Czech Republic**, the Framework Educational Programme includes multicultural education among the cross-curricular subjects. It familiarises pupils with the diversity of cultures and their traditions and values. On that basis, they can become better aware of their own cultural identity, traditions and values. Members of the majority learn the fundamental characteristics of other nationalities living in the same country, and both groups can thus find common points of reference for mutual respect, joint activities and cooperation.

For more information, see: Jeřábek, J. and Tupy, J. (2007), Framework educational programme for basic education (with amendments as of 1. 9. 2007), Prague, Research Institute of Education

In **Finland**, the Basis of National Core Curriculum for Basic Education states that national minorities and Sami as an indigenous people must be taken into account in basic education. Moreover, the national core curriculum is under reform. The new curriculum, which will be adopted in August 2016, supports the ability of students to grow up as 'world citizens', and its basic values stem from human rights.

For more information, see: Finland, Finnish National Board of Education (2004), Perusopetuksen opetussuunnitelman perusteet 2004, Vammala; and Global Education Network (2014), Global Education Network commentaries on the basic education reform 2016, Global Education Network

To date, the Evangelical Lutheran Church in Northern **Germany** has held the sole responsibility for 'religious education for everyone'. In the school year of 2014/15, a pilot project will start in two schools in Hamburg: the responsibility for joint religious education for Christians, Muslims and pupils with other religious backgrounds will be shared equally by Lutheran and Muslim educators.

For more information, see: Germany, Evangelisch-Lutherische Kirche in Norddeutschland (2014), 'Hamburg: Breite Zustimmung für übergreifenden Religionsunterricht', nordkirche.de, 24 June 2014; and Hasse, E. (2014), 'Muslime lehren christliche Religion', Welt.de, 23 June 2014

In **Ireland**, secondary school students have to attend the civic, social and political education (CSPE) course, a Junior Certificate course in active citizenship based on human rights and social responsibilities in which students deal with, among other issues, gender equity, racism and xenophobia, interculturalism, minorities, and conflict situations such as that in Northern Ireland.

For more information, see: Ireland, Department of Education and Skills (2014), Civic, Social and Political Education Syllabus, Junior Certificate

4.8. Empowering migrants in their path to participation

An important aspect of inclusive policies is that they aim to empower migrants and their descendants and increase their active citizenship and participation. The 2014 Fundamental Rights Conference emphasised that the need to improve the access of migrants, and particularly of their descendants, to citizenship, is of vital importance. A majority of Member States (**Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain** and the **United**

Kingdom) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities. This example could be followed by others, as political and social participation of migrants and their descendants is key to successful integration. This is particularly important for young people who are descendants of migrants, but were born and raised in an EU Member State. Consideration could be given here to the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.

FRA, through its data collection, identified a number of promising practices in EU Member States empowering migrant women on their path to integration and encouraging active citizenship and participation.

Promising practices

Mentoring educated immigrant women to explore the labour market

The women's mentoring network *Womento* encourages immigrant women to explore different opportunities within the **Finnish** labour market. The coordinating NGO (*Väestöliitto*, the Family Federation of Finland) matches suitable pairs of migrants who volunteer to participate and Finnish professionals according to their educational background, profession, future plans and shared field of expertise. For eight to 10 months, each mentoring pair meets around once a month to discuss and share information on the Finnish labour market. They also take part in three group meetings, where they can get to know each other, profit from peer support, set their objectives and finally evaluate the experience and discuss further prospects. The participants are encouraged to use Finnish throughout the process to increase their language skills, especially in their professional field. The impact and effectiveness are easily measured and the involvement of the participants also acts as motivation for volunteering in this project.

Finland, Väestöliitto, Womento: naisten mentoriverkosto

Encouraging young migrants' active citizenship and participation

La Merced Intercultural Community School in **Spain** promotes local integration and a sense of belonging for young migrants. Concretely, it creates space for intercultural relations, trains cross-cultural groups of young people on critical citizenship and encourages group responsibility. The school, funded by the European Fund for Integration and the Spanish Ministry of Labour, also promotes youth volunteering and other experiences of solidarity between young people. The project is designed to facilitate spaces where young people can be an engine of social change and, through active citizenship, respond to social needs and improve intercultural coexistence. The ultimate aim is to gradually change society from multicultural to intercultural, dismantling stereotypes. In the project's first four years, 32 groups of 10 young people from different origins participated, reaching 1,600 indirect beneficiaries and performing 24 social initiatives with local impact.

Spain, Escuela Comunitaria Intercultural La Merced (Fundación La Merced Migraciones, Madrid) (2013), La participación de los jóvenes migrantes como mediadores contra la exclusión; for more information, see: www.buenaspracticacomunitarias.org/buenas-practicas/41-escuela-comunitaria-intercultural-la-merced-fundacion-la-merced-migraciones-madrid.html

FRA conclusions

■ For the first time since the Second World War, the number of refugees, asylum seekers and internally displaced people worldwide exceeded 50 million in 2013, according to the UNHCR figures released in 2014. More people in need of international protection therefore try to reach safety in Europe. Given that opportunities to enter the EU lawfully are limited, many remain in refugee camps in neighbouring countries, exposed to security and other risks, or

try to reach the EU via smuggling networks. This situation raises concerns about fundamental rights and security that the EU and Member States should consider.

A FRA focus paper, released in February 2015,⁶⁰ presents a toolbox to promote legal entry channels. EU Member States should offer more legal possibilities for persons in need of international protection to enter the EU, as a viable alternative to risky irregular entry. The European Commission should support

this by proposing common approaches, encouraging Member States to take action and share promising practices, and helping to ensure sufficient solidarity funds are available to Member States for this purpose.

- In March 2014, the European Commission published a communication on EU return policy. The Commission noted positive developments in national law regarding fundamental rights – for example on stopping detention when there are no reasonable prospects of removing a person – but also shortcomings. To promote consistent practices compliant with fundamental rights, the Commission announced the plan to adopt a handbook on return policy in 2015; it will cover topics, such as apprehension practices, alternatives to detention, and safeguards concerning the detention of persons in return procedures. It will also build on the guidance provided by the CJEU.

EU Member States should continue their efforts to implement fundamental rights safeguards included in the EU return acquis, making full use of existing and future guidance and tools issued by UN treaty bodies, the Council of Europe system, and EU institutions and agencies. EU funds in the area of Migration and Home Affairs should be used proactively for this purpose.

- Two new funding mechanisms were set up to promote the application of EU law in the field of migration in 2014–2020: the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF). The AMIF will support measures in the areas of asylum, legal migration and integration and return, whereas the ISF includes two separate instruments, one to support action in the field of borders and visa and a second for activities relating to police cooperation, preventing and combating crime, and crisis management.

The European Commission and EU Member States should ensure that all actions funded under the EU funds are compatible with the EU Charter of Fundamental Rights. They are encouraged to use such funds to explore innovative ways to implement fundamental rights safeguards included in the EU acquis.

- The new European Commission identified migration as one of its 10 priorities and committed itself to developing a new European policy on regular migration. The Commission also expressed the need to promote skilled persons' labour migration to the EU and announced a review of the Blue Card Directive.

As concluded at the FRA Fundamental Rights Conference in November 2014, the EU and its Member States should develop a comprehensive and

sustainable migration policy and make efforts to shift the public discourse on migration to show its benefits for economic development and growth. Immigration schemes should also consider the contribution, in terms of talent and skills, that persons in need of international protection can make to society.

- Evidence from 2014 shows that EU societies continue to face challenges in integrating migrants and their descendants. Integration policies normally target employment and language learning, but rarely address broader issues of social inclusion, community cohesion, respect for human rights or political participation. The January 2015 attacks in Paris emphasise the need for such an approach, and the relevance of social inclusion policies that target the wider community (migrants, their descendants and nationals). Most Member States have social inclusion policies and measures that target not just migrants but also the general population, particularly training for public administration and media campaigns.

EU Member States need to address more effectively the challenges of social inclusion for migrants and their descendants, and confront xenophobia, intolerance and prejudice. Existing training programmes, including those targeting the general population, should be systematically monitored to assess their impact on the ground. Efforts to promote social inclusion as a process of mutual accommodation by all – migrants, their descendants and the general population – and based on universal human rights should be further supported.

- Evidence collected by FRA shows that diversity and intercultural education are included as core elements in the general principles and objectives of 10 EU Member States. Most Member States' primary or secondary education teaches about different cultures in society. Eight Member States, however, do not include such elements in the national curriculum, and one Member State addresses diversity in extracurricular activities. Active political and social participation of migrants is also essential for successful integration. This is particularly relevant for women and for young people who are descendants of migrants. As education modules on diversity in society are integrated in school curricula in most Member States, it shows the efforts made to nurture inclusive, participatory and cohesive societies with equal opportunities for all.

EU Member States should ensure that educational systems promote respect for diversity and universal human rights. Education modules on diversity, as exist in many Member States, should be introduced throughout the EU as a core component of education systems.

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