

7th Fundamental Rights Platform meeting

CONFERENCE REPORT (long version)

**'Future fundamental rights priorities
in the area of freedom, security and justice –
The contribution of civil society'**

10-11 April 2014, Vienna



FRA

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS



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1) Introduction

The Fundamental Rights Platform (FRP) is the network for cooperation between the European Union Agency for Fundamental Rights (FRA) and over 400 civil society organisations. Each year, the platform meets in Vienna, bringing together some 200 civil society organisations from across the EU – ranging from grassroots to EU umbrella organisations – with FRA experts and EU policy makers.

At the 2014 meeting, FRP participants were invited to give their opinion both about the current EU discussions in the area of freedom, security and justice, and the future work of the new European Parliament and new European Commission, both expected to be in place in the second half of 2014.

The goal of this meeting was to highlight which topics are seen by the civil society organisations as key concerns in which they are or could be involved in making fundamental rights a reality for everyone in the European Union. Another objective was to strengthen the cooperation between the FRA and the FRP in order to make civil society organisation's voices heard by policy makers at the European level.

The outcomes aim to provide policy makers at EU level with practical suggestions on how to move forward in the area of freedom, security and justice and to feed into the discussions on the implementation of the strategic guidelines to be adopted by the European Council in June 2014.



The key suggestions from the meeting were the following:

- **The European Union should develop an EU-internal Human Rights Strategy.**
- **The European Union and its Member States should ensure that existing EU legislation is actually implemented and monitor that implementation more closely.**
- **The European Union should ensure that human rights are mainstreamed into the development of all EU policies and EU legislation, and that they are taken into consideration in all preparatory bodies and not only those that are specifically tasked with fundamental rights (like e.g. the Council working group FREMP).**
- **The European Union and its Member States should make sure that civil society is invited to the discussion – both with regard to upcoming legislation as well as to reviewing (the implementation of) existing legislation and policies.**
- **The European Union should consult civil society not only for the sake of enhancing the EU's accountability and transparency, but also in order to make efficient use of their expertise and experience.**
- **Civil society supports a stronger mandate for the FRA.**

2) The 2014 Edition of the Fundamental Rights Platform Meeting

The programme of the meeting was as follows:

THURSDAY, 10 APRIL

09.30- 12.00

OPEN DAY AT THE EU FUNDAMENTAL RIGHTS AGENCY

(Schwarzenbergplatz 11, 1040 Vienna)

Registered event participants discuss with FRA experts issues of mutual interest.

PLENARY SESSION I

Moderator: **Friso Roscam Abbing**, Head of Communication and Outreach Department, FRA

12.00 – 13.00

REGISTRATION and sandwich lunch

(Wien Messe, Messeplatz 1)

13.00 – 13.15

WELCOME and INTRODUCTION

Maija Sakslin, Chairperson of the FRA Management Board

13.15 – 13.30

ONE EXAMPLE OF MANY

“EUROPE VS FACEBOOK” - What can civil society contribute?

Max Schrems, Europe vs Facebook

13.30 – 14.00

KEYNOTE ADDRESS

Morten Kjaerum, Director, FRA:

“Fundamental Rights – the way ahead.”

14.00 – 15.15

PANEL DEBATE – What’s next for fundamental rights in the EU?

Outlook on EU strategic guidelines in the area of freedom, security and justice and the role of civil society

Kosmas Boskovits, FREMP Chair of the Hellenic Presidency of the Council of the EU (Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons)

Salla Saastamoinen, Head of Unit DG Justice Fundamental Rights and Union Citizenship

Natacha Kazatchkine, Senior Executive Officer, European Institutions Office, Amnesty International

Rosemary Byrne, Associate Professor of International and Human Rights Law, Trinity College Dublin and Chairperson of the FRA Scientific Committee

WORKSHOPS

- 15.45 – 18.15** **WORKING GROUPS:**
What are civil society concerns and contributions for making fundamental rights a reality in the area of freedom, security and justice?
- Key questions:
- In this area, what gaps remain? What works well already?
 - What priority actions/initiatives should be considered?
 - What contributions could civil society offer in this area?
- 18.15 – 19.00** **Presentation of candidates standing for the Advisory Panel elections**
- 19.00** **EVENING RECEPTION**
(Wien Messe)

FRIDAY, 11 APRIL**PLENARY SESSION II**

- 08.45 – 09.45** **Voting for the Advisory Panel elections and welcome coffee**
- In parallel: "exhibition" on working group outcomes from Day 1**
- 09.45** **Recap of Day 1**

THE FLOOR IS YOURS

- 10.00 – 13.30** **THE FLOOR IS YOURS:**
What ideas and promising practices can you share, from civil society involvement in making fundamental rights a reality?
- 14.30 – 15.00** **FRP ADVISORY PANEL – Handover**
- Member(s) of outgoing FRP Advisory Panel
- Announcement of the six newly-elected Members of the Advisory Panel**
- 15.00 – 15.30** **CLOSING REMARKS and next steps**
- Morten Kjaerum**, Director, FRA
- 15.45 – 17.00** **Meeting of the new Advisory Panel**

a) Opening address



FRA Management Board Chairperson Maija Sasklin invited the growing number of FRP civil society participants to tell FRA their “vision on how Europe can make progress, in the area of freedom, security and justice.” She framed the importance of the civil society contribution during the FRP meeting given the different crises that are unfolding across the EU and in its neighbouring countries. “These range from

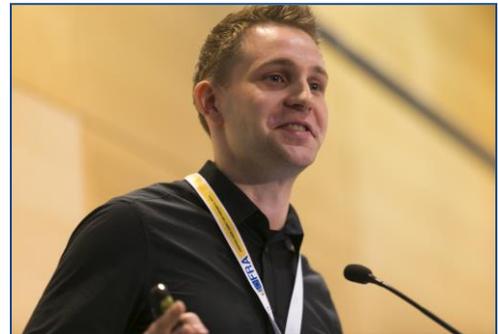
dealing with the after effects of the economic crisis to the rise of extremism. Such crises pose a serious challenge to fundamental rights at a time when indeed they are most needed. That’s why the work of civil society and meeting here today is so valuable.”

b) Keynotes speeches

"Europe vs Facebook" - What can civil society contribute?

Max Schrems, a PhD student and founder of the data protection NGO "[Europe vs. Facebook](#)", gave his personal perspective on what he considered to be a recipe for success for civil society. This included:

- having a cause relevant to a lot of people;
- maintaining trust by never making claims they could not back up;
- being modest;
- asking for basic compliance with laws;
- being persistent and not giving up;
- having a good story and working with media.



As a result, he was proud to say he had made a difference having managed to achieve 10% of what they asked for from Facebook such as changes to data protection policies, turning off facial recognition worldwide and the deletion of data. “*Not bad for a couple of students,*” he concluded.

Fundamental Rights – The way ahead



FRA Director Morten Kjaerum highlighted the relevance of the Fundamental Rights Platform in helping to map the future for fundamental rights. He underlined the importance of this debate now, in light of the European Parliament elections, a new European Commission in autumn, new strategic priorities for justice and home affairs, and the EU's accession to the European Convention on Human Rights. He gave real life examples of the

challenges Europe currently faces. But he also acknowledged the many fundamental rights achievements. He suggested how fundamental rights could be better safeguarded. These included:

- ensuring that legislation respects, protects and promotes fundamental rights;
- increasing rights awareness;
- ensuring all actors work together when implementing fundamental rights; and developing mutual legal trust.

In the spirit of the old African proverb "If you want to go fast, go alone - If you want to go far, go together", he closed his speech by calling on civil society organisations at the FRP meeting to share with FRA over the two days their concerns, promising practices and suggestions how they can help move fundamental rights forward across the EU. FRA will compile these suggestions and take them to EU Council of Heads of States and Government to deliberate on in June.

c) Panel debate – What next for fundamental rights in the EU?

Following the keynote speeches, a panel discussion composed of policymaking and civil society representatives discussed key issues for fundamental rights and cooperation between different sets of actors working in the field of human rights.

There was a focus on the **effective implementation of existing legislation and better cooperation**, which became a recurrent theme throughout the conference. The discussion of the EU's future justice and home affairs framework was also seen as being important. Civil society as well as FRA called on the EU to commit to an internal human rights strategy.



Kosmas Boskovits, Chair of the Hellenic Presidency of the Council of the EU's Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP), had warm words for participants, saying: *"Civil society helped us at FREMP to shape our priorities."*

Salla Saastamoinen, Head of Unit DG Justice Fundamental Rights and Union Citizenship, said: *"You are closest to what is happening in the Member States and sometimes see what we miss at the EU level."*

Speaking next, Natacha Kazatchkine, Senior Executive Officer, European Institutions Office, Amnesty International, said: *"With the EU's future JHA strategy currently under discussion, it is a good time to draw attention to human rights and speak openly about what is needed."* She added that civil society must be included in the discussion, not just for the sake of legitimacy, but to make use of the expertise of civil society organisations.

Finally, Rosemary Byrne, Associate Professor of International and Human Rights Law, Trinity College Dublin and Chairperson of the FRA Scientific Committee, said that although civil society is not always listened to, it does have an increasing voice. *"In times of austerity, all our means of being effective are being curtailed. We need to collaborate."*

d) FRP Working groups

In order to discuss how civil society could best contribute to making fundamental rights a reality in the area of freedom, security and justice, specific topics were discussed in [12 working groups](#), in the afternoon of Day 1. Working group topics had been decided by meeting participants, via an online survey, out of a choice of 24 different topics. Topics discussed included issues such as hate crime, monitoring and data collection, funding of civil society organisations and their work, and how to cooperate between the different fundamental rights players in order to achieve impact.



There were no presentations; rather, participants were invited to contribute with their expertise to the discussions, which identified key challenges in a given area, what works and what are the success factors, and what would be good next steps to take and by whom.

The outcomes from the working groups were presented back to the FRP meeting participants in an exhibition format.

e) *The Floor is Yours* - What are civil societies' concerns and contributions for making fundamental rights a reality in the area of freedom, security and justice?

It has become a standing feature at the FRP meetings, that the FRA opens a space for civil society organisations to host their own sessions. 21 organisations stepped forward to host [a wide variety of topics](#), on the morning of day 2. Very engaged discussions happened around the different issues, which have been summarised in this report¹.



¹ For an overview of Working groups and Floor is yours sessions and their outcomes, see Annexes I and II.

f) FRP Advisory Panel elections

A new Advisory Panel was elected, to support FRA for the coming two years. Three more members will be appointed by the FRA Director, Morten Kjaerum (standing in the picture below), to ensure the Advisory Panel reflects a diverse selection of civil society organisations and nationalities and is gender balanced.

Currently the Advisory Panel is composed of the following FRP members:

- Ms Tove Linnea Brandvik - European Network on Independent Living (ENIL)
- Mr Valentín González - European Network Against Racism (ENAR) (missing on photo)
- Mr Pablo Rojas Coppari - Migrant Rights Centre Ireland (MRCI) (and Platform for International Cooperation for Undocumented Migrants (PICUM))
- Ms Sanja Sarnavka - Human Rights House Zagreb
- Mr Luciano Scagliotti - Centro d’Iniziativa per l’Europa del Piemonte
- Ms Marianne Schulze - Austrian League for Human Rights



g) Closing speech

FRA Director Morten Kjaerum closed the conference with a speech in which he summed up some of the common themes that ran through many of the discussions. The first of these was the constructive atmosphere, whether the talks were in the plenary, the working groups, the 'floor is yours' sessions or during the coffee breaks. Another was the sense of co-creation. That so many civil society organisations can build up positive outcomes together; in cooperation with FRA; and with human rights actors from the EU. Implementation of existing legislation and the issue of funding for the civil society sector were the final topics mentioned.

In closing, he said that FRA intends to take its work with civil society to a next level, after 7 years of building up the FRP. One of the next steps will therefore be to enlarge the dialogue beyond this group, and hold a full week of human rights dialogue in Vienna in 2016, among all relevant human rights players, from international and national policy makers to specialised institutions and civil society, and also including the private sector. FRA is currently developing this idea and will be looking for input from civil society in this endeavour.



3) Key messages

Those messages were formulated by all participants throughout the whole FRP meeting, and more specifically during both the Working groups and the Floor is Yours sessions. They aimed at outlining strategic guidelines for the area of freedom, security and justice, and were then transmitted to the Council of the European Union (and other policy makers) early May, in order to feed into the final discussions on the new strategic guidelines.

A) Structural and horizontal issues

Enhancing cooperation, coordination and sharing of practices between human rights players

- In order to be able to work jointly on improving the human rights situation, consider creating and funding local and national “Fundamental Rights Platforms” (structured platforms of dialogue between *all* actors in the area of human rights). This would overcome working on human rights issues in ‘silos’.
- The citizens are the foundation of the Union. EU institutions and bodies should be in service of the citizens and therefore should put people first: involve, hear and listen to the needs and concerns of people on the ground. Decision makers use civil society to get better informed.
- Civil society has knowledge and expertise on how policies function on the ground. Therefore, it is essential that civil society is invited to the discussion – not just for reasons of accountability and transparency, but also to make use of these organisations’ expertise.
- To this end, public authorities could, among others, create permanent consultative platforms with civil society organisations. (Consider whether the model of the Frontex Consultative Forum – or an adaptation of it – would be useful in national systems.)

Rule of law

- The EU should develop an EU-internal Human Rights Strategy that would mirror the Human Rights and Democracy Strategy that the EU has adopted for its external policies.
- The European Parliament and Council should react to the new Framework on the rule of law as launched by the Commission in order to present their views and proposals with regard to such a framework and how the different actors could interact and relate to each other.

- The EU should extend the Framework on the rule of law explicitly to all Article 2 values, including fundamental rights as listed in the Charter.
- EU Member States should monitor extremist parties and make sure that they are not receiving public funds where such parties violate shared constitutional values.
- Existing instruments (like monitoring cycles under international and European fundamental rights treaties), institutions (like the FRA, Venice Commission, NHRIs, etc.) and standards (like the Charter of Fundamental Rights of the EU, operationalised through the use of fundamental rights indicators) should be fully used. Existing data could be brought together in an overarching EU-wide information system.

Funding of civil society organisations and their work

- Proper functioning of civil society organisations requires stable financial basis that allows the organisation to carry out its core tasks. However, most funding is project funding only. Core funding must also be made available, so that NGOs can keep running their office.
- EU funding needs to focus on stimulating NGOs' work at the grass-root level – not only 'big projects' and big actors. For instance, a percentage of the European Social Fund to human rights should be allocated to NGOs, which would enable also smaller national NGOs to apply for funding.
- In order to ensure that project funding indeed supports projects that address people's real needs, donors (such as public authorities) should involve NGOs in the basic (structural) design of funding.
- Artificial partnerships between NGOs in countries that have structurally little in common should not be requested – if cross-border partnerships are required, focus instead on neighbouring countries.
- EU internal human rights funding structures toned to learn from EU development funding.

Access to justice

- Standards for guaranteeing the independence of courts and judges must be developed for all bodies dealing with individual complaints (courts + non-judicial bodies).
- All EU Member States should be party to all the nine core UN human rights treaties, as well as all the main Council of Europe conventions and optional protocols – also to tackle the internal vs. external dilemma.
- In order to improve the situation, judges, lawyers and civil society organisations need training. Public authorities should develop or support the development of training materials, handbooks and guidance.
- Civil society needs to engage more in collective complaints and as third-party intervention (*amicus curiae*) in judicial proceedings at both national and European levels. EU to provide for the possibility of *amicus curiae* interventions before the CJEU.

Monitoring and data collection

- Public authorities can profit from the trust that civil society organisations have among potential victims. Civil society can therefore support monitoring and data collection.
- Public service agencies should build up partnerships with civil society organisations so as to increase capacity to collect and disseminate data.
- Civil society organisations should be involved in the process of official data collection, as equal partners (for instance on hate crime).
- Civil society organisations are often expected to fill the gaps that official bodies cannot or will not address, and these organisations should therefore be provided with the means to carry out these tasks.
- The EU should fund programmes on access to education/capacity building for victims, and for civil society organisations to increase their professionalism.

Rights awareness, capacity building and human rights education

- Rights awareness training should also target professional groups other than magistrates and judges (e.g. medical staff, police officers and teachers).
- It is necessary to lay down clear EU-wide standards on Equality Bodies and their role in rights awareness by the EU Commission and the Member States.
- The general lack of awareness on human rights should be addressed by integrating fundamental rights education into formal and compulsory school curricula.

Equality Bodies

- Development of EU standards concerning the effectiveness and independence of Equality Bodies and monitoring of this.
- Expansion of the mandate of Equality Bodies to cover a full range of protected categories.
- Expansion of the protected grounds at European level by amending the scope of equal treatment legislation at EU level (e.g. Horizontal Directive).

B) Thematic issues

Hate crime

- Overall, there is still a need to clarify the basic concept of hate crimes (or bias-motivated crime) and hate speech, and to raise awareness of the necessity to address such crimes.
- The full and timely implementation of the EU Victims' Directive (2012/29/EU) with regard to victims of crimes committed with a discriminatory motive would be a very significant next step.
- In order to promote the trust of victims in the ability and resolve of police services to deal with hate crimes in a respectful and sensitive manner, safeguards against any discriminatory attitudes on the part of police officers need to be reviewed and strengthened.
- Prosecutor offices specialised in hate crime and discrimination should be established.

Roma integration and anti-Gypsyism

- Mainstreaming Roma inclusion into general social inclusion, starting with housing: moving Roma from segregated ghettos to social housing.
- Promoting rights awareness and a human rights-based approach to Roma inclusion.
- Making sure that there are indicators and funding for transversal issues in National Roma Integration Strategies, such as combating forms of discrimination.
- Applying anti-discrimination law.
- Addressing the situation of slums and ghettos, and especially of Roma and children living in these communities, has to be included in the EU and Member States social inclusion policies.
- Not making Roma integration a 'Roma issue', but one that addresses both Roma and non-Roma. Engaging the general population in getting to know the Roma through sustained interaction and dialogue.
- Not doing things for the Roma, but giving Roma a real chance to act for themselves. Encouraging Roma self-organisation.

Rights of victims of crime

- The implementation at national level of the EU Victims' Directive (2012/29/EU) establishing minimum standards on the rights, support and protection of victims of a crime should be monitored.
- Victims who are under guardianship should be ensured legal personality (*persona iuris*).

- There should be a uniform approach to all victims of crime – not a ‘categorisation of victims’ and a hierarchy of victimhood (e.g. victims of terrorism or domestic violence have a strong voice through pressure groups, etc., while victims of other types of crimes remain invisible and underrepresented).
- As victims of crime do not always recognise themselves as such, awareness of rights and procedures among victims is needed.

Implementing laws and policies to address irregular migration in line with fundamental rights

- Revise the role of borders in the EU, which should not only serve security purposes, but also facilitate access to international protection. There is a need for safe and effective legal avenues to access international protection in the European Union. Rules on protected entry and humanitarian visas should be developed.
- EU solidarity through the distribution of asylum seekers and refugees should be promoted.
- Regularisation across the EU should be discussed.
- There is a negative public attitude to irregular migration which leads to restrictive laws, policies and practices; these measures may in turn strengthen the perception among the public that irregular migrants would be ‘criminals’. Therefore terminology should abandon criminalising language (for instance, never ‘illegal’ migrant, always irregular migrant); there should be a change in the ‘narrative’ to acknowledge the need for a migrant work force, and the economic and cultural contribution migrants make.
- The scope of legal standing (*locus standi*) for NGOs in legal and complaint procedures should be enlarged.
- Clear channels and formats of communication should be set up for NGOs to contribute to the European Commission evaluations on the implementation of EU law.

Children

- The rights of all migrant children to be equally protected must be promoted. This means that every child is treated first and foremost as a child, irrespective of social or ethnic background, gender, ability or migration status, whether unaccompanied or accompanied by their parents or other caregivers.
- The mandate of the European Commission’s child coordinator should be broadened.
- Data need to be collected and awareness raised about the situation of children living in ghettos in the EU.
- The inclusion of a strategic framework on children in different areas needs to be promoted to develop a comprehensive approach.
- A rights-based and child-sensitive complaints mechanism ensuring effective access to justice for children (also accessible for children deprived of their liberty) must be developed.

- A non-violent juvenile justice system should be created, which changes the approach of dealing with children in conflict with the law. Social, economic and psychological support should be offered as an alternative to policing, prosecuting and incarcerating children.

Children at EU borders

- Currently there is a lack of experts' involvement, and low priority given to the issue of children at borders. Special monitoring bodies need to be set up to develop synergies with other existing monitoring mechanisms and bodies. Their mandate should be used to access centres at which children are detained. The number of visits to airports should be increased.
- A comprehensive child protection system and long-term strategy should be developed.
- State authorities need to develop and increase training for all actors who come into contact with children at borders (border guards, guardians, etc.).
- The EU needs to develop 'best interest' determination guidelines for border guards. A safe clause on 'best interests of the child' should be included in the Schengen Border Code.
- Guidance should be developed to improve interagency cooperation for preventing and responding to the disappearance of unaccompanied children.
- Child detention must be ended. This should be included as a priority in the next EU agenda for children's rights.

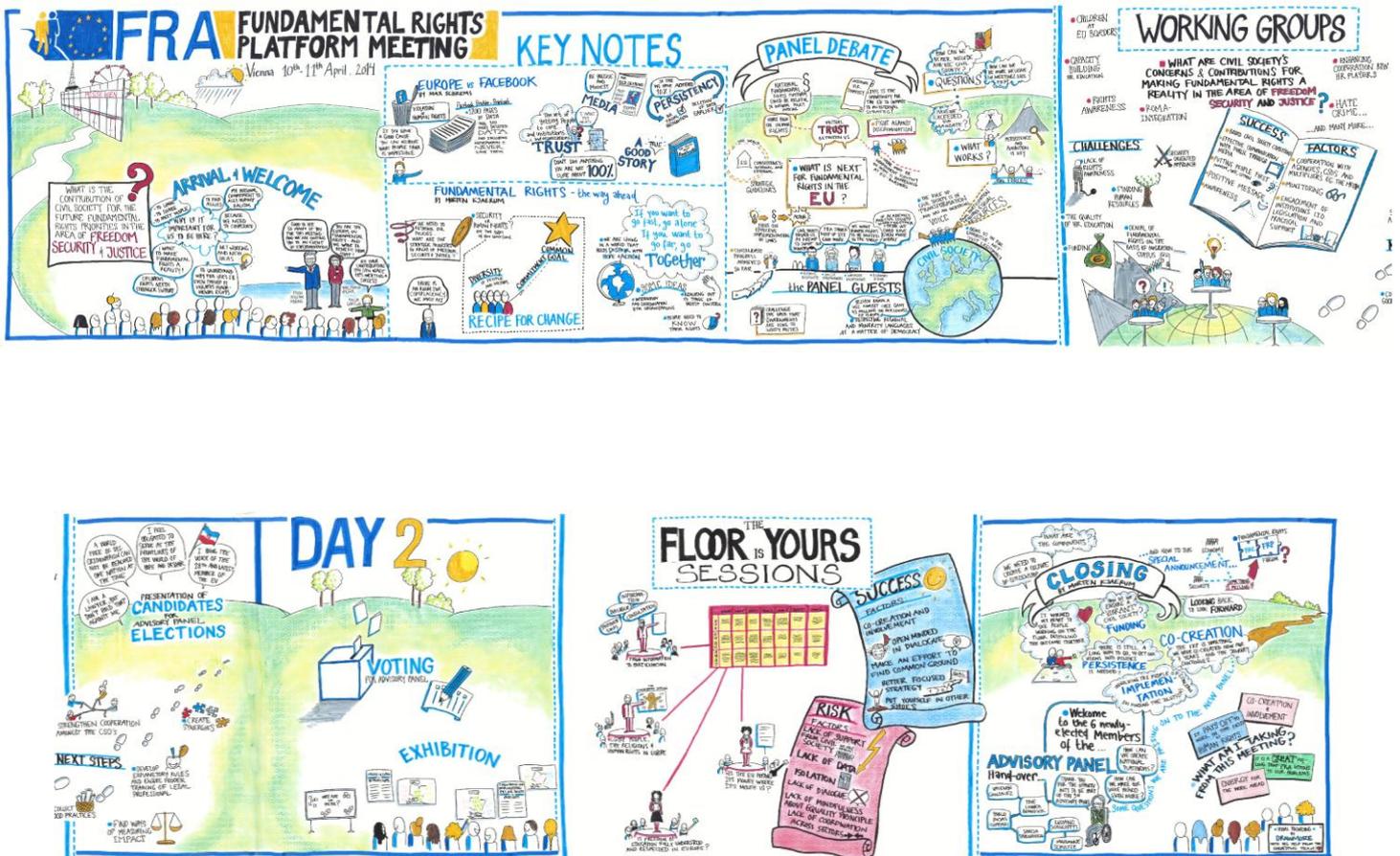
Age

- Currently, the impact of ageing is missing in the Post-Stockholm process. A strategy on ageing should be included in future EU priorities on fundamental rights to fill the existing protection gap and ensure mainstreaming across all EU policies. (The Council of Europe Recommendation on the promotion of human rights of older persons could be used as a reference document).
- Age discrimination should be covered beyond employment; to this end the horizontal non-discrimination directive should be unblocked.
- Increase multi-stakeholder dialogue by organising meetings with civil society, Council working groups (FREMP, COHOM, SQWP), Commission services and FRA to ensure the voice of older people is heard and that EU policies take age discrimination and the rights of older people into account.

Women – violence and security

- Violence against women should be recognised as a fundamental rights abuse that needs to be addressed by means of criminal law.
- Concerning victims’ support services: sustainable funding is required for specialist services for women and children that are free of charge, geographically distributed, multilingual and disability-friendly.
- Regarding policy reviews: the European Commission needs to review the implementation of the EU Victims’ Directive (2012/29/EU) to ensure it meets the needs of victims in practice.
- Policies and plans should be based on the experiences of women. As there is high underreporting, more data collection exercises should be funded.
- A victim-centred and rights-based approach is needed, which would move violence against women from the private into the public sphere.

Graphic summary of the meeting:



ANNEX I: Working Group sessions



OVERVIEW OF WORKING GROUPS ON 10 APRIL 2014

| | | | | | | |
|---------------|---|--|--|---|---|---|
| 15:45 - 17:00 | <p>Room 1</p> <p>Enhancing cooperation, coordination and sharing of practices between human rights players</p> <p><i>Dennis Van der Veur (FRA) and Annica Ryingbeck (Social Platform)</i></p> | <p>Room 2</p> <p>Roma integration / anti-gypsyism</p> <p><i>Andrey Ivanov (FRA) and Valeriu Nicolae (World Vision)</i></p> | <p>Room 3</p> <p>Hate crime</p> <p><i>Albin Dearing (FRA) and Catherine Lynch (ENAR)</i></p> | <p>Room 4</p> <p>Children at EU borders</p> <p><i>Martina Huber (FRA) and Daphné Bouffillet-Paquet (Save the children)</i></p> | <p>Room 5</p> <p>Capacity building and human rights education</p> <p><i>Elena Begant (DARE network) and Aydan Iyigüngör (FRA)</i></p> | <p>Room 6</p> <p>Access to justice (lower thresholds, improve and facilitate access and increase effectiveness)</p> <p><i>Klaus Lörcher (ETUC) and Jana Gajdosova (FRA)</i></p> |
| 17:00 - 18:15 | <p>Room 1</p> <p>Funding civil society organisations and their work</p> <p><i>Allan Leas (ECRE) and Elena Balzarini (FRA)</i></p> | <p>Room 2</p> <p>Rule of law</p> <p><i>Maria Fernandez-Molinero (European Commission) and Gabriel Toggenburg (FRA)</i></p> | <p>Room 3</p> <p>Monitoring and data collection by civil society</p> <p><i>Henri Nickels (FRA) and Mark Gardner (Community Security Trust)</i></p> | <p>Room 4</p> <p>Implementing laws and policies to address irregular migration in line with fundamental rights</p> <p><i>Ann-Charlotte Nygard (FRA) and Israel Butler (OSI)</i></p> | <p>Room 5</p> <p>Rights awareness</p> <p><i>Dominika Bychawska (Helsinki Foundation) and Pia Tirronen (FRA)</i></p> | <p>Room 6</p> <p>Rights of victims of crime and victim support</p> <p><i>Jonas Grimheden (FRA) and Pablo Rojas Coppari (Migrant Rights Centre Ireland)</i></p> |

Enhancing cooperation, coordination and sharing of practices between human rights players

Chairs: Dennis Van der Veur (FRA) and Annica Ryngbeck (Social Platform)

1. What are the challenges associated with cooperation, coordination and sharing of practices between human rights players that need to be addressed?

- No funding for civil society organisations
 - Funding is inaccessible (especially for small national NGOs) and complicated procedures
 - Difficulties to follow-up on projects because of lack of funding
- Fragmentation between institutions
 - Disconnection between different policy areas, e.g. European Commission DGs (DG JUSTICE deals with fundamental rights, DG EMPL with social inclusion/rights and DG Home with migration) and between national Ministries - even if NGOs work across different grounds of discrimination and identify commonalities, civil society cannot get across with its messages, i.e. decision-makers' shared responsibility becomes no one's responsibility
- Decision-makers don't talk to civil society
 - Governments push NGOs out of the decision-making process and NGOs cannot access higher officials (they don't talk to 'average people')
- Other points
 - Lack of representation of minority groups and/or minority groups within minorities
 - Challenge to reach national level with the outcome of FRA's reports
 - Artificial partnerships to achieve EU scale projects
 - Lack of qualitative and quantitative data for the implementation of NGO's work

2. What is working well with cooperation, coordination and sharing of practices between human rights players in making fundamental rights a reality? What were the "success factors"?

- To put people first
 - Involve, hear and listen to the needs and concerns of people on the ground. Make people aware of human rights violations and explain why EU policies are relevant for the grass-root level
- Cooperate for common goals
 - Create local and national "Fundamental Rights Platforms" and involve different stakeholders at local, regional, national, European and International lev-

- el, such as: people concerned, civil society organisations, national equality bodies, UN Agencies (e.g. Commission on Human Rights), academia, media and private foundations
- Fruitful networking, including mutual learning and sharing of experiences and information vertically and horizontally (e.g. also between minorities from EU and third countries)
 - Access high level decision-making processes and policy-makers
 - Ensure public visibility and awareness raising
- Successful example
 - Social Platform is a civil society alliance of 47 pan-European networks of NGOs fighting for civil and political or economic, social and cultural rights
 - 250 Austrian NGOs successfully worked together for the UN Universal Periodic Review process with the help of pro bono lawyers
 - FRA's hate crime work and legal opinions feed into the Council conclusions

3. What would be elegant next steps?

- By FRA?
 - Develop a toolkit for effective alliance building at EU level to answer 'how to do it' to allow others to be eligible for EU funding
- By the European Commission?
 - Clarify to civil society organisations what real cooperation means by the European Code of Conduct on Partnership
 - Allocate a percentage of European Social Fund to human rights NGOs which also enables small national NGOs to apply for funding
 - Allow for funding to upscale successful projects
- By the European Commission/Council?
 - Develop an EU internal Human Rights Strategy (call by NGOs and the FRA)

Roma integration and anti-gypsyism

Chairs: Valeriu Nicolae (World Vision) and Andrey Ivanov (FRA)

1. What are the challenges associated with Roma integration and anti-Gypsyism that need to be addressed?

- Application of legislation on anti-discrimination;
- Negative image of Roma (prejudice and stereotypes);
- Economic recession and austerity measures: it had a wider negative impact on Roma than it had on the rest of the population. People may be more reluctant to 'help' Roma as their own economic situation has worsened. Dismantling of the welfare state and no redistribution of wealth through austerity measures;
- Stigmatization of Roma, also in the media: the Roma issue is addressed as a specific issue while they need to be INCLUDED amongst the rest of vulnerable groups (e.g. social housing) → need for mainstreaming;
- Ignorance of Roma history and Roma individuals: need to better understand anti-Gypsyism and its causes, e.g. power and interest. Those working on Roma do not always know who the Roma are (stereotypes of Roma as criminals, assumption that Roma migrate to Western Europe for social welfare reasons). There are many interests involved in keeping anti-Gypsyism as it is, drawing an image of Roma as an under-class;
- Short institutional memory;
- Lack of knowledge of the variety of Roma groups (i.e.: settlement in Italy built - with good intention- but putting together Roma groups in conflict with each other);
- Contradictory message by the EU: on one side it asks MSs to develop National Roma Integration Strategies, on the other it imposes budget cuts for social policies – how to balance these competing interests;
- The existence of anti-Gypsyism is not always recognised: it is so deeply rooted in European culture that people do not even realise it exists;
- Projects, funding and initiatives targeting only Roma, further build anti-Gypsyism;
- Racism against Roma in general non-Roma population;
- Lack of human rights-based approach. Focus is most often on an economic approach to integration (integrating Roma will bring economic benefits to the whole community) but not always on inclusion and anti-discrimination measures;
- Lack of Roma representation at institutional level;
- Heavy institutional barriers;
- Political backlash & right wing rhetoric;

- Culture of ghettos: people automatically assume that Roma are living in ghettos, and that people living in ghettos are Roma (this results in groups of people, including non-Roma, that are treated as Roma, and perpetuates also negative stereotypes);
- Social integration of children;
- Unemployment;
- Implementation of policies on a grass-root level is difficult;
- Lack of political willingness to implement National Roma Integration Strategies (NRIS);
- Lack of political participation of Roma.

2. What is working well with Roma integration and anti-Gypsyism in making fundamental rights a reality? What were the “success factors”?

- Inter-disciplinary approach mainstreaming Roma inclusion into general social inclusion (applicable for housing, funding and all initiatives) starting with housing, moving Roma from ghettos to social housing;
- Training programmes and encouragement of Roma youth and Roma women;
- Grants to support Roma in further development;
- Helping to promote a positive image of Roma through bringing ‘invisible’ Roma forward (e.g. famous successful Roma);
- Lessons learnt from Apartheid and reconciliation in other parts of the world and applied to Roma;
- Involving Roma mothers in education of Roma children;
- Strategic litigation;
- Awareness-raising training to media;
- Engagement of general non-Roma population in getting to know Roma;
- Projects promoting access to education;
- Political working groups and discussion tables on anti-Gypsyism;
- Using European Social Fund (ESF) funding for Roma with quality control;
- Bottom up approach: empowering Roma by including them in the design of policies and projects;
- Promoting individual success stories.

3. What would be elegant next steps?

- By civil society?
 - Help Roma communities directly since civil society is close to them
 - Encourage self-organization of Roma
 - Contribute to empowerment of Roma communities and their participation in different activities/processes/policies
 - Mainstreaming Roma inclusion into general social inclusion starting with housing: moving Roma from segregated ghettos to social housing
 - Political mobilisation of Roma
 - Promotion of rights-awareness and a human rights-based approach to Roma inclusion
 - Language used in communicating with Roma (especially by international actors) shall be the language of that community (national language, Romani, etc.)
 - Stimulate inter-communal exchange
 - Strengthen legal and social protection
 - Engage general population in getting to know the Roma through sustained interaction and dialogue
- By other players (and whom)?
 - Don't do things for the Roma, but give Roma a real chance to act for themselves
 - Facilitate involvement of Roma in defining their real needs
 - Make sure that there are indicators and funding for transversal issues such as combating forms of discrimination in NRISs
 - Make sure that different actors are actually communicating and working together (Roma communities i.e. the people living on the ground, the 'includers, integrators' and the institutions including the EU level, and policy-makers)
 - Don't make Roma integration a 'Roma issue', but address both Roma and non-Roma. Work with other organizations dealing with similar issues. Mainstream Roma culture through media and community-based interactions
 - De-mystifying Roma through personal interactions and experiences, to give the issues a human face (go beyond and know the reality on the ground)
 - Acknowledge the diversity of Roma
 - Use art, culture and creative approaches to encourage unity
 - National level tools to tackle anti-Gypsyism and to hold people accountable for racism
 - Promote education of Roma children
 - Recognize structural racism in institutions and make it visible
 - Apply anti-discrimination law
 - Promote representation of Roma in all areas of society
 - Impose dissuasive sanctions

Hate crime

Chairs: Albin Dearing (FRA) and Catherine Lynch (ENAR)

1. What are the challenges associated with hate crime that need to be addressed?

- Difficult to adopt an exhaustive definition;
- Bulgarian police prosecution officers and police don't mention hate crimes as such in the court. As a result, these crimes are treated as normal crimes in the court. E.g. the article on murder in the criminal code does not have a sub-article for hate crime. -> No recognition and implementation;
- Latvia: list of grounds of hate. Regarding hate speech, the police focus only on comments on the internet. Sentences are given but not implemented;
- Netherlands: No discussion in society. There is however a lot of hate speech, also by political parties;
- In Germany hate crime is connected to the political conviction of the person, not to the crime itself;
- The Victims' Directive may change something in this direction;
- Not including disability in the list of grounds.

2. What is working well with hate crime in making fundamental rights a reality? What were the "success factors"?

- Report on racism and hate crime in Northern Ireland by NHRI, capturing reported incidents and prosecution;
- Spain: official hate crime prosecutor in High Court. It is useful to have a person also on national and provincial level;
- Victims' Directive: stops creating catalogues of brands, just says "discrimination";
- Art. 22 of the Directive: how will it be implemented for victims of homophobic crimes, disability hate crimes, etc.? -> need for much more guidance from the EU;
- We don't need new lists, this relates to all forums of hate crime.

3. What would be elegant next steps?

- By civil society?
 - Underreporting problem (only 57% report -> offer assistance to victims of hate crime in some way)
 - Resources
 - Legal representation at court
 - Croatia: LGBT NGOs the only ones who push the agenda

- More awareness: hate crime till now concerns only few lawyers and NGOs, but not "normal" people.
- Greece: hate crime not even a concept yet. We have to find a concept. (It is interesting to see the differences at state level, in some countries we are talking about next steps and in some we don't even have a concept yet).
- By other players (and whom)?
 - Contact officers in police (people are not always sure that the police is the most appropriate to talk to)
 - Delinking between immigration and hate crime policies
 - Malta: NGOs are also victimised
 - Police officers should be trained (like it happened with violence against women)
 - Legislation – implementation
 - Reporting enhancement: victims support (tailor made support) and police training
 - Public prosecutors with specialisation

Children at EU borders

Chairs: Daphné Bouteillet-Paquet (Save the children) and Martina Huber (FRA)

1. What are the challenges associated with children at EU borders that need to be addressed?

- Timely identification of children
 - Low priority from authorities' side = focus on border control and not protection issues
 - Lack of experts' involvement
 - Age assessment: methods and consent
 - Older age of children (e.g. 16 and 17 year olds) considered to justify less protection
- Operationalise best interest of the child
 - No operational definition of the best interest of the child for border guards
 - Lack of coordination between actors
 - Lack of training
 - Not all vulnerabilities are taken into account (trafficking in human beings, torture, statelessness, etc.)
- Representation arrangements: on time and of good quality
 - Preliminary arrangements at airports often insufficiently ensure best interests
 - Initiation of formal guardianship: initiated late, unclear procedures
 - Legal assistance: practical obstacles in terms of access, capacity, timeliness
 - Child-friendly communication: limited efforts to inform and communicate with children in a way that is understood by them
 - Limited consideration of children's views
- Swift referral to adequate services
 - Lack of legal clarity if/when protection services are competent/must be called
 - Preliminary holding centres: conditions, services and duration of holding children
 - Reception centres: disappearance of unaccompanied children
 - Registration of data: how to ensure that data registered are used in Border Information Centres (BIC)?
- Coordination of actors
 - Lack of guidance on cooperation between actors
 - Enhance the role of EU actors (operational actors and policy-makers)
 - Monitoring of border procedures
 - Lack of transparency
 - Limited access to information and facilities

2. What is working well with children at EU borders in making fundamental rights a reality? What were the “success factors”?

- Broad/comprehensive approach: including cooperation for the screening and identification of victims of torture and trafficking;
- Training of border guards on trafficking and key steps for identification of possible victims;
- Presence of cultural mediators immediately at borders;
- Swift appointment and immediate presence of a guardianship organisation at borders (e.g. Netherlands and child protection workers);
- Mobile child protection groups that can provide quick support;
- Design and implementation of standard operating procedures (SOP) for referral;
- Collaboration of multiagency/NGOs and State actors, effective presence on the ground/at immediate reception (Praesidium project in Italy);
- Funding and thus political buy-in (IT Praesidium, ES Red Cross);
- First contact with a civil society organisation before first interview with (border) police (ES Red Cross): Children and women arriving by sea are first met by Red Cross staff and have access to basic services (shower) and a social worker, which creates trust for persons/children to come forward with protection grounds/needs;
- Involvement of NGOs in the overall process at borders;
- Comprehensive protection mechanisms and long-term vision (IT Praesidium): cooperation of actors at border extended to inland procedures and based on multi-annual planning.

3. What would be elegant next steps?

- By civil society?
 - Advocate for a clear distribution of roles
 - Advocate for ending child detention
- By Monitoring bodies?
 - Develop synergies with other existing monitoring mechanisms and bodies. Use their mandate to access the places of detention of children
 - Increase the number of visits to airports
- By State authorities?
 - Develop and increase trainings of all actors in contact with children at borders (border guards, guardians, etc.)
 - More funding of civil society organisations

- At EU level?
 - Develop best interest determination guidelines for border guards
 - Develop guidance for improved interagency cooperation in preventing and responding to disappearance of unaccompanied children
 - Ending child detention and including it as a priority in the next EU agenda for children's rights
 - Include a safe clause on Best interest of the child in the Schengen Border Code
 - Develop a comprehensive (all needs to be addressed) and long-term vision protection system and cooperation (e.g. Praesidium project implemented since 2006)

- At Frontex level?
 - Implement common core curricula at national level and in Frontex operations
 - Ensure that the consultative forum does the follow up of the previous point

Capacity building and Human Rights Education (HRE)

Chairs: Elena Begant (DARE) and Tara Morris (FRA)

1. What are the challenges associated with capacity building and human rights education that need to be addressed?

- There is still not enough interest in and support for HRE. People do not attach much importance to it, hence the need to communicate more, build teaching strategies, and place HRE as a priority, in order to educate about, for and through human rights. This will help break stereotypes and change mentalities;
- There is a need for higher “inter-connectedness” in order to involve the right multipliers, to know what other actors from other fields say in this matter, and how they define human rights. Hence the need for a multiplayer dialogue, involving not only members of civil society, but also civil servants, journalists, i.e. those who should communicate about HR. This dialogue would lead to a shared definition of human rights according to a modern instrumental approach (that would include de facto for example health as a human right), and not only to a historical (and inherited) point of view. It would also create tools that measure the results and impacts of capacity building actions, in order to guarantee the correctness and professionalism of discourses on human rights (through training of the press for example);
- Training takes time and needs resources. Poor training is counter-productive. Financial funding and resources are missing, due to this lack of interest, which prevent developing training capacities, adopting personal approaches and so on;
- The current economic / political context is not conducive to HRE. Education sometimes focuses on minority / vulnerable status instead of principles of inclusion. Individual problems should be linked to collective HR issues.

2. What is working well with capacity building and human rights Education in making fundamental rights a reality? What were the “success factors”?

- Existence of an EU Fundamental Rights Charter, and many other documents and organisations supporting human rights: this is something unique that gives support to many human rights actions;
- Existence of important, well-structured and capable organisations that can teach human rights (e.g. Amnesty International or the Council of Europe) is helpful. This allows other organisations to work with them or to use their work;
- Many successful small-scale actions teaching human rights to different groups of people, such as religious groups, news reporters, military & police groups, or extreme rights groups. The achieved aims of those actions are as diverse as emphasizing stereotypes and confronting the participants’ ideas, promoting freedom (of religion, sexual orientation...), implementing peace missions, working together on a long-term and multi-disciplinary approach on changing legislation, changing thoughts, attitudes and practices through a non-criticism approach and non-formal activities, creating materials on teaching human

rights (good practices), etc.;

- Training facilitated by experienced and knowledgeable HRE trainers who are not lawyers, civil servants, police, etc., gives other perspectives. This allows the creation of joint projects and interconnection. A multidisciplinary multi-channel approach is also useful. This can entail combining bottom up and top down approaches;
- Training courses should be objective driven and build in practical examples to complement theory;
- Involve and have personal contact with the target group (media, lawyers, etc.) in the development of a wide range of targeted training material (content, theme, language);
- Have motivated and committed trainers and HRE organisations;
- Choose subjects that strike public attention, interest the public and make training more understandable;
- Long term and predictable financing to underpin HRE initiatives;
- The use of non-formal education;
- Monitoring and evaluation help fine-tune and improve training.

3. What would be elegant next steps?

The value of human rights education needs to be recognised at all levels.

- By civil society?
 - Civil society should continue its task of raising awareness of the need for HRE. This entails creating HRE programmes and networks, so as to create synergies while avoiding the pitfalls of duplication. This also involves sharing good practices, etc.
 - To help raise awareness there is a need for engagement with partners and multipliers to explain what is HRE, its added value and the tools available. This could include targeted training towards the media, lawyers, etc. Teaching a better understanding of the Charter of Fundamental Rights by lawyers could help
 - Closer cooperation with the Council of Europe's educational activities may help
 - Research into the need and impact of HRE should be carried out to boost support for HRE
 - HR workers also need to be trained about HRE and should recognise that this is often carried out by HRE specialists. Knowledge of HR doesn't necessarily mean you can teach HR
 - Develop HRE standards / impact indicators

- By other players (and whom)?
 - Facing the general lack of awareness on human rights, HRE should be brought into formal and compulsory school curricula. An EP resolution making HRE obligatory may help
 - Developing targeted training material
 - EU directives, with support from FRA, could establish well-defined standards on HRE. In particular, a curriculum should be developed on 'human rights against extremism'
 - More generally EU laws should recognise the need for HRE
 - HRE could also form part of training courses across other subjects (health professionals, journalism, lawyers, etc.)
 - HRE should be added to FRA's MAF
 - FRA should take care of catering to groups that most need help

Access to Justice

Chairs: Klaus Lörcher (ETUC) and Jana Gajdosova (FRA)

1. What are the challenges associated with access to Justice that need to be addressed?

- Accessibility of EU law (also by way of better understandable legal texts);
- Empowerment of citizens by informing them of their rights;
- Access to a lawyer (incl. quality of legal assistance) and access to legal aid (in particular now where many states have experienced cuts as part of austerity measures);
- Ways to increase access to collective complaints, in both national and international courts;
- Effective execution of decisions delivered by int'l bodies, such as ECtHR;
- Lack of implementation of CoE /UN committees' recommendations;
- Non-ratification of different UN instruments (incl. different additional protocols providing for a possibility to lodge an individual complaint) by EU/EUMSs;
- Different layers of and at times not-converging human rights standards (EU/CoE/UN) make it more complex for human rights lawyers to provide adequate advice to individuals about the most convenient and feasible strategy in a specific case;
- Non-existence of "amicus curiae" interventions before the Court of Justice of the EU;
- Expensiveness and lengthiness of judicial proceedings;
- Lack of awareness of human rights standards among judges;
- Non-adequate transposition of EU secondary law;
- Lack of coordination between CSOs and State actors.

2. What is working well with access to Justice in making fundamental rights a reality? What were the "success factors"?

- "Know Your Rights" Guide on Victims' Directive by JUSTICIA - further shared within its network with different NGOs working in the field;
- Austria - a newly established body to direct individuals to specialised and competent body to deal with their intersection discrimination complaints;
- Austria - including representatives of grass-root NGOs and academia in training of judges;

- Belgium – establishing a group of highly specialised lawyers from the area of rights of the child to provide free advice to other domestic lawyers on which supra-national avenue is best suited for their concrete cases (EU/CoE/UN);
- Collective complaints, where such possibility exists;
- Amicus curiae interventions before ECtHR.

3. What would be elegant next steps?

- By civil society?
 - Cooperation among FRP members beyond the FRP meetings
 - Get involved in training of legal professionals
 - Engage more in collective complaints and as amicus curiae in judicial proceedings at both national and European levels
 - Systematically follow up on various recommendations and monitoring reports made by various int'l monitoring bodies (UN/CoE committees) as well as push for a proper execution of ECtHR judgments, including in order to improve situations but also avoid future violations (as prevention)
 - Awareness-raising
- By the EU?
 - Provide for a greater possibility of the use of collective complaints by NGOs in different areas
 - Provide for a possibility of amicus curiae interventions before the CJEU
 - Bring together all existing fundamental rights standards from different levels (EU/CoE/UN), including different country specific recommendations/judgments to facilitate their understanding by national actors (legal professionals, etc.) and push for their proper execution in EUMSs
 - Develop training materials, handbooks, guidance, etc.
- By the EUMSs, with or without the EU?
 - Training judges, lawyers and CSOs
 - Full implementation of Stockholm programme, including individual instruments
 - Provide for independence standards for all bodies dealing with individual complaints (courts + non-judicial bodies) for independence of judges
 - Ratification of all UN instruments to tackle the internal vs. external dilemma

Funding civil society organisations and their work

Chairs: Allan Leas (ECRE) and Elena Balzarini (FRA)

1. What are the challenges associated with funding civil society that need to be addressed?

- Inept design of EU funding;
- Lack of trust in civil society organisations (CSOs) and wrong perception of their work (in some countries NGOs are still viewed with deep suspicion);
- Co-financing of projects and risk of artificial partnerships (e.g. a Lithuanian NGO has to enter into a partnership with NGOs from Greece or Portugal rather than from Poland, Estonia, etc. The idea behind that rule was to bring EU NGOs to work together, but it does not work in practice. It is not enough to just have geographical coverage);
- Unwillingness of donors to fund small organisations, which are therefore under resourced;
- Core funding vs project funding;
- In this period of financial austerity the majority of the funding goes to big organisations;
- FRA's reimbursement policy for this conference has to be discussed.

2. What is working well with funding civil society? What were the "success factors"?

- Building trust in CSOs and true transparency in their work is an important factor in guaranteeing funding;
- Corporate sponsorship;
- Influencing the design of funding "calls", co-designing funding proposals;
- Small organisations to cooperate under a single umbrella;
- More focused projects if less funding is available;
- Database of donors;
- Networking and finding support.

3. What would be elegant next steps?

- By civil society?
 - Capacity building (e.g. training on accessing the EU funding)
 - More active participation in the design of EU funding by CSOs
- By FRA?
 - Develop a database of funding options
 - Make survey/studies on funding in the EU (what works and what doesn't)
 - Exploring the viability of corporate (sponsorship) funding
 - Providing cost-free training on project design and management
 - Better financial support to attend FRA's events (e.g. FRP)

Rule of law

Chairs: Gabriel Toggenburg (FRA) and María Fernandez-Molinero (European Commission)

1. What are the challenges associated with new rule of law mechanism?

- Relationship between new framework and Art. 7 TFEU not very clear;
- Common understanding / clear definition of 'rule of law';
- Coverage in terms of social and economic rights not clear;
- Implications of diversity of constitutional traditions (for instance with regard to including minorities);
- Mechanism does not appear to cover all values listed in Art. 2 TEU;
- Involvement of other EU institutions remains to be clarified;
- What exactly triggers the mechanism and how does the mechanism relate to situations that do not develop ad hoc but consist of serious problems slowly increasing over time;
- How to involve civil society and right holders;
- Are NGOs willing to raise cases or bring data to EU institutions when there is a lack of confidence in public institutions;
- Where to find the balance between the rule of law and democracy and how to deal with the rise of political extremism.

2. What is promising with the new rule of law framework? What were the "success factors"?

- Clarification of procedure and institutional approach by Commission;
- Communication by Commission can now form basis for further debate and proposals;
- Debate can be based on a recognised and shared list of values (Art. 2 TEU);
- The debate revealed a consensus of legitimacy of EU intervention in the context of Art. 2.

3. What would be elegant next steps?

- By civil society?
 - Make proposals how civil society can be integrated in the rule of law debates
- By EP/Council/COM?
 - EP and Council should react on the new Framework on the rule of law as launched by the Commission
 - EU institutions should develop an internal EU strategy on human rights
 - They should extend the Framework explicitly to all Article 2 values, especially fundamental rights as listed in the Charter
- By Member States?
 - EUMS should monitor extremist parties and make sure that they are not receiving public funds
 - Better use of existing instruments (especially in enforcement)
 - Increased access to justice by individuals confronted by barriers (i.e. refugees)

Monitoring and data collection by civil society

Chairs: Henri Nickels (FRA) and Mark Gardner (CST)

1. What are the challenges associated with monitoring and data collection that need to be addressed?

- The main challenge is how to feed the data into political and policy processes: the question is to know how civil society organisations can best work with other stakeholders so that the data that they collect reach political actors and are used by them;
- There is a critical lack of human and financial resources for many civil society organisations. This limits the capacity of many such organisations to collect data of the appropriate quality and to get these data to those who would need them;
- While civil society organisations are often expected to fill the gaps that official bodies cannot or will not address, these organisations are not given the means to pick up these tasks.

2. What is working well with monitoring and data collection in making fundamental rights a reality? What were the “success factors”?

This was not discussed in the group.

3. What would be elegant next steps?

- By civil society?
 - Civil society organisations should build up partnerships with other agencies so as to increase their capacity to collect and disseminate data
- By other players (and whom)?
 - Civil society organisations should be involved in processes whereby official bodies collect data, as equal partners
 - The EU should fund programmes on access to education/capacity building for victims/civil society organisations to increase their professionalism

Implementing laws and policies to address irregular migration in line with fundamental rights

Chairs: Ann-Charlotte Nygård (FRA) and Israel Butler (Open Society Foundations)

1. What are the challenges associated with implementing laws and policies to address irregular migration in line with fundamental rights that need to be addressed?

- Negative public attitudes to irregular migration which lead to restrictive laws, policies and practices; these measures may in turn strengthen the perception among the public that irregular migrants are indeed criminals;
- Denial of fundamental rights on the basis of migration status;
- Security oriented approach that results in an attempt to control migration and offers few possibilities for legal migration, but in reality promotes exploitation and trafficking in human beings.

2. What is working well with implementing laws and policies to address irregular migration in line with fundamental rights in making fundamental rights a reality? What were the “success factors”?

- Litigation (such as the collective complaints mechanism under the European Committee of Social Rights, Council of Europe);
- Training of legal practitioners specialised in asylum and migration law on fundamental rights issues;
- Broad civil society coalitions, including social movements;
- Practical/operational guidance to support the implementation of migration laws in line with fundamental rights;
- Effective communication with the public through media.

3. What would be elegant next steps?

- Change public perception through: change in terminology to abandon criminalising language (for instance, never “illegal” migrant, always irregular migrant); change in “narrative” to acknowledge the need for migrant work force, and the economic and cultural contribution migrants make;
- Clear channels and formats of communication for NGOs to contribute to the EC evaluations on the implementation of EU law;
- Enlarge the scope of legal standing (locus standi) in legal and complaint procedures;
- Promote EU solidarity through the distribution of asylum seekers and refugees;

- Revise the Dublin rules;
- Urgently develop rules on protected entry and humanitarian visa;
- Address push factors by joining up trade, development and foreign policies with the migration policy;
- Make use of the Athens Strategic Guidelines to address fundamental rights of migrants.

Rights awareness

Chairs: Dominika Bychawska-Siniarska (Helsinki Foundation for Human Rights) and Pia Tirronen (FRA)

1. What are the challenges associated with rights awareness that need to be addressed?

- NGOs' funding: in some countries NGOs' campaigns are funded by State grants – authorities are of the opinion that they may make restrictions on how to use the funds. For instance in Estonia, authorities asked one NGO not to show certain photos during the campaign on refugees' rights;
- Equality Bodies (EB) should also be responsible for rights awareness, however there are big differences among EUMS as to EB' competences in this field;
- Raise awareness not only at the level of the victim but also at the level of the potential perpetrator;
- Raise awareness about refugees' rights;
- Efficiency of actions;
- Legal framework is incomplete: difficulties to raise awareness when the issue is not legally covered;
- Raise awareness via strategic litigation and conducting "big cases";
- Find a good journalist to follow a case on human rights issues, who will be able to report on it;
- Training for journalists, police, military, and other professionals on raising awareness;
- Not to look at human rights as an isolated factor;
- Raise awareness at the grass-root level and among excluded and marginalised groups.

2. What is working well with rights awareness in making fundamental rights a reality? What were the "success factors"?

- A 'success' example regarding NGOs' funding and State restrictions – setting up an enterprise, if possible (example from Czech Republic) → transfer money back to the NGO;
- According to some, a good way of raising rights awareness it to use courts via strategic litigation (e.g. LGBT rights in Austria) → allows for law change, gives publicity (however, the backlash effect was not discussed);
- Raising rights awareness amongst journalists, so that they are able to follow relevant case-law, describe and analyse it on a regular basis → allows raising rights awareness among society;

- Using available international instruments – good example of the organisation UPR Info (regular monitoring of UPR process);
- Evidence-based advice – bigger impact (see: FRA VAW report);
- Training of members of parliaments.

3. What would be elegant next steps?

- By civil society?
 - Rights awareness programmes should be addressed to perpetrators as well
 - Targeting professional groups other than magistrates and judges (medical staff, police officers, teachers)
 - Highlighting the fact that human rights are an issue in other areas of law, as well (for instance in the field of commercial law)
 - Putting a face to the institutions – when teaching about the possibilities of rights enforcement, try to organise a meeting with the representatives of particular institutions → allow people to think that there are 'real people' behind the abstract institutions
 - Reaching those who are now excluded; reaching people at a grass-root level
 - During trainings – have real stories behind the case-law (to make it real, not abstract)
 - When talking about human rights, focus on inclusion and not only on suffering
- By other players (and whom)?
 - Set EU standards as to EBs and their role in rights awareness by the EU Commission and the Member States
 - Human rights as a subject in school curricula; human rights education from the kinder garden level; teaching teachers about human rights
 - As to FRA CLARITY project – consider preparing a toolkit for local level, not only international
 - Ensure certain time for NGOs in public TV and secure funds so that they will be able to prepare relevant programmes
 - Introduce indicator standards for human rights
 - Raise awareness by having a direct contact with the stakeholders and general public
 - Make training available to public authorities by governments (also to parliament members) – not only general human rights training, but on specific human rights questions
 - Awareness raising tool needed at the local and national level not only at the EU level

Rights of victims of crime and victim support

Chairs: Jonas Grimheden (FRA) and Pablo Rojas Coppari (Migrant Rights Centre Ireland)

1. What are the challenges associated with rights of victims of crime and victim support that need to be addressed?

- Identification of victims of crime is often problematic, particularly when agencies in charge of the identification may have a conflicting dual role (example was given of victims of Trafficking in Human Beings (THB) for the purpose of criminal activities);
- Irregular migrants are particularly vulnerable, often do not report crimes and might have their status exposed when reporting a crime;
- Problems in identification coupled with a lack of adequate victim support and rehabilitation can lead to secondary victimisation, due to lengthy and complex procedures (e.g. victims of THB and victims of sexual violence);
- In certain settings, "crime" is not recognised as such (e.g. within institutions for persons living with mental disabilities) due to lack of proper monitoring and abuse of vulnerabilities of the victim (no opportunities to voice their concerns). This can result in impunity;
- Victims who are under guardianship or have no persona iuris (legal personality);
- Lack of awareness of rights: victims do not always recognise themselves as such. Some victims are unaware of how to access their rights (e.g. persons in detention, institutionalised persons);
- Violation of fair trial rights: e.g. right to information upon arrest or suspicion, pre-trial detention, torture and mistreatment in detention (compounded again by a lack of information);
- Lack of centralised training for law enforcement officers regarding the provision of information;
- Under-reporting: in certain jurisdictions up to 90% of hate crime victims do not report the crime. Under-reporting leads to impunity and lack of proper statistics on crimes;
- Lack of a victim-centred approach: victims' rights are not at the centre of policy considerations. Often overlooked at the expense of the criminal justice element;
- In Spain, there is a "categorisation of victims" and a hierarchy of victimhood, e.g. victims of terrorism or domestic violence have a strong voice through pressure groups, etc., while victims of other types of crimes remain invisible and underrepresented – no uniform approach to all victims of crimes;
- As a result of the above, there is a fragmented policy at national level, which then leads to fragmentation in compensation, rehabilitation, etc.;

- Advocacy strategy and rhetoric (both civil society and state levels) may be more focused on some groups than others due to political considerations or public perception.

2. What is working well with rights of victims of crime and victim support in making fundamental rights a reality? What were the “success factors”?

- In Spain, there are specialised hate crime prosecutors both at the national and regional levels, which gives victims an identifiable person to address;
- Directive 2011/36/EU states that when a person has been identified as a victim of THB for the purpose of criminal activities, the charges for such activities are not pursued;
- The explicit inclusion of undocumented migrants in the Directive 2012/29/EU establishing minimum standards on the rights support and protection of victims of a crime;
- Some success stories at the ECtHR, positive outcome for victims (e.g. not just limited to compensation, rulings also include suggestions for improvements and guidance for States);
- More awareness about the rights of some types of victims through international bodies such as the ECtHR, the CJEU and specialised UN/CoE bodies.

3. What would be elegant next steps?

- By civil society?
 - Increased and improved monitoring, reporting and pressure to bring the challenges identified to the foreground of public debate
 - Increase monitoring and research
 - Funding and resources need to be identified for such purposes
 - Awareness raising needs to be furthered so that certain groups of victims are not left behind
 - NGOs could provide support (e.g. by increasing accessibility through translation) in order to facilitate reporting, act as an interlocutor
 - Access to Legal Aid Schemes, including Free Legal Aid and Free Legal Advice
- By FRA?
 - Could compile best practices (also international, beyond Europe) on access to justice for victims of crime
 - Could enhance capacity-building by means of sharing such practices
 - Could support the monitoring of the implementation at national level of the Victims’ Directive (2012/29/EU) establishing minimum standards on the rights, support and protection of victims of a crime
 - Can play a role in coordinating and enabling enhanced monitoring techniques

ANNEX II: Floor Is Yours sessions

What is emerging?

Risk factors:

- Lack of dialogue
- Lack of data
- Lack of coordination
- Lack of respect for everyone
- ...



What are the success factors?



Success factors:

- Co-creation/ involvement
- Open-minded dialogue
- Finding common ground
- Better focused strategies
- ...

'THE FLOOR IS YOURS'

Plenary

Room 1

Room 2

Room 3

Room 4

Room 5

Room 6

How can civil society contribute to the implementation of actions suggested by the Mediterranean Task Force?

DG Home; European Commission, and FRA

Equality bodies and civil society organisations – natural allies in promoting equality and combating discrimination?

Equinet

LGBT people, the religions and human rights in Europe

Human Rights Without Frontiers (HRWF)

Europe Act Now – Pan-European campaign to ensure access to protection in Europe for Syria's refugees

European Council on Refugees and Exiles (ECRE)

Rights on the move: when academic research meets NGOs: Freedom of movement of children having parents of the same legal gender

European Commission on Sexual Orientation Law (ECSOL)

Non-violence as a means to enforce fundamental rights involving civil society

ERA Onlus

Mainstreaming ageing in the future priorities in the area of freedom, security and justice

AGE Platform Europe (AGE)

How should public officials and local authorities work with you? (FRA joined-up governance toolkit)

FRA and Prospeax
Participants are encouraged to bring a laptop or tablet.

The un-social media - facts, figures and activities to counter cyber hate

Zivilcourage und Anti-Rassismus-Arbeit (Zara)

Is the Frontex Consultative Forum a useful instrument for civil society?

Jesuit Refugee Service (ERS) and FRA

Ghettos around Europe – breeding criminality and human right abuses in capital cities all around Europe

World Vision and Policy Center for Roma and Minorities

The role of civil society in realising employment rights for undocumented migrants in the context of temporary migration policies

Migrant Rights Centre Ireland (MRCI)

Religious freedom unlimited?

European Federation of Centers for Research and Information on Sectarianism (FECRIS)

Creating a non-violent juvenile justice system

Defense for Children International (DCI) and Child Helpline International (CHI)

From information to participation: increasing the contribution of civil society to the political decision-making process

Council of Europe / Conference of INGOs

Security through a gendered lens – what are the key challenges in your society that affect the freedom, justice and security of women, and what new policies and initiatives could help overcome these?

Women's Networking Hub

Freedom of religion under threat

Observatory on Intolerance and Discrimination against Christians

What role can civil society play in effective implementation and transposition of EU law in light of past and future EU initiatives in the field of justice and home affairs policies, specifically in the area of procedural rights, and the rights of victims of crime?

JUSTICIA European Rights Network and ICCL

Is freedom of education fully understood and respected in Europe?

Profesionales por la Ética

How can the EU better protect migrant children's rights in future Home Affairs policy?

Platform for International Cooperation on Undocumented Migrants (PICUM)

10.00 - 11.00

11.25 - 12.25

12.30 - 13.30

How can civil society contribute to the implementation of actions suggested by the Mediterranean Task Force?

Hosts: Giulio Di Blasi (DG Home - European Commission) and Adriano Silvestri (FRA)

1. Reasons to discuss the Mediterranean Task Force with CSOs

- Review actions implemented by EU actors immediately after the Lampedusa tragedy on October 2013 and inform CSO about future plans;
- Identify human rights issues at stake;
- Identify the role of different actors in the implementation of the task force's recommendations and in its follow up.

2. Main points of the discussion

The task force had a short-term mandate: identify priority actions for a more efficient use of European policies and tools. The objective was not to create a parallel structure to the upcoming Strategic Guidelines, but to feed into it.

On 4th December 2013: European Commission communication identified 37 operational actions distributed in 5 chapters (comprehensive framework):

- Actions in cooperation with third countries (strengthen their capacities to manage mixed migration flows, and help them to ensure that their migration and asylum systems are conform to international human rights standards);
- Regional protection, resettlement and reinforcement of legal avenues to access Europe (set in place and strengthen Regional Protection Programmes, among other);
- Fight against trafficking, smuggling and organised crime (e.g. develop a comprehensive plan against human smuggling; evaluate the EU facilitation acquis);
- Reinforced border surveillance contributing to enhancing the maritime situational picture and to the protection and saving of lives of migrants in the Mediterranean (e.g. remove possible negative legal consequences for shipmasters of merchant vessels and fishermen who provide assistance to migrants in distress);
- Assistance and solidarity with Member States dealing with high migration pressure (e.g. practical cooperation initiatives to be developed to support Member States under pressure to manage their migratory flows and ensure a fair and efficient assessment of asylum applications)

3. Main issues which emerged from the discussion

- Importance of human rights education for law enforcement (e.g. fundamental rights training for border guards), but also for other actors, and the society at large;
- Need for safe and effective legal avenues to access international protection in the European Union;
- Need to revisit the role of borders in the EU, which should not only serve security purposes but also facilitate access to international protection.

Equality bodies and civil society organisations – natural allies in promoting equality and combating discrimination?

Host: Ilaria Volpe (EQUINET)

1. What were the main issues raised? Which human rights concerns were discussed?

- Importance of cooperation between national equality bodies (NEBs) and civil society organisations (CSOs);
- Importance for equality bodies to have standards on their effectiveness and independence (as Paris Principles for NHRIs): it is necessary for victims of discrimination/general public/CSOs to trust them and report discrimination and from an EU perspective to assure that EU non-discrimination directives are properly implemented;
- Equality bodies as catalysts facilitating the interaction between CSOs and government/policy makers.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Complementary nature of equality body and civil society working at different levels with different missions;
- Importance for equality bodies to ensure partnerships with civil society;
- Importance for equality bodies to ensure independence from governments and from civil society, to be a third actor;
- Equality bodies are easier to reach than governments, they can be intermediaries between government and civil society;
- Equality bodies are able to facilitate access to justice and often provide effective remedies for victims;
- Importance for civil society to support equality bodies in addressing underreporting, including by making complaints to hold bodies accountable and raise interest and supporting cases of discrimination brought forward;
- Civil society lobbying/advocacy efforts strengthened by citing surveys, research/publications of equality bodies (credibility);
- Need for the independence of EBs and for their effectiveness (including funding);
- Need for an independent appointment to EB leadership (e.g. by public notice);
- Delivery of capacity building/training to governmental departments/public authorities/cross sectorial civil society groups.

3. What are lessons learned and risk factors?

- Lack of funding/effectiveness and independence are key risk factors;
- Importance to have equality champions as leaders of equality bodies in their boards;
- When EBs are not visible they can lack impact/influence;
- Importance of engagement with specific groups and to acknowledge a diverse civil society;
- Lack of rigorous accountability;
- Lack of specific expertise on particular equality areas and training sometimes (e.g. civil servants seconded);
- Lack of funding – not able to fulfil their mandate;
- Disengagement with specific vulnerable groups (e.g. mandate does not encompass LGBT issues/Roma issues...etc.).

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Support the building up of standards in Europe for equality bodies to make possible to ensure independence and effectiveness and to monitor equality bodies' actions;
- EU campaigns on raising awareness on equality bodies to make them more visible.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Creation of EU legislation with standards for ensuring the effectiveness and independence of equality bodies and monitoring of it;
- Expansion of the protected grounds at European level and of the scope of equal treatment legislation at EU level (e.g. Horizontal Directive);
- Reciprocal support of equality bodies and civil society organisation – both institutionalised and informal partnerships to ensure their reciprocal missions;
- Increasing linkages between civil society and other actors (EU and national level) and equality bodies through structured platforms of dialogue;
- Creation of permanent consultative platforms with civil society organisations;
- Expansion of the mandate of equality bodies to cover full range of protected categories;
- Continuous monitoring and evaluation of equality bodies' work;

- Pan-European campaigns from equality bodies;
- Reinforce and clarify mandate of EBs (e.g. include possibility of prosecution?);
- Develop benchmark on good practice/performance of specific bodies;
- Reflect on common projects of equality bodies and civil society NGOs under the EU funding, for example on awareness rights;
- Increase the visibility of equality bodies;
- Actions of sensibilisation;
- Strategic litigation;
- Equality bodies could be a bridge between governments and civil society;
- Empowerment of federal ministers through the provision of human rights/equality training and/or a human rights representative following them for a day;
- Monitoring systems;
- Cooperation between EBs & CSOs to make EBs better known;
- Further development of equal treatment directives particularly on equality bodies;
- Improvement of the legal framework.

LGBT People, the Religions and Human Rights in Europe

Host: Mark Barwick (Human Rights Without Frontiers International - HRWF)

1. Main issues raised. Human rights concerns discussed.

- Using the “Gingerbread Person” activity, the group considered the various identities that comprise each person’s experience and how these identities can interact and mutually influence one another;
- Issues of religion, gender and sexual identity must not be viewed in isolation from one another;
- International standards for the protection of freedom of religion or belief, freedom of expression, freedom of assembly and freedom of association;
- Yogyakarta Principles mentioned as an aid for interpreting existing international law through the lens of LGBT rights;
- How have the religions contributed, both positively and negatively, to the political debate on the social and political inclusion of LGBT people in Europe?
- What can the religions bring to future discussions that will advance equality, respect and open dialogue?
- What can governments and civil society do to foster a more constructive engagement with religious institutions in regard to diverse expressions of human sexuality?

2. Civil society involvement. Key success factors.

- Religious communities are themselves part of civil society;
- The wider civil society is likewise conflicted over issues of sexual orientation and gender identity;
- Finding common ground for dialogue based on universal principles of human rights and dignity: freedom and equality, respect for human diversity, fundamental rights etc...;
- LGBT groups can also be of help to religious communities; many LGBT people are already part of religious groups;
- Education at the grassroots is a key to changing attitudes, especially directed toward children and youth;
- Sexual diversity included in education;
- Religions and LGBT advocacy groups can cooperate to foster reconciled relations within society;
- All sides must refrain from hate speech;
- Media take greater responsibility for negative images and stereotyping.

3. Lessons learned and Risk factors

- LGBT people are not looking for special treatment but equal treatment under the law like everyone else;
- Similar rhetoric employed during struggle for racial and gender equality;
- A lot of pain associated with reconciling religion, sexual orientation and gender identity; need for affirmation at a basic level;
- Need to identify commonalities between religion and LGBT, e.g. difficulty in coming out by affirming identities that are considered to be in opposition to the dominant society;
- The rub often lies in trying to impose beliefs and moral positions on others, whether from religious groups or sexual minority groups.

4. Needs of civil society organisations to make wider contribution

- Public space for free exchange of ideas needs to be widened and respected; government has a key role to play in ensuring this;
- Fairer treatment by the media, which often sensationalises debates rather than presenting a more accurate and nuanced picture of the situation;
- Tools for deconstructing public statements and joining in respectful debate over sensitive issues of concern;
- Public officials to broker bridge-building efforts between religions and LGBT community;
- Ensure the full participation of LGBT people and religious groups, including minority religions, in political and cultural activities.

5. Conclusions and Follow-up

- Explore common positions and debate in the wider public;
- Identify celebrities that can come out in the media as gay and religious;
- Step up educational activities that reconcile sexual orientation and religious identity.

Europe Act Now – Pan-European campaign to ensure access to protection in Europe for Syria’s refugees

Host: European Council on Refugees and Exiles (ECRE)

1. What were the main issues raised? Which human rights concerns were discussed?

- 2.7 million refugees have fled the war in Syria. The main countries hosting refugees fleeing Syria are the neighbouring countries of Turkey, Lebanon, Jordan and, to a lesser extent, Iraq and Egypt. Refugees are struggling to find shelter and basic services with most children unable to go to school. Only 3% of the 2.7 million refugees have sought protection in the European Union, Norway and Switzerland due to the difficulties they face in accessing protection.
- Main problems include:
 - There are limited safe & legal means of accessing protection in Europe: visa restrictions, difficulties accessing documents, few possibilities to apply for protection or humanitarian visas in the region; number of resettlement and humanitarian admission remains low (about 15,000 across the EU, Norway and Switzerland);
 - Deterrents to protection at Europe’s borders: persistent allegations of push-backs at the EU’s external borders particularly the Greek-Turkish border, fences and reinforced border controls particularly on the Bulgarian-Turkish border and European states’ incapacity to ensure effective rescue at sea for migrants’ boats in distress.
- Campaign seeks to ensure access to protection for refugees from Syria by increasing the engagement of the broader public and NGOs across Europe to put pressure on European governments and EU institutions to give refugees a safe way into Europe, protect refugees arriving at Europe’s border and reunite families torn apart by crisis.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- The campaign elements include:
 - The petition calling on European leaders to give refugees a safe way into Europe, protect refugees arriving at Europe’s borders and reuniting families torn apart by crisis – over 5000 signatures to date;
 - Give Your Voice: main action of the campaign is to encourage people to let refugees’ testimonies be shared with their social network – almost 7000 people participating to date;
 - Seeking to engage companies to give advertising space to the campaign: already underway in Austria and France.

3. What are lessons learned and risk factors?

- Risk: number of refugees may be perceived by some as unmanageable: importance of calling for concerted action across Europe;
- Risk: Difficulty of convincing State to promote protected entry procedures (depends on national context). NGOs participating in the campaign have adapted their message to ensure relevance on the national level. Protected entry procedures can be important means of accessing protection legally and safely and it is important to continue to advocate for their application.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Increased engagement with broader public to show public support for their country's positive action to ensure refugees can access protection in Europe;
- Broad political support for offering safe and legal means of access to protection for refugees as well as guarantees of an end to illegal push-backs at Europe's borders.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Continue rallying civil society organisations, broader public and policy makers behind this campaign;
- Continue to ensure that the experiences of refugees seeking protection in Europe are heard.

Rights on the move: when academic research meets NGOs: Freedom of movement of children having parents of the same legal gender

Host: Alexander Schuster (European Commission on Sexual Orientation Law – ECSOL) in collaboration with University of Trento – Faculty of law

1. What were the main issues raised? Which human rights concerns were discussed?

- Advantages of cooperation between NGOs and academia,
- Need to change the attitude of academia towards NGOs' involvement (to take NGOs' voice into account),
- To what extent universities should engage in strategic litigation or lobbying – or should it be the role of NGOs to do it?
- At present, NGOs' reliance on an expert opinion creates the situation of consultancy. How about cooperation?

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Such cooperation might solve funding problems of small grass-root organisations, as the university easily fulfils application requirements and small NGOs may be involved as partners;
- For an academic institution such cooperation allows for knowledge transfer to wider society and reach a real impact (instead of only publishing results of research in articles);
- Cooperation with grass-root organisations is fruitful for academia, because they can provide scholars with real cases to think of (instead of imaginary ones).

3. What are lessons learned and risk factors?

- Risk for the universities – losing the image of independent institutions (here: differences between US and EU universities and their approach towards having impact on the society).

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Confidence that a dialogue with universities is possible.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- It was agreed that the potentials of cooperation between academia and NGOs need to be better explored and exploited

Non-violence as a means to enforce fundamental rights involving civil society

(Two cases of study in Italy: amnesty and language non-discrimination)

Host: Lapo Orlandi - ERA ONLUS

1. What were the main issues raised? Which human rights concerns were discussed?

- After an introduction on the history of non-violence and of examples taken from literature, history and art and in particular from the works and actions of Gandhi, Martin Luther King and Marco Pannella's radical practices in Italy, two special cases of non-violence for the promotion of fundamental rights were discussed: the non-violent campaign for the right of prisoners in Italy and the one for ending language discrimination of the Italian speaking people in Italian universities.
- In January 2013, the European Court of Human Rights condemned Italy for inhuman treatment in its jails requiring the Italian government and parliament to undertake decisions capable to immediately put an end to such conditions. But, even though the Italian President formally asked the Italian authorities to respect the judgement, no major decision has still been taken. Following the judgment of the European Court, Marco Pannella, Italian historical leader of the radical party and of the Italian non-violent movement, started, with other radical members, such as Rita Bernardini, a series of total hunger and thirst strikes, which are still going on, in order to have the Italian Government applying its legality and doing what the European Court required to do.
- In May 2013, the administrative tribunal of Milan revoked the decision taken by the Senate of the Politecnico University of Milan to abolish all the courses in Italian language and substitute them with English language ones. The Politecnico, instead of applying the verdict, went to appeal, supported by the Government itself. For this reason, few days before the first meeting of the court that will have to decide for the appeal, Giorgio Pagano, Secretary of ERA ONLUS started a 3 days of total abstention from food and drink, a non-violent action in which he was joined by both the Treasurer, Lapo Orlandi, and the Vice Treasurer, Monia Chimienti and other sympathizers. As a result of the discussion over the social message of the non-violent action, hundreds of signatures to the online call arrived. Giorgio Pagano's non-violent action, suspended for some weeks, is now going on again.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- First of all it has been argued that non-violence itself is the key success factor for supporting fundamental rights involving civil society because you cannot obtain a good result from an evil instrument, such as the use of violence;
- In particular it has been said that non-violence to work well must not be a sort of blackmailing authorities but it has to be a way of starting a dialogue with them: in particular no hate or hate speech shall be expressed while acting through non-violence. The non-violent action (inspired by proposals and not

only by protesting) shall instead require the authorities to apply, for instance through non-co-operation, their laws and rules, in particular against the non-violent person itself, or to change it. For the same reasons, the non-violent person shall not put at risk his or her health or life during the non-violent demonstrations (and of course neither the one of the others).

3. What are lessons learned and risk factors?

- The major concern raised is related to the possibility for civil society to be correctly informed by the media about initiatives related to fundamental rights involving non-violent actions. It has been pointed out that in some countries, the example of media in Italy was quoted, where media professional are not completely independent from political power or political ideologies, the non-violent actions are simply not considered as news to be given. Another point stressed in relation to media and non-violence is that media often tend to consider violence more valuable than non-violence, because they tend to give bad news, with which some may think you sell more copies or have more public, than good ones.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- The issue of educating to non-violence is an important one, both in formal education, for instance in schools and other education institutions, and informally, again, through the media reporting more non-violent rather than violent protests and explaining how non-violence in the mid or long term is more effective than violence. Also education can occur from political example: more political parties and leaders or NGO's using non-violence as the first means to obtain social or political change would make people and society more conscious of the effectiveness of that instrument.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- As a conclusion, it was agreed that non-violence, which is different from passiveness but is the highest form of reaction against injustice, is a process requiring time and perseverance, but at the end of day it is always a winning choice for promoting human rights and especially fundamental rights. As a follow up, we consider to regularly inform the FRP participants about initiatives of promoting fundamental rights by means of non-violent demonstrations.

Mainstreaming ageing in the future priorities in the area of freedom, security and justice

Host: Nena Georgantzi (AGE Platform Europe)

1. What were the main issues raised? Which human rights concerns were discussed?

- Invisibility of age discrimination and challenges of older people in European policies on fundamental rights (often ageing seen only as social and not a human rights issue, for ex. EC report on application of Charter of Fundamental Rights in 2013 does not even include a section on the application of article 25 on the rights of the elderly);
- The impact of ageing is missing in Post-Stockholm process;
- FRA has not done studies specific to discrimination in old age and not all FRA work addresses multiple discrimination on basis of age (for ex. Survey on violence against women stops at the age of 74, studies on disability do not specifically address age-related disabilities and how the CRPD implementation should not be age-blind, for instance age limits in social assistance);
- In general European and national statistics have age limits or do not offer age-disaggregated data (for example referring to the 60+ or 70+ as one single group);
- International developments (Council of Europe Recommendation and UN discussions about a new Treaty) consider a human rights-based approach to ageing but within the EU DG Justice, FREMP, FRA not similar approach;
- Impact of crisis on older people / decent life for older people (dignity);
- Multiple discrimination of vulnerable groups: Older people with disabilities; older migrant women, etc.;
- Issue of guardianship, institutionalisation and elder abuse.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Collaborations to address specific challenges of vulnerable groups/intersections of discrimination: ex. AGE-ERIO Joint statement on lifecycle approach to Roma integration strategies; project on age-friendly cities for older people with visual impairments;
- European Charter on the rights and responsibilities of older people in need of long-term care and assistance and European Quality framework for long-term care services developed by civil society through EU projects are key reference documents;
- Involvement of civil society in development of Council of Europe (CoE) recommendation considerably improved draft including a pragmatic approach to the text;

- Global Alliance for the Rights of Older People created to offer unified voice and facilitate civil society engagement in UN discussions;
- Put ourselves in older people's place;
- Inter-generational co-operation.

3. What are lessons learned and risk factors?

- Potential conflicts with other groups (in particular disability sector) can be tackled by working together to understand each group's needs but also ensuring disability policies take into account older persons with disabilities;
- Fragmented approach within EU policymaking (i.e. ageing only under social policies, rights of older persons discussed only by COHOM, etc...): multi-stakeholder dialogue needed;

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Availability of data (see above);
- EU projects (funding);
- Mainstream ageing in all fundamental rights policies;
- Human rights approach adopted in ageing sector.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Include a strategy on ageing in future EU priorities on fundamental rights to fill the existing protection gap and ensure mainstreaming across all EU policies;
- Use the Council of Europe Recommendation on the promotion of human rights of older persons as a reference document (for policymakers) and as advocacy tool (for civil society);
- Unblock horizontal non-discrimination directive to cover age discrimination beyond employment;
- Multi-stakeholder dialogue: Organise meetings with civil society, Council working groups (FREMP, COHOM, SQWP), Commission services and FRA to ensure the voice of older people is heard and that EU policies take age discrimination and the rights of older people into account;
- Build bridges between social policies and human rights (ex. projects, events, debates on human rights standards in long-term care);
- Increase civil society collaboration to improve awareness of older people's challenges among different constituencies (ex. migrants, LGBT, Roma, etc.) and collaborate in the frame of the Global Alliance for the Rights of Older People.

How should civil public officials and local authorities work with you? (FRA joined-up governance toolkit)

Hosts: Prospex and FRA

Basic information

| | |
|------------------------------------|--|
| Event | Session during "The Floor is Yours" part of 7th Fundamental Rights Platform Meeting |
| Location (city and country) | Vienna, Austria |
| Date | Friday, 11 April, 2014 |
| Organising institution | Fundamental Rights Agency (FRA) |
| Contact at institution | Waltraud Heller (Waltraud.HELLER@fra.europa.eu) Andreas Accardo (Andreas.ACCARDO@fra.europa.eu) |

Workshop setting and process

| | |
|---|---|
| Number of participants | 15-20 participants |
| Deviations from normal process | <p>The workshop duration was significantly reduced with respect to the standard setting (1 hour time slot compared to the usual 2-3 hours). For this reason, following modifications were made to the process:</p> <ul style="list-style-type: none"> • no mapping of issues that the participants are facing in their daily activities • very brief introduction to the JUG project • short introduction to the toolkit, with an immediate focus on the section on "Participation and Civil Society" • two assignments for the participants: <ol style="list-style-type: none"> 1. critical review of the that toolkit section ("what is missing") 2. identification and capturing of positive case studies |
| Other remark on workshop setting and process | <p>The participants' profile was atypical for an experience workshop in the sense that they were not public officials but representatives of civil society (NGOs).</p> <p>Therefore, the workshop was focusing on the chapter of the JUG toolkit regarding "Participation and Civil Society", inviting participants to critically review that chapter from their perspective as a "target group" for public officials reading/using the toolkit.</p> |

Workshop results

| | |
|--|--|
| <p>Reaction to toolkit and workshop</p> | <p>In general very positive reactions – both on the toolkit as well as the workshop (see evaluation scores below)</p> |
| <p>Principle obstacles encountered by participants in implementing fundamental rights</p> | <p>N/A (different participation profile; question as such was not part of the workshop)</p> |
| <p>Eventual suggestions by participants on toolkit</p> | <ul style="list-style-type: none"> • More thematic sections • Suggested civil society action: regarding the pragmatical use of this tool, I suggest FRP (Fundamental Rights Platform) contributes actively in co-creation of toolkit by contributing each organisation at least one good practice example to help users / public officials do fundamental rights work better! |
| <p>Eventual suggestions / possibilities for cases / experiences to take up in the toolkit</p> | <p>Identification of cases was an explicit part of the workshop process. Participants were given the time to identify positive cases and to register them during the session (on the website). Furthermore, participants were encouraged to keep on sending in positive cases/experiences.</p> <p>One of the participants suggested to initiate a formal action on the identification of positive cases.</p> |
| <p>Eventual possibilities for future cooperation</p> | <p>Several participants indicated willingness to cooperate in future. Note that FRP was indicated as a valuable platform to play a role in future initiatives.</p> |

Workshop evaluation (insert data from evaluation sheets).

| Q1. | <i>Not at all</i> | <i>Some what</i> | <i>Much</i> | <i>Very Much</i> |
|--|--------------------------|-------------------------|--------------------|-------------------------|
| This session was a good introduction to the toolkit. | | | 3 | 6 |
| The toolkit is a good instrument for supporting fundamental rights. | | 2 | 6 | 1 |
| The toolkit is a practical tool for professionals dealing with fundamental rights. | | 2 | 5 | 2 |
| The toolkit is helpful for me in my own work. | | 3 | 4 | 1 |
| The facilitator presented the features of the toolkit well. | | | 4 | 5 |
| The facilitator involved the audience and enabled us to work with the toolkit. | | 1 | | 8 |
| The online platform is user-friendly and accessible. | | 2 | 6 | 1 |
| I will recommend this toolkit to my colleagues and people from my network. | | 1 | 2 | 6 |
| I enjoyed this session. | | | 4 | 5 |

Q2. What part of the toolkit is the most useful for your work? (reactions on evaluation form)

- Resources;
- Structure; explanation of joined-up approach and proposals to tackle this problem
- Examples;
- Part of training;
- Civil society engagement;
- Engaging the community;
- Toolkit as a whole;
- Depends: as NGO in HRE, I like Resources part, from civil servant point concrete examples of good practice are most important after the checklist.

Q3. What part of the toolkit is the least useful for your work? (reactions on evaluation form)

- Best practices section needs to be further improved (categories, contact details etc.);
- I found all useful.

Q4. What are your suggestions for improving...

• **...the toolkit?**

- Better categorisation;
- Include specific bullet points in checklist about evaluation and impact of civil society engagement because we lack evidence on impact for civil society engagement;
- Include more resources also from civil society;
- Link to resources;
- More information at FRP;
- More thematic sections.

• **...the online platform?**

- Better categorization;
- More good practice.

• **...this workshop?**

- More time :);
- More time.

Q5. What are your ideas for the further promotion of the toolkit?

- Suggestion for further promotion: national launch events (joint CSO / local government event);
- Using of good examples in website;
- Disseminate among MS & EU officials;

- Dissemination among national / regional / local authorities & training in its use.

| Q.6 | Yes | No |
|--|-----|----|
| Would you like FRA to contact you for possible future cooperation on the further promotion of the toolkit? | 5 | |

The un-social media – facts, figures and activities to counter cyber hate

Hosts: Claudia Schäfer and Bianca Schönberger (ZARA - Zivilcourage und Anti-Rassismus-Arbeit)

1. What were the main issues raised? Which human rights concerns were discussed?

- Difficulties of prosecution of cyber hate crime and hate speech in AT and PL;
- Links between discrimination-racism-cyber hate-victimisation;
- Monitoring of the internet: Huge increase of discriminatory incidents since 2006, increase of two thirds in cases documented for 2009-2012 in AT;
- Cyber bullying survey by marketagent.com on behalf of *Liga für Menschenrechte in collaboration with ZARA*: 9% of respondents said that they were personally affected. Cyberbullying works 24/7 and stays available forever to a vast audience;
- Increasing influence of right-wing parties: FPÖ politician H.C. Strache has 190.000 Facebook fans and reaches on average 12 million persons per message. Followers spread discriminatory messages;
- Hidden messages: often pages seem ok, if you dig deeper you find numbers, symbols and codes such as the *Neonazi* numeric code 88 for HH ("Heil Hitler");
- Facebook: a hub for hate? YouTube: everything goes? Varying responsiveness of i.e. Facebook to complaints;
- Controversial ECtHR judgment *Delfi vs. Estonia*: liability for anonymous defamatory comments posted beneath news stories?

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Exchange of knowledge and information via INACH (International Network against Cyber Hate), usually transfer cases to where a contact to i.e. Facebook officer is already established;
- Training, i.e. workshop developed by ZARA in cooperation with jugendschutz.net in DE, which educates children, teenagers, parents but also journalists on cyber hate, cyber mobbing; focus on prevention: where to get help, where to report;
- New media literacy: challenge information, which sources to trust, responsibility for what you say online;
- Public awareness campaigns: i.e. soap opera on the radio in Nairobi during Kenyan election;
- Moderators of fora: costly, but big players should provide them;

- Guidelines of Internet Service Providers?

3. What are lessons learned and risk factors?

- There is no global legal framework and limited national legal provisions on cyber hate;
- Legal diversity: law of the place where a user/ provider is registered applies;
- Lack of awareness from prosecutors and judges;
- Penalties differ across and within countries in monitored court cases;
- Where are the lines between hate speech and hate crime: lack of awareness that often same rules apply online as offline;
- Multitude of diverse players (corporations, civil society, authorities, etc.);
- Nobody feels responsible at national level, often ZARA does not hear back from prosecuting authorities. Polish authorities don't prioritize hate speech over child pornography;
- Judges need training: often a racist joke by insensitive and untrained judges is considered a joke and not an expression of racism;
- Framework Decision on Combatting Racism and Xenophobia: how is it implemented? Is there a lack of training or will of the prosecutor or does the legal wording of the article leave too much space for interpretation?
- Counter-speech: controversial. Opposite promises of effectiveness of organized counter-postings (example of election campaign in Kenya, where it proved to be an effective tool), there are risks such as engaging an even larger audience, triggering incitement of young persons;
- Filtering social media is technically hardly feasible and is prone to abuse as it jeopardises freedom of expression, endangers freedom of the media;
- Anonymity of the internet leads to a loss of responsibility. Anonymity can on the other hand protect people in the cyberspace when in need of protection;
- Reporting abuse to Facebook & Co.: internet corporations often do not have headquarters in small countries;
- Collect problematic pages: who is in control of saying what is problematic? Shutting down webpages doesn't solve the problem.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Harmonisation of prosecution practice in countries;
- Training for police and judges;
- Guidelines for prosecutors, specialised prosecutor (as done in DK).

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Increase awareness of hate speech: How to recognize, know rules, and follow etiquette.

Is the Frontex Consultative Forum a useful instrument for civil society?

Hosts: Stefan Kessler (Jesuit Refugee Service Europe – JRS) and Massimo Frigo (International Commission of Jurists – ICJ)

1. What were the main issues raised? Which human rights concerns were discussed?

- Main human rights concerns are the access to protection at the external borders of the EU and the prevention of ‘push backs’;
- Tragedies such as those of Lampedusa and Malta in October 2013 and of Farmakonisi in January 2014 show that even the migrants’ right to life is at risk;
- Fundamental rights compliance of return operations: non-refoulement;
- Right to an effective remedy;
- Proportionate and strictly necessary use of force in return operations;
- Frontex Consultative Forum.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Diversity of the Forum: different perceptions and knowledge coming together;
- Small group (15 agencies and organisations) allows people to work constantly throughout the year, on a regular basis and meeting two or three times a year;
- Excellent cooperation with the Frontex Fundamental Rights Officer;
- Continuous engagement with members of the Forum by Frontex staff (mainly senior staff) leading, e.g., to a slow change of the language used;
- Mostly there is consensus among members of the Forum. In exceptional circumstances the possibility of a majority vote exists;
- Maturing relationship over time, going in a positive direction. Forum is seen as a partner by Frontex;
- Example of good practice: Compromise on the Code of Conduct for Joint Return Operations.

3. What are lessons learned and risk factors?

- The unclear division of responsibilities between Frontex on one hand and the individual Member States on the other: In cases of human rights violations it is not always clear who is/was responsible for what;
- Risk of Frontex to be perceived as an accomplice to human rights violations in the context of ‘push-backs’;

- Risks for NGO's reputation as members of the Consultative Forum;
- Limited resources of the Forum;
- Time limits to comment on drafts of documents and to prepare recommendations;
- Agencies and international organisations tend to send different representatives to the Forum meetings which complicates the dynamics.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Not discussed.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- As Frontex exists, it makes more sense to be in the room and raise our hands, trying to influence it;
- Out of all points made by the Forum in the past year, half of them have been taken on board, other half has been taken partially;
- Future goals of the Forum are for example assessing human rights responsibility scenarios for Frontex and its renewed Fundamental Rights Strategy;
- Consider if the 'Forum model', -or a different model- would be useful in national systems;
- Consider to consult with NGOs (outside of the Forum) having expertise in a very specific area, such as trafficking of human beings, and academia.

Ghettos around Europe – breeding criminality and human rights abuses in capital cities all around Europe

Host: World Vision and Policy Center for Roma and Minorities

1. What were the main issues raised? Which human rights concerns were discussed?

- There is an explosion of ghettos in Europe and very little attention is paid to what happens there;
- Children are used for begging and then abused;
- The most serious and complicated issues don't come up in the policy makers agendas;
- Most of the trafficking is done by families, because it brings advantages. The economic advantages are ignored;
- There is a lot of work on an institutional level and too little in the field.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Working with children;
- Conditionality on attending school;
- Support grassroots organisations.

3. What are lessons learned and risk factors?

- Poor level of education;
- Widespread drug use;
- Prison seems a good alternative;
- Lack of access to EU funding;
- Roma organisations may not touch upon some sensitive issues such as prostitution, gangs, favelas, etc.;
- Governance not working.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Reach the communities;
- Simpler funding procedures.

The role of civil society in realising employment rights for undocumented migrants in the context of temporary migration policies

Host: Pablo Rojas Coppari (Migrant Rights Centre Ireland - MRCI)

1. What were the main issues raised? Which human rights concerns were discussed?

- The session focused on employment rights for undocumented migrants;
- It showcased participatory methodology (community development theory and practice) and encouraged participants to think how they could apply this to their own work;
- If the right conditions are created, people will start to fight in order to realise their rights;
- It is important to make people visible and their stories heard. This can be done in a safe manner. Examples for undocumented migrants were used.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Civil society can facilitate people affected by rights violation to come together and fight for social justice. Example of work with Domestic Workers was used;
- Ireland will ratify the ILO Convention 189. This was made possible by constant pressure from domestic workers organised by MRCI;
- Thanks to space created for undocumented migrants to be able to tell their story, the issue of irregular migration and undocumented migrants has been highlighted in the media and political agenda.

3. What are lessons learned and risk factors?

- It is very important for civil society to take on the role of mobilisers and organisers to facilitate people getting together to realise their rights;
- It is important to make sure that when exposing someone's personal story it does not backlash on her/him. It has to be done in a safe manner;
- By putting people affected by rights violations at the centre of the fight for greater rights, we are effecting lasting change while empowering and creating leadership.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- In terms of participatory methodology, it is important for tools and resources to be made available. Particularly around success stories;
- It is important to invest in capacity building for civil society. Funding needs were identified;
- In terms of irregular migration, regularisation needs to be discussed in the political agenda at a wider European range. Regularisation is the only answer to irregular migrants realising their rights;
- Whereas irregular migrants might not have legal status, it does not mean they don't have fundamental rights. It is important for civil society to find ways to highlight this.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Participation is important, but is not easy. It is hard to sustain participation particularly when individual problems are not addressed. Civil society actors should be conscious of this;
- It is important to be mindful of not using people in a tokenistic way. Empowerment and leadership should be at the core of collective action;
- It is important to create fora where participatory methodologies can be discussed.

Religious freedom unlimited?

Host: Friedrich Griess (FECRIS)

1. What were the main issues raised? Which human rights concerns were discussed?

- The violations of human rights by totalitarian organisations, commonly known as “cults” or “sects”, were discussed.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Most people in civil society are afraid of such movements, but only have a superficial knowledge about them, and the working mechanisms used by those organisations are not well known. Also some NGOs feel obliged to defend cults as “minority religions”, not knowing or not taking into account that human rights often are heavily violated in cults.

3. What are lessons learned and risk factors?

- There are many misunderstandings in this field. Many people believe that FECRIS is criticizing cults because it is against any religion, or because it supports only a specific religion. The workshop should demonstrate that the only concern of FECRIS is the violation of human rights, no matter if it is done within a traditional religion, a non-traditional religion or in a group that does not claim to be a religion at all, but that uses totalitarian methods to recruit and to keep adherents;
- It also has been explained why conferences of FECRIS are not public. The reason is that FECRIS invites cult victims to its conferences, and those victims are afraid to meet their tormentors at such conferences.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Society would need a common understanding of the cult problem within the EU, state observatories as they exist in France, Belgium, in some German states and in Austria, and common laws to prevent damages to people. Such laws exist in France, Belgium and Luxembourg.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Still more information about the subject is required to understand the impact of violation of human rights by cults.

Creating a non-violent juvenile justice system

Hosts: Benoit VAN KEIRSBILCK (Defence for Children International) and Thomas MÜLLER (Child Helpline International)

1. What were the main issues raised? Which human rights concerns were discussed?

Introduction of the 2013 report of the “International NGO Council on Violence Against Children” – Creating a non-violent juvenile justice system which aspires not only to clarify the many ways in which governments fail to protect children in conflict with the law, but also to present a non-violent vision of juvenile justice. Amongst others the following issues were discussed throughout the session:

- Increase of the use of deprivation of liberty for children;
- Increase in the violence against children in the juvenile justice systems;
- Poor training /shortage of professionals dealing with children in a court environment. Adequate training is essential in ensuring child’s *right to information, right to be heard, right to protection and safety* and eventually serve the *best interest of the child*;
- Child-centred practice in the court room implies that the child shall not be treated as an adult, the justice system shall be adapted to the needs of the child;
- Need for a separate juvenile justice system;
- Distinction between children *in conflict* and *in contact* with the law;
- Children in conflict with the law are a vulnerable group which needs special protection.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Juvenile diversion: handling the child’s breach of law outside the formal justice system;
- Restorative justice approach focused on the root causes and promoting rehabilitation and social reintegration;
- Raise awareness to increase the political will to improve the situation.

3. What are lessons learned and risk factors?

- Lessons learned:
 - Effective access to justice is ensured only when the professionals who deal with children undergo specific training (e.g. judges, lawyers, social workers);
 - Creating special courts for children might pose a tremendous challenge both time wise and financially. However, it is possible to create an enabling environment for the children participating in court proceedings within the justice system already in place (e.g. conducting hearings in the so-called 'blue rooms').
- Risk factors:
 - Re-traumatisation and re-victimisation of the child;
 - Stigmatisation of the child who might have committed relatively petty acts.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- constant monitoring of children involved in legal proceedings → provision of support and protection;
- lobby and advocate for legislations in line with the international standards in the field of juvenile justice;
- Conducting research to show the results of a human rights based approach.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Non-custodial measures shall prevail (deprivation of liberty only as a last resort measure);
- Rights-based and child-sensitive complaints mechanisms ensuring effective access to justice for children (also accessible for children deprived of their liberty);
- Shift in the approach of dealing with children in conflict with the law: social, economic and psychological support for children as an alternative to policing, prosecuting and incarcerating children;
- Building a non-violent juvenile justice system **is possible.**

From information to participation: increasing the contribution of civil society to the political decision – making process

Hosts: Council of Europe / Conference of INGOs

http://www.coe.int/T/NGO/default_en.asp

Is the EU putting its money where its mouth is? (Presentation of a report on the use of Structural Funds to perpetuate the segregation of disabled people)

Host: European Network on Independent Living (ENIL)

1. What were the main issues raised? Which human rights concerns were discussed?

- The right to Independent Living and being included in the community is enshrined in Article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD);
- ENIL has collected clear evidence for a number of countries in Central and Eastern Europe on use of Structural Funds (SF) for renovation and building of new institutions for disabled people, instead of supporting the development of community-based services: not in line with EU's social inclusion policy and the EU's commitments under the CRPD;
- There is now a stronger regulatory framework to make sure SF are used to support independent living: the Common Provisions Regulation on the use of SF (which covers ERDF and ESF) contains the objective social inclusion, combatting poverty and any discrimination, plus ex-ante conditionalities; there is also the 'European Code of Conduct on Partnership';
- Lack of monitoring on the use of EU funds on national level and even more so by the European Commission, where there is low awareness on how SF should be used to support independent living;
- Lack of data by governments on the numbers of persons in institutions, even though these are governmental institutions to a large degree and manipulation of data to hide the real number of children and adults with disabilities in institutions;
- Lack of vision by governments about genuine independent living alternatives to institutions;
- Lack of community-based services for children and adults with disabilities;
- Exclusion of NGOs from access to SF and to Monitoring Committees;
- Accountability of the EU if construction and renovation of institutions continues with EU funds;
- Stigma of persons with disabilities: If the EU constructed torture chambers, this would be clearly recognized as a human rights violation;
- Human rights abuses in institutions, which can only be prevented by developing community-based alternatives.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Civil society organisations stepped in, in the absence of government or the European Commission monitoring, and were able to point to problems in the use of EU funds;
- The importance of working together between EU level and national organisations, in order to show trends across the EU and to highlight the fact that the misuse of EU funds was not an isolated case in one Member State;
- Awareness that EU funds don't exist in a vacuum, but rather should be used in line with the CRPD, and other relevant legal and policy standards. The new Structural Funds Regulations provide a solid framework for an improved use of EU funds.

3. What are lessons learned and risk factors?

- Risk of absence of services when institutions close, which can lead to homelessness. Closure of institutions must be accompanied by the development of community services;
- Lack of understanding that smaller institutions are not in line with Article 19 of the CRPD by both the European Commission and EUMS;
- Transforming larger institutions into smaller ones, or simply renaming them is not "deinstitutionalisation";
- There is a risk that, while SF may no longer be used to renovate or build large institutions, they will still be used to build smaller institutions for disabled people;
- Problematic lack of transparency when it comes to EU funds and programming (also in the area of security and surveillance research, and potentially other human rights areas).

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Better monitoring and data collection by the EUMS and EC;
- Better transparency of the use of EU funds, better access to information by NGOs;
- Meaningful involvement of NGOs in the Monitoring Committees which oversee the implementation of Operational Programmes;
- Effective implementation of *European Code of Conduct on Partnership* by EUMS and EC;
- Capacity building of NGOs to be able to monitor the use of EU funds;
- Increased involvement of DG Justice, FRA and the European Ombudsman (who

should be able to take up relevant claims).

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Use window of opportunity in ongoing programming of Structural Funds use in 2014 – 2020;
- What a human rights based response to institutionalisation could look like: Provide a range of services, alternatives to institutionalisation, choice, no isolation and be creative: e.g. increase social housing stock, purchase flats! ;
- Monitoring should be an EC and EUMS responsibility and not be considered a task of NGOs where few have the capacity to monitor;
- Set up a database of funded projects;
- Set up independently funded watchdog for the Commission which then could put pressure on the EC to publish information;
- Suggestion: Could FRA in its research on independent living look at the use of EU funds?

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|---|
| <p>Presentation of ENIL Project: Structural Funds Investments for People with Disabilities</p> |
| <p>In 2010, the European Coalition for Community Living at the ENIL ('ENIL-ECCL') published "Wasted Time, Wasted Money Wasted Lives – A Wasted Opportunity?" report.</p> |
| <p>In 2013, a briefing on "Achieving the Transition to Community Living" highlighted the fact that at least €150 million were invested into institutions for disabled people in six EU Member States (Bulgaria, Hungary, Latvia, Lithuania, Romania and the Slovak Republic) during 2007 – 2013: these were large scale renovations, not life-saving investments.</p> |
| <p>Need for transition to community living identified in most countries, but also a lack of vision of EUMSs. States rather invest in already existing services, and renovation of institutions: Quick absorption and spending of money in EUMS given more weight than thinking about how to spend the money in line with human rights obligations.</p> |
| <p>Definitions: What is an institution? <i>Everything above 6-8 people with disabilities, but even of 2 people when they are without choice and control.</i> What is meant by community services? <i>Accessible mainstream services.</i> What is meant if we speak of choice and control? <i>Accessibility of mainstream services in the community, no segregation, personal assistance, access to housing, employment, education, health.</i></p> |

Security through a gendered lens – what are the challenges in your society that affect the freedom, justice and security of women, and what new policies and initiatives could help overcome this?

Host: Harpreet Kaur (Women's Networking Hub)

1. What were the main issues raised? Which human rights concerns were discussed?

- Focus on Violence Against Women;
- Underreporting;
- Myths about love;
- Machism and macho culture in the society;
- Stigmatising the victim/double victimisation of victim;
- Different forms of violence: forced marriages;
- Being aware of it, helps you to understand that something is violent;
- Lots of forms of violence. Do not only highlight the most severe, such as femicide;
- Violence is transversal to other areas;
- Machism as a system. The social services system for example is not made to encounter women's needs;
- Link between violence in private life and violence in everyday life (in the work place, in political representation). Subordination of women towards men;
- Why VAW is not frame as hate crime, or in the security framework.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- The group discussed the problems and solutions mostly, and spent less time talking about factors that definitely lead to success, so there is less to share in this section;
- Education of young people at school and with the family/culture/community and media influences views on gender equality;
- A combination of policy changes, coupled with education and arts projects, media coverage, and more funding for NGOs will work to reduce VAW.

3. What are lessons learned and risk factors?

- Many gender based cases are not properly argued – cases are not brought to justice as stakeholders do not have enough capacity;
- Challenges that may come from influences from religion, culture and community may clash with achieving a reduction in VAW;
- Avoid making violence a female issue only – needs to be discussed by everyone. Violence against men and women need to be discussed, so the act of violence will be considered as the problem, so not a men vs women campaign, but man and women should work together to eliminate this illegal act; people against violence every kind of violence: domestic, sexual, etc.;
- The definition of 'violence against women' or 'gender based violence' is often not explicit or correct in national legislation';
- Lack of political will;
- The underestimation of the issue of underreporting on a national level;
- More reporting required, but this will demonstrate more how big the problem is, but potentially lead to fear of overcoming the issue rather than tackling prevention?
- The continuation of society being organised through a masculine lens is dangerous.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Education schooling on how to deal with emotions, sexuality for girls and women;
- Involvement of men in speaking out;
- Accept rights and differences between men and women;
- EU level make VAW a priority and provide funding for interventions (schooling, trainings...etc.);
- Strengthening women organisations and make them visible;
- Clarify national legislation and meaning of VAW...etc.;
- Initiatives in the schools;
- Taking into account women from minorities;
- Masculinities to be addressed at school – how men are socialised in our societies;
- Finance programs to prevent violence;
- Funding to assist women and also to assist men;
- Sanctioning, investigation and prosecution – very important and sometimes

- ignored - better to have trainings etc.;
- Changing the mentality – from every citizen;
- Quality control of social services and programmes;
- Education on gender equality also for adults (teachers);
- Quotes for equality balance in the Parliament;
- Audio-visual industry – not to put women in traditional roles etc.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- The problem is increasing and needs to be considered as a crime like all other crimes, particularly bringing violence in the private sphere into the public eye for intervention;
- Legislation needs to change to address the problem;
- Men and women must work together to end this;
- Making the issue personal to people will make them take notice – awareness must be raised as soon as possible;
- Must start at school with the young.

Suggestions from the presentation:

- EU Solutions:
 - **Research** - the causes to reduce the issue, not only nurse the wounds;
 - **Awareness** - policies need to consider personal experience and knowledge coupled with campaigns to educate, protect and prevent the problem;
 - **Victim support services** - sustainable funding is required for specialist services for women and children that are free, geographically distributed, multilingual and disability friendly;
 - **Criminal Justice** - EU should acknowledge violence against women as a fundamental rights abuse within the framework of crime and criminal victimization;
 - **Policy review** – European Commission to review the implementation of the directive to ensure it meets the needs of victims in-practice;
 - **Gender balance** – men and women actively involved in the above.
- State Solutions:
 - Plans to cross over with education, employment, health;
 - Civil society actors to provide sustainable and practical solutions for the

victims;

- Victim-centered and rights based approach – move violence from the private sphere into the state intervention realm;
- Use arts and creative projects to explore the issues, influential tools to educate the public and influence behavioural change;
- Make it personal for people – the personal is political;
- Gender balance.

Freedom of religion under threat

Host: Gudrun Kugler (Observatory on Intolerance and Discrimination Against Christians in Europe)

1. What were the main issues raised? Which human rights concerns were discussed?

- Vandalism of Christian sites (images shown);
- Aggressive anti-Christian graffiti (images shown);
- Insult and incitement;
- Attacks or disturbance of Christian demonstrations or celebrations;
- Legal restrictions that affect Christians in Europe:
 - Freedom of Conscience
 - Medical staff etc.
 - Freedom of Expression
 - Parental rights
 - Sexual education, etc.
 - Discriminatory Equality Policies
 - Finishes by discriminating against people of faith. Another danger is the 5th equal treatment directive.
 - Freedom of Assembly violently attacked by those who disagree with those assembling (e.g. In Salzburg 34 feminists were arrested because there were such serious attacks against Pro-life activists)
 - Religion often gets pushed to private sphere

2. What works well in civil society involvement in this area? What are (or were) the key success?

- Encourage discussion between lobby groups and faith groups;
- Explain religious limitations and the impact of legislation in legislative processes;
- Cooperate with other faiths.

3. What are lessons learned and risk factors?

- Governments should segregate data on hate crimes also regarding faith;
- We need to be careful when determining whether a crime has an anti-Christian motivation.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Keep engagement alive;
- Be vigilant, especially as regards to vandalism;
- Report cases in order to expose the problems;
- Be aware of the importance of conscientious objection in the workplace and find ways of accommodating everyone;
- Reconsider how one argues. Even if you disagree with the attacked one, side with him because he is being attacked and that is wrong;
- The media and artists should consider religious feelings;
- A more careful and respectful dialogue in all areas.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- A Round Table between Christians and people of other faith should be held with radical groups who attack them.

What role can civil society play in effective implementation and transposition of EU law in light of past and future EU initiatives in the field of justice and home affairs policies, specifically in the area of procedural rights, and the rights of victims of crime?

Hosts: Grace Mulvey (JUSTICIA European Rights Network) and Irish Council for Civil Liberties

1. What were the main issues raised? Which human rights concerns were discussed?

- Role civil society can play in effective implementation and transposition of EU Directives;
- Added value of working collectively (cooperation of different NGOs at national and EU level) - example given of *JUSTICIA* European Rights Network (www.eujusticia.net);
- Cooperation between civil society groups allows for the collection of comparative data which can assist in putting pressure on governments that may be unwilling to effectively implement particular EU directives;
- Lack of civil society space at a European level to engage with the European Commission once directives have been adopted;
- Concern expressed regarding the potential withdrawal of certain EU countries from the ECHR system and their lack of commitment to domestic implementation of ECtHR standards.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Engagement with implementation and transposition process via: training and monitoring both at EU level and on the ground (domestically); awareness raising; engagement with the national media; engagement with upcoming MEP candidates on EU issues;
- Cooperation with specific bodies within the national Ministries that retain responsibility for implementing EU directives;
- Cooperation with the relevant European Commission officials.

3. What are lessons learned and risk factors?

- A lack of political will at national level to implement certain directives – one example was provided where the Government submits proposals of legislation containing the necessary amendments needed for a certain EU Directive, but then the legislation has actually never been adopted;
- General knowledge about the EU legislative process and obligations from the EU

is challenging;

- It is a challenge to attract media attention on EU matters, particularly EU criminal justice. Moreover, journalists lack knowledge on EU law;
- Infringement proceedings are rarely taken despite evidence that certain directives are not being implemented nor transposed properly. NGOs have been advised to approach European Commission employees directly by mail when they have relevant data which demonstrates this;
- Civil society provides a significant body of evidence to the European Commission; however, there is a lack of transparency regarding how this data is used and analysed.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Idea put forward for a Civil Society Platform at a European Level to engage with the European Commission post-adoption of Directives. A friendly space where civil society can inform the European Commission about the reality on the ground;
- Cooperate further with media, so that the society can understand the need for effective implementation of EU law;
- Oversight and transparency with respect to follow-up on the evidence and information civil society provides to the European Commission;
- Reform of ECtHR system: NGOs need to cooperate further (to ensure their voices are also heard) and must be included in consultations when the Court changes its rules of procedures (as Member States want to be consulted).

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Implementation and Transposition: continued and increased cooperation between civil society; engagement with MEP candidates regarding EU matters; continued provision of data to European Commission with request for information on follow-up actions; furtherance of a civil society space at a European level post adoption of directives; continued engagement with national media;
- Reform of ECtHR: civil society engagement with consultation process regarding rules of the court; actively seek Member States' reaffirmed commitment to the Court.

Is freedom of education fully understood and respected in Europe?

Host: Maria Luisa Peña Gallo (Profesionales por la Ética)

1. What were the main issues raised? Which human rights concerns were discussed?

- Freedom of education and parental rights;
- Indoctrination at schools or through State imposed curricula;
- Right to be home educated, right of objection of conscience from parents to certain subjects related to moral values and with affective-sexual nature.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- In Spain the subject Education for Citizenship was omitted from curricula for being declared indoctrinatory after 55,000 objections of conscience, 2,300 appeals against the legality of the curriculum, 342 plaintiffs to lodge and 105 complaints before the ECHR against the Kingdom of Spain.

3. What are lessons learned and risk factors?

- There are certain groups and minorities that are interested in declaring which beliefs parents can or cannot instil in their children;
- To spread a moral code socially-acceptable without questionable thinking.

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Create a network to promote the generalization of a "Notification for consent and prior information form" that will allow parents to collaborate with schools and decide whether their children can or cannot take the class, lesson or participate in the workshop which relates to moral or sexual issue.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Not allowing home schooling infringes parental rights. There should be exams that ensure children have the standards of a school kid;
- Parents should have a channel to express their opinion about mandatory sexual and moral subjects that have a big influence on them;
- FRA should support the promotion of the "Notification for consent and prior information form" through all Member States of the EU.

How can the EU better protect migrant children's rights in future Home Affairs policy?

Host: Maria Giovanna Manieri (Platform for International Cooperation on Undocumented Migrants - PICUM)

1. What were the main issues raised? Which human rights concerns were discussed?

- Migrant children are being made vulnerable by laws and policies on migration;
- Some migrant children, particularly undocumented children, both accompanied by their families and alone, are falling through the gaps in the existing policy framework;
- Urgent situation on the ground, where migrant children's health, well-being and development is being harmed in the short and long term;
- Shortcomings include:
 - Detention of migrant children;
 - Access to basic services (education, healthcare, etc.);
 - Difficult access to regularisation, documentation and citizenship;
 - Existence of a different system/treatment for migrant children;
 - Difficulties/obstacles to have access to asylum procedures;
 - Weakness of guardianship system and lack of legal recognition of children from same-sex couples;
 - Age assessment procedures;
 - Lack of effective rights to durable solutions.

The developments in Home Affairs policy present a vital opportunity for the European Union to collectively address the shortcomings concerning migrant children and to meet the EU's legal obligations to every child in its jurisdiction.

The workshop facilitated identification of the protection gaps, and, reviewing joint recommendations proposed by several child and migrants rights organisations, foster further collaboration to strengthen the EU's protection of migrant children's rights.

2. What works well in civil society involvement in this area? What are (or were) the key success factors for achieving impact?

- Advocate to policy-makers and EU institutions (e.g. child rights manifesto targeting EMP, letter to the President of the European Commission) for a more coherent and rights-based policy approach towards migrant children;
- Increase children consultation to take into account their views.

3. What are lessons learned and risk factors?

- Risks factors:
 - Lack of children mainstreaming in migration policies is a risk factor for an equal access to services by all children irrespective of residence status.
- Lessons learned:
 - Working on obstacles (migration status etc.) preventing migrant children to have access to basic services (education, healthcare, etc.).

4. What else would civil society organisations need in order to be able to contribute (more) successfully in this area?

- Work in cooperation with the official European Network of Ombudspersons for Children (ENOC) to raise voices of all children;
- Use the European committee of social rights and the complaint mechanisms as the Committee can broaden the scope of application of the European Social Charter to third-country nationals living in countries that have ratified the collective complaint mechanism.

5. What were the conclusions of the session and what follow-up activities do you envisage?

- Advocate for rights of all migrant children – both unaccompanied children and children who are accompanied by their parents or other caregivers;
- Advocate to broaden the mandate of the Commission’s child coordinator;
- Promote the right of all migrant children to be equally protected : treating every child first and foremost as a child, irrespective of social or ethnic background, gender, ability or migration status;
- Promote the inclusion of a strategic framework on children in different areas to develop a comprehensive approach.