



Strasbourg, 29 January 2016

**Synopsis of the thematic session organised for
the participants of the Schools of Political Studies
at the World Forum for Democracy 2015**

The human rights dimension of migration in Europe

(18 November) ¹

Moderator: Mark Neville, Head of the Private Office of the President of the Parliamentary Assembly of the Council of Europe

Panellists: Amina Bouayach, Secretary General of the International Federation for Human Rights; Catherine Lalumière, President of the Association of Schools of Political Studies; Lefteris Papayiannakis, President of the Athens Municipality Migrants' Integration Council.

In their introductory statements, the panellists pointed out that the complex interrelationship between human rights and migration policies calls for a multifaceted approach. Over-restrictive migration laws and policies not only foster xenophobic and discriminatory reactions among the populations, but also raise serious concerns about their compatibility with international human rights standards. In the current complex landscape of migration in Europe there is a need to create a calm political environment in which migration and migrants' rights can be addressed. How can we build an effective counter-narrative to assist the integration of immigrants? How can we ensure that the existing legally-binding rights of refugees are respected? How can we effectively bring human rights law and practice, from the margins, into the heart of migration policy? And who is responsible for ensuring this?

In the ensuing debate, Ms Bouayach stressed the particular vulnerability of migrants, who have been displaced from their homes and from their countries, and deplored the lack of sufficient implication of civil society in finding practical solutions and defining EU policies in this area. She also declared herself very much concerned by the sometimes disproportionate responses of European States to the migrant crisis because of security concerns (closing borders, surrounding migrants with barbed wire, intercepting boats in the Mediterranean Sea before reaching European soil etc.). She stressed the urgent need to develop a more pro-active approach in policy-making processes in order to anticipate potential problems. Placing human rights at the heart of European migration policies is in her view "essential". She urged the EU to

¹ Reporting by Ramona Toma, DPP

abandon figures-based approach and start putting human beings and their basic rights at the heart of its policies regarding migration.

Ms Bouayach's views were shared by Ms. Catherine Lalumière, who expressed her serious concern about current trends within European societies which is seeing public opinion's fears translated into a series of restrictive legislative measures with a significant detrimental impact on European democracies. Referring to Professor Mireille Delmas Marty, she warned that these exceptional measures risked becoming the norm, which could jeopardise European values and ultimately have a detrimental impact on migrants. In the aftermath of the terrorist attacks of Paris on 13 November 2015, Ms Lalumière believed it was extremely important to clarify, for the benefit of the public, that there was no implicit link between terrorism and migrants. She further stressed the importance of the rule of law which should govern the way European societies deal with migrants and the urgent need to find the right balance between the rights of the hosting countries and the rights of migrants. She recalled that the provisions of the European Convention of Human Rights are fully applicable to migrants once they are on a territory of a member State of the Council of Europe regardless of the regularity of their stay on that sovereign territory.

Mr. Papaganakis insisted on the need to initiate deep reflection in Europe on the concept of "European identity" and its coexistence with the concept of "national identity". He warned against the dangers of Europe becoming a fortress and pleaded in favour of Europe as a "melting pot". In his opinion, it is vital to change the current thinking about the migration process by highlighting its advantages rather than its potential drawbacks.

From the experts' discussions with the Schools participants, the following suggestions for the attention of decision-makers within the Council of Europe, the European Union and the Council of Europe member States may be identified:

- Adopt a Convention on Refugees in the framework of the Council of Europe which would clearly enshrine the rights and obligations of the Council of Europe member States in this area;
- reinforce the partnerships between the Council of Europe, the European Union and neighbouring countries on the basis of the "shared responsibility" they all have in providing solutions to the current migrants' crisis;
- involve civil society more in developing the European policies on migration and in defining the practical solutions required to settle the migrants' crisis;
- adopt specific regulations for the Balkans region, taking into account the complexity of the situation in this part of Europe and the role they play in the refugee crisis;
- update the current regulations on migration by taking into account the new challenges and develop a more pro-active approach in this area in order to anticipate the problems within the policy-making process. Place human rights at the heart of the European migrations policies;
- initiate a deep reflection in Europe on the concept of "European identity" and its coexistence with the concept of "national identity". Raise awareness within European society of the need for integration as a key solution to solve the refugees' issues.