



# AEDH

EUROPEAN ASSOCIATION  
FOR THE DEFENSE OF HUMAN RIGHTS

## ACTIVITY REPORT 2008-2009

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According to its constitutive charter and its status, the AEDH is based on the defense and the promotion of Human Rights in the European Union.

The AEDH acts to make fundamental rights accepted as universal, indivisible and effective for all residents of the European Union and supports all initiatives going in this direction.

In order to make these rights elaborated by and for the citizens, we advocate for:

- a democratic Europe in which citizens get a real power
- a Europe based on the respect of freedom of each and every person
- a Europe which maintains its concern for social equality
- a Europe respectful of the environment and engaged in sustainable development
- a Europe without discrimination
- a Europe open to the world and taking into account its international responsibilities

The AEDH claims the existence and recognition of a citizen counter-power.

During its last General Assembly, in June, 14<sup>th</sup>, 2008, the AEDH define its priorities for 2008-2009:

- Asylum and immigration ;
- Protection of personal data ;
- Management of EU borders ;
- Social rights ;
- Discriminations towards Roma people ;
- Intercultural and interreligious issues, relation between State and church in EU countries ;
- Situation in EU prisons.

In the previous General Assembly of September 8<sup>th</sup>, 2007, the priorities which were determined were the following:

- Asylum and migration: border management: conditions of crossing over the borders, reception of the asylum seekers, role of FRONTEX and management of legal and irregular migration.
- Personal data processing: monitoring on the one hand personal data protection in all kind of databases (PNR accords, biometrics...) and on the other hand the preservation of the integrity of individuals.
- Movement and right of settlement respecting the equal rights of European citizens and their social and economic rights, especially as far as working rights and discriminations are concerned. We decided to focus on the situation in Bulgaria and Romania, new members of the European Union.
- Intercultural and religious tensions following the year of the intercultural dialogue and including the subject of linguistic minorities.

The AEDH will achieve its goals thanks to:

- a political and legal monitoring of EU activities;
- interventions within the European institutions;
- participation to the debates and collective actions through the various European networks which fight for the respect of fundamental rights;
- developing and animating our members networks;
- writing press releases, reports and letters;

- diffusion of information through new communication tools;
- material and human means.

We will consider all aspects of our activity in this report, and especially:

**Our political and legal monitoring of EU activities which requires to search for information and to maintain contact with** the European institutions, especially the European Parliament, with the Fundamental Right Agency, the European Economic and Social Committee and the European Commission. This monitoring task also applies to the European network in which the AEDH is involved in order to keep updated and gather the information we need to take position through our press releases and position papers.

**Our participation to seminars, conferences and meetings**, which is essential to the AEDH in order to be recognised, to reinforce and increase its network, to maintain contacts with networks in which the AEDH is involved and with other associations. The most important would be to communicate about our positions and increase our visibility.

**Our thematic research on the priority topics defined during the General Assembly**, that will constitute an information source regarding Human Rights on a European scale. The AEDH will then be able to disseminate this information to its members, mainly by emails. It is also a question of gathering and placing at the disposal of the greatest number (in particular thanks to our website), documentation, information and more generally all the key elements that help to understand a topic of intervention of the AEDH or a more specific phenomenon.

This activity report recounts all the actions run by the AEDH during 2008-2009. The report content may often be factual, but it carefully shows the extent of the tasks carried out in one year. Although human, material and financial resources were limited, the support of the board, the trainees, the staff, the members and the volunteers enabled the achievement of all the AEDH priorities.

# **I. European Institutions**

## **1. The European Parliament**

The European Parliament is one of the favoured institutional places for the AEDH action. We regularly meet the MEPs, their associates, including those in their group, the administrators in charge of the topics we follow. We attend and write reports on the meetings of the committees which deal with topics related to human rights. During 2008-2009, the AEDH has attended:

- **The LIBE Committee (Civil Liberties, Justice and Home Affairs)**

The Civil Liberties, Justice and Home Affairs Committee is our privileged target, it deals with most of the bills regarding our main intervention themes, either it has been responsible or only asked for an opinion. The team of the AEDH Secretariat in Brussels and the President, Pierre Barge, systematically go to those meetings, regarding the topics we are in charge of. Then, we write an exhaustive report disseminated to all members of the Bureau. Those reports stand for a solid information basis with a large thematic range. During 2008-2009, we have attended 20 LIBE committees.

### ***Regular commissions:***

#### ***June, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> 2008 Committee***

This committee has been the opportunity for the new Head of the Fundamental Rights Agency to introduce himself. The LIBE Commission has then debated the strengthening of Eurojust following Renate Weber's report and has discussed the report on the Parliament's new role and responsibilities implementing the Lisbon Treaty. The Committee has also presented two communications, one entitled "Policy plan on Asylum – an integrated approach to protection across the EU" and a second one called "A common immigration policy for Europe: principles, actions, tools".

#### ***September, 8th-9th 2008 Committee***

On Monday 8th September, the committee has examined the draft report regarding the migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II). The Parliament has been called upon by a consultation procedure to give its opinion on the establishment of the legal framework for this migration.

Then, the MEPs have discussed the amendments of the draft report regarding the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. The main debate regarding this report was about the definition of a minimum wage for highly qualified third-country nationals. However, the diversity of the levels of wages was problematic. The issue of highly qualified workers' mobility has also been raised, so as to assure them the right to return to their country and then come back to the EU.

The LIBE commission has then examined the draft report concerning the establishment of the European Criminal Records Information System (ECRIS). Within the co-decision procedure, the commission has discussed the draft report on the proposal for a directive by the Parliament and the Council, providing for sanctions against employers of illegally staying third-country nationals. The main point of the discussion was to find an agreement between those in favour of a strict policy of fight against irregular immigration and those defending the irregular workers' rights. The main idea is to sanction the employer and not the migrant who has been irregularly employed and to assure his economic rights so as to leave their irregular conditions and favour legal immigration. But, in this project, one of the main disposals is the return of those illegally exploited for several months or even several years to their country of origin.

#### September, 15th 2008 Committee

The LIBE committee has first mentioned the issue of the strengthening of security and fundamental freedoms on the internet with an exchange of views in the presence of Professor Stefano Rodotà, Chairman of the Scientific Committee of FRA. This exchange raised the necessity of adopting an Internet Charter.

Even though a real legislation is needed and therefore legal links between this Charter and the European directive on the right for protection of privacy, it will not only be a Charter with restrictive terms. Like the Charter of Fundamental Rights of the European Union, a non restrictive text can influence the courts of justice and be a reference point for many legal decisions.

The Committee has then examined Mr Catania's draft report on the situation of fundamental rights in the European Union between 2004 and 2007. According to the report, the situation of fundamental rights in the European Union has globally improved despite the remaining gaps. However, for some consensus reasons, this report has only dealt with general questions without mentioning any specific case where human rights were violated in the EU countries.

Mr Rodotà, Chairman of the Scientific Committee of FRA, has concluded by wishing to raise a real debate on fundamental rights with a participation of the whole European society, believing that human rights protection should be the cornerstone for Europe's future.

#### October, 7th 2008 Committee

The Committee has first examined the draft report on the evaluation and future of the FRONTEX Agency and the European Border Surveillance System (EUROSUR). The MEPs have harshly taken stock of the situation of FRONTEX, while also raising paradoxically the crucial lack of means of the agency. The draft report about the Framework decision on obtaining proof in criminal proceedings for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters, has then been discussed. The main stakes of the European Evidence Warrant is to find a balance between public interest and the rights of the accused. The MEPs have reminded the Council that building a unique space for obtaining proof requires a framework decision on procedural guarantees so as to ensure rights and data protection. However, beyond the issue of procedural guarantees, the main questions raised by the European Evidence Warrant have not been got onto, questions such as the differences of incrimination between States and differences for trial and appeal procedures. The issue of DNA has also been discussed. If the European Evidence Warrant does not concern DNA, the DNA data exchanged between national polices before the trial within the framework of the Prüm Treaty, automatically become proof in front of the court. It is therefore about assuring data protection. The MEPs have discussed amendments to the directive "sanctions against employers of illegally staying third-country nationals". The main debated points were: a presumed work relationship of at least 6 months, temporary residence permits granted to irregularly-staying migrants before their expulsion to their country of origin.

#### October, 13th 2008 Committee

The annual report on public access to Parliament's documents has been examined. Ewa Klant's report on « conditions of entry and residence of third-country nationals for the purposes of highly qualified employment », commonly call « European Blue Card » has been voted.

#### November, 4th-5th 2008 Committee

This committee has examined again Giusto Catania's report on the situation of fundamental rights in the European Union between 2004 and 2007. The draft wind-up resolution on EU-PNR has also been discussed.

#### December, 1st -2<sup>nd</sup> 2008 Committee

We have attended the debate following the presentation by Martine Roure of the report on the implementation in the EU of the directive 2003/9/EC laying down minimum standards for the reception of asylum seekers and refugees following the visits by the Committee of Civil liberties between 2005 and 2008. Michèle Alliot-Marie, Minister of the Interior and Overseas Territories, has then presented the conclusions of the French Presidency. The report by Giusto Catania on the « future of the European Common Asylum System » has been discussed. On December, 2<sup>nd</sup>, Rachida Dati, Minister of Justice and Keeper of the Seals has presented the conclusions of the French Presidency of the EU Council.

#### December, 8th 2008 hearing

The meeting has been the opportunity to present the reports following the visits by the members of the Civil Liberties Committee to different centres for refugees across the EU.

#### January, 12th 2009 Committee

It was an extraordinary meeting of the Civil Liberties Committee on the situation of fundamental rights in the European Union.

#### January, 19th – 20th 2009

The meeting of January 19th has gathered national parliaments and the European Parliament to discuss issues related to the area of freedom, security and justice. The present meeting has been the opportunity to evaluate the implementation of the Hague programme and to start the discussion on the preparations of the next multiannual programme in the Area of Freedom, Security and Justice. There was a special focus on the citizenship of the Union using, as a basis, the Commission's Fifth report. In addition, one specific aspect of the European Citizenship has been considered: freedom of movement of EU citizens and their family members. On January, 20<sup>th</sup>, Stavros Lambridinis' report on the "strengthening security and fundamental freedoms on the internet" and Giusto Catania's on a "common asylum system" have been examined. Simon Busuttill's report on a "common immigration policy for Europe" has also been discussed.

Claudia Fava's report on "Sanctions against employers of illegally staying third-country nationals" and the report on the "implementation in the EU of Directive 2003/9/EC on the minimum standards for the reception of asylum seekers" have been voted.

#### March, 16th 2009 Committee

The MEPs have examined the report on the « Establishment of 'Eurodac' for the comparison of fingerprints » and Jean Lambert's draft report on the « establishment of a European Asylum Support Office ».

The MEPs have voted Buitenweg's report relative to "equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation".

#### April, 16th 2009 Committee

During this meeting, the amendments on the asylum package have been discussed. The asylum package consists in 4 elements: minimum standards for the reception of asylum seekers, establishment of EURODAC for the comparison of fingerprints, applications for international protection lodged in one of the Member States by third-country nationals or stateless persons, establishment of a European Asylum Support Office.

The European Data Protection Supervisor, Peter Hustinx and his assistant, Giovanni Butarelli, have presented their annual report. The NGO, Médecins Sans Frontières, has presented its report on Malta's migrants' centres of 15 March 2009 by MSF.

The Europol Deputy Director, Mariano Simancas, has presented the terrorism situation and trend report.

#### April, 27th 2009 Committee

Ilkka Laitinen, Executive Director of FRONTEX, has presented the state of play and future of the Agency. Among the most interesting points of her presentation, there was the decrease of detections at the land borders, which means that there is a large increase at the coastal borders, especially in the Mediterranean (Italy, Malta, and Greece). The question which consists in knowing whether FRONTEX should have its own material has been looked upon as a fundamental issue. The resources have been considered to reach 100 millions euros and 205 to 300 people regarding its human resources, in 2013.

Regarding the access to public documents of the EP, Council and Commission, the European Ombudsman, the European data protection Supervisor, the legal service representatives of the Council and the Commission and the rapporteur, Cashman, have participated to the debates assessing that the existing regulation was already good but that it needed to be improved, while keeping the established rights from the 2001 regulation. The Civil Liberties Committee has voted the Asylum Package which was adopted during the plenary session.

#### **Public hearings:**

#### October, 6th 2008 : Public Hearing on the situation of fundamental rights in the EU

It was an exchange of views within the frame of Mr Catania's draft report on the situation of fundamental rights in the EU from 2004 to 2007. Several topics have been discussed by the speakers :

- Assessment of institutional protection of Human Rights in the EU: the committee recalls the lack of control of the respect of right inside the EU and the obligation for the European institutions to ensure the guarantee of fundamental rights within the EU, even before making sure that they are respected outside the EU.
- Asylum, Migration, Integration: Alarming report on the raising number of detention centers in Europe, and the strengthening of the security aspect of immigration to the detriment of fundamental rights, by the Pact on immigration.
- Fight against discrimination: Roma issue which has been dealt with in Italy as a security issue. Discrimination towards them is really worrying and their fundamental rights are flouted. It is time for EU to act on this question.
- Promotion of social rights and children's rights: the committee recalls the social rights and fundamental rights which should be guaranteed in the same way for all citizens across the EU. Regarding the children's rights, the member States must respect the United Nations Convention on the Rights of the Child.

#### February, 19th 2009: Public Hearing on problems and prospects concerning European citizenship

Opened by Gérard Deprez, MEP, Chairman of the Committee on Civil Liberties, Justice and Home Affairs, the hearing has presented the issues related to European citizenship from the point of view of the member States which joined the EU during the last five years. The European Ombudsman has presented the perception of the European citizenship by the European and what is needed further in relations between the EU Institutions and the Citizen.

#### March, 5th 2008: Public hearing on the « Strengthening of fundamental freedoms and security on the internet »

The EP report of Mr Lambridinis has been unanimously adopted on February, 17th and stands for the first recommendation of MEPs to fight against cyber criminality while protecting the user's fundamental rights. A Charter of rights on the Internet has also been mentioned. In this report, internet access is defined as a fundamental right.

We deplore the fact that during this hearing, the emphasis was on internet security more than on the protection of personal data. The access right for all citizens to the internet has however been recalled in a context when there was no unanimity across the EU (notably in France) as well as the need for a full application of fundamental rights on the internet.

- **The Employment and Social Affairs Committee (EMPL)**

The Employment and Social Affairs Committee is our second target within the European Parliament. It deals with issues relative to economic and social rights but it is also often appointed as the committee asked for an opinion on the reports for which the Civil Liberties Committee is responsible.

September, 9th 2009 Committee

Gabriele Zimmer's report "Promoting social inclusion and combating poverty, including child poverty, in the EU" and the reports on the "Sanctions against employers of illegally staying third-country nationals" on and on the Conditions of entry and residence of third-country nationals for the purposes of highly qualified employment" have been examined.

October, 6th 2008 Committee

The MEPs have discussed the future of social security systems and pensions: their financing and the trend towards individualisation in the member States. The debate was mainly focused on the will of some committee members to change the term « individualisation » (which has good or bad implication according to the language) in the report's title.

The MEPs have then debated the protection of temporary workers and the relationship between the agency and the worker. The project dates 6 years ago. Since the Council has eventually ended its opposition, the proposal is to make this project adopted without amendments so as not to take any risk of re-launching the debate. A framework for temporary work must be found, from the temporary work agencies' point of view as well as from the workers' who must benefit from the same rights than the others since the very first day. The fact that the notions of health and security of temporary workers have been removed stand for a serious issue.

November, 4th 2008 Committee

Concerning the aspects of the organisation of working time: by adopting Alejandro Cercas' (EPS, ES) co-decision report by 35 votes in favour, 13 against and 2 abstentions, the Employment and Social Affairs Committee which has showed its disagreement with the Council – which has reached an agreement on June, 9th 2008 – notably because of the non participation clause, usually called «opt-out » clause and custody time.

The majority of the Employment and Social Affairs MEPs believes that the maximum working duration in the EU should be limited to 48 hours per week and the exemption to this rule must be removed three years from now,

December, 2<sup>nd</sup> 2008 Committee

Concerning the social situation of the Roma and their improved access to the labour market in the EU, one question remains: Do we have to talk about the 27 member States or do we only focus on those which concentrate most of the problems in this area?

Other topics have been dealt with during this meeting: Implementation of Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community, Social Responsibility of subcontracting undertakings in Production Chains, Equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation.

January, 20th – 21st 2009 Committee

Petr Nečas has presented the priorities for the Czech Presidency: workers' mobility (the directive concerning the posting of workers must be seen in a positive way despite some

controversial rulings from the ECJ); flex-security (the MEPs have emphasized the fact that the focus was too much on flexibility and recall that it is also based on security); social services; horizontal help for families.

The directive on the organisation of working time will be at the agenda of the Czech Presidency which plans to do its best to reach a compromise. Other sensitive topics have been discussed :

- Concerning the Implementation of Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community, some suggest that the workers, even the works Council, as the employees' representative, should be able to be shareholder, so as to get their opinion taken into consideration. But others denounce this false good idea because it is about asserting the workers' rights to information and to consultation, without being a shareholder to assert this right.
- Concerning the equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation, the EPP is against the framework directive ("we cannot solve everything at the European level"), is in favour of a specific directive regarding disability and express some doubts regarding religion.
- Concerning the social situation of the Roma and their improved access to the labour market in the European Union, MEPs have raised the attention on the fact that we must not marginalize the Roma by creating policies and institutions that would be specific to them to solve problems that are not specific.
- Concerning the renewed Social Agenda: the crisis cannot be used as an excuse for social cuts. The problem with social policy is that it is usually seen as an expenditure while it is an investment. The economy must serve the people, not the contrary.
- Concerning the study "The impact of new forms of labour on industrial relations and the evolution of labour law in the European Union", we note that there are more and more atypical contracts. Those contracts have specific rules: there is not equality of treatment.
- Concerning the Communication on the "Sanctions directive": For the EPP, the sectors most likely to hire irregular workers must be identified. The EPS suggests that the first subcontractor must be responsible for the employers he has externalized to, at the risk of abuse.

#### January, 26th 2009 Committee

The MEPs have addressed several topics:

- Patients' rights in cross-border healthcare: Health professionals must have the same competences in all member States. We should have the same services in all States. The issue of prior authorization is important. We must not have an approach in terms of internal market but also in terms of public health.
- A Common Immigration Policy for Europe: Principles, actions and tools: There is a need for immigration at the economic level. Therefore, we must improve the conditions for those migrations.

#### February, 10th 2009 Committee

The MEPs have voted Jean Lambert's report on the « Active inclusion of people excluded from the labour market ».

- **Other Committees**

We occasionally attend other committees notably when they are appointed as committees asked for an opinion or when they deal with the topics on which we intervene.

December, 2<sup>nd</sup> 2008 Constitutional Affairs Committee (AFCO)

The MEPs have examined Genowefa Grabowska's report on « Perspectives for developing the civil dialogue under the Treaty of Lisbon ».

December, 8th 2008 Development Committee (DEVE)

The DEVE Committee has been appointed as a committee asked for an opinion for Giusto Catania's report on the future common asylum regime. The MEPs have discussed it.

January, 21th 2009 Human Rights Committee (DROI)

It was an exchange of views with the Czech Presidency on its Programme in the field of democracy and Human Rights. We also attend the presentation of the "Manifesto" of the Human Rights and Democracy Network for the new European Parliament.

- **Hearings and conferences organized by the political groups and MEPs**

The committees, MEPs in charge of a report or not and the political groups can organize hearings and conferences. We attend them as far as possible. Then, we write the reports and send them to the members of the Bureau. Those reports stand for a solid information basis for the topics we deal with.

October, 9<sup>th</sup> 2008: NGOs Consultation organized by the MEP Martine Roure concerning the parliamentary report on the detention centres in Europe.

The visits by the LIBE Committee delegations in more than 30 detention centres in 12 EU countries have given rise to 12 reports on the reception conditions of the asylum seekers and irregular migrants in those centres. Ms Roure (EPS), the only MEP who has been part of the 12 delegations, was in charge of the final report writing. The aim of this report was to make recommendations to the Commission and to member States, notably to review the Council directive of January, 27th 2003 relative to the minimum standards for the reception of the asylum seekers in the member States. The aim of this meeting was to allow each organisation which was present (AEDH, ECRE, UNHCR, Amnesty International...) to briefly express its positions on the current reception situation of asylum seekers and irregular migrants. The AEDH has recalled its main positions concerning the borders management and the general trend which consists in systematically imprisoning asylum seekers and irregular migrants.

October, 15th – 16th 2008: Socialist Group Seminar : « How to promote social Europe within the internal market ? The future of public services and the implementation of the Service directive »

- Concerning people who work in the commercial (irregularly-working Hungarian cleaning lady) and social services (auxiliary nurse), efforts should be made to improve working conditions.
- Services privatization results in a decrease in quality (looking for a cost reduction, loss of continuity with a mass of operators), risk for the associations to switch from a subsidy system to a request for proposal system.
- Cross-border Healthcare directive: competition between the healthcare systems, no improvement of healthcare services for the majority...The legal insecurity remains.
- Need for quality Services of General Interest: equal access and reasonable cost. They are the best way to fight against exclusion.

January, 19th 2009 : NGOs consultation organized by the MEP, Simon Busuttil concerning the EU immigration policy

At the request of the Maltese MEP, Simon Busuttil, the AEDH has been to an NGOs consultation. The MEP was in charge of writing the report on the EU common immigration policy. The AEDH, represented by its vice-President, has presented the need for migrants'

rights in an open and welcoming Europe, as the priority. The AEDH has advocated for a real EU integration policy of the migrants. The AEDH has condemned the procedures which consist in imprisoning people and the EU security-oriented migratory policies. The report, published next month, has not taken into account the proposals brought by the different NGOs that day.

- **Conferences, symposium ou events**

October 7<sup>th</sup>-8<sup>th</sup> 2008: Conference « 60 years of the Declaration of Human Rights: the defenders take the floor »

The conference has gathered prominent human rights advocates and representatives of human rights organizations to share their experience and to review available UN, EU and Council of Europe mechanisms supporting the work of human rights defenders. The conference aimed to reaffirm and illustrate the scope of the Universal Declaration of Human Rights through the work of human rights defenders across the globe.

## **2. The European Commission**

The European Commission, unlike the Parliament, is a lot more closed to civil society. In the past, the AEDH had set the priority to work with the European Parliament. However, its visibility within the Commission has increased and since June 2008, the AEDH has been invited several times in conferences and other consultations.

29-30 September 2008 : «Equality Summit »

The AEDH attended the « Equality Summit » an event co-organised by the European Commission and the French presidency of the Council, in Paris.

This conference brought together about 400 representatives of European associations of the EU, concerned with the issue of discriminations.

The conference covered any kind of discrimination: based on origin and nationality, on sex, religion, sexual orientation, etc...

The AEDH made a public intervention during the debate in order to affirm the equality of all residents of the EU, whether they are citizens or not. Citizenship should not be limited to a simple legal aspect; it should cover the contemporary situation in the Union. An innovative approach should be adopted, according to which the dimension of coexistence in the European society should take into consideration all the components of the society.

3rd October 2008 and 11th June 2009: Reunion of the Active European Citizenship Group

The AEDH participates in the reunions of the Active European Citizenship Group in the context of the grant that it has received from the DG Culture of the European Commission. The reunions of the group allow doing an update on the projects assigned to each organisation selected by the DG.

On the 13th and 14th October, the AEDH has also attended the Forum Europe for Citizens 2008, organised by the DG culture in Brussels.

9th October 2008 : Forum on the Rights of Workers and Economic Liberties

The forum was established following the recent decisions of the CJEC (Viking-Line, Laval, Ruffert, Commission vs. Luxembourg) that raise the issue of labour rights. A large part of the debates focused on finding a better balance between the rights of workers and economic liberties.

Hundreds of representatives attended the forum: : the Commissioner Spidla, The Minister of Social Affairs of the presidency (X. Bertrand), ministers of Sweden, Denmark and Germany, J. Monks of the CES and P. de Buck of Business Europe...

Different speakers affirmed the fact that economic progress should not take precedence over social progress. Although these decisions have confirmed for the first time, the right to strike, this right has soon been stripped of its real content. Through these decisions, it will be a lot more difficult to organise collective actions. The Court has given a very strict interpretation of the directive. Minima became maxima. Thus, this implies a revision of the directive, which should become more protective and guarantee equality of rights in the workplace.

The existence of the Treaty of Lisbon could contribute to this objective thanks to the horizontal social clause (this however does not concern remuneration). Faced with the demand of the AEDH for a real Social Europe, Member States show a preference for national solution. As far as the syndicates are concerned, they ask for the revision of the directive and a social protocol which would be added in the next treaty.

### **3. The Council of the EU and the presidencies**

Nowadays, in support of the successive presidencies of the European Union, a system of work of in trio has been put in place, which is supposed to be more effective. The different presidencies that follow are able to organise events, officially in order to open a dialogue, but in reality to explain and justify their policy. The AEDH was able to attend some of those meetings.

- **The French presidency**

8-9 September 2008 : Conference « Building a Europe of Asylum »

The AEDH attended a ministerial conference open to the civil society « Building a Europe of Asylum », organised by the French presidency of the EU in Paris. Catherine Teule, vice-president of the AEDH made a plea for a radical reform of the reception conditions for refugees. She called for the respect of the Geneva Convention in relation to the status of refugee. However the time given to civil society in such conferences and the lack of attention that results from it, can make many organizations raise doubts about the interest to participate in such events that quickly turn around the self-satisfaction of the organizers about the legitimacy of the policies they undertake.

2 October 2008 : Public debate organised by the Employment, Social Policy, Health and Consumers Council on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

The debate covered the draft directive that is supposed to help fighting against discrimination outside the workplace. The consultation focused on the link between national and community law and on the protection against discrimination based on disabilities (which place for the UN Convention ?).

Several Ministers asked for a more precise draft. The field of application should also be better defined.

The Czech Minister was not in favour of a directive in this field. Some asked for a flexible directive, while others demonstrated a great level of ambition.

- **The upcoming presidencies: Belgium (2nd Semester 2010)**

4 May 2009 : Seminar « Justice, security and judicial cooperation – asylum and immigration »

The AEDH attended the seminar « Justice, security and judicial cooperation – asylum and immigration », organised in the context of the future Belgian presidency in 2010. As this seminar was a consultation for the Belgian civil society, the AEDH did not intervene in the debate. The Belgian presidency seems to take its role on asylum issues seriously. According to the planned timetable, the Swedish presidency will focus on the “Stockholm

programme”, the Spanish presidency on the issue of immigration and the Belgian one on asylum.

#### **4. The European Economic and Social Committee**

The civil society liaison group of the European Economic and Social Committee is a forum for dialogue and proposals. Members of the liaison group, which was created by the EESC, are members of the EESC and representatives of NGOs active in the main fields of civil society action: for the AEDH, that is Human Rights.

- **The civil society liaison group**

The AEDH has a multiple interest in being a member of the liaison group:

- To advance the idea of a place for civil society in the dialogue and support of the projects of the EU institutions.
- To create closer relations with the large civil society networks at the European level.
- To build relations with NGOs, representatives of syndicates which are represented in the EESC (group II) or representatives of the civil society in the EESC (group III)

In 2008-2009, the AEDH took part in:

Reunion of the 29th January 2009

This reunion, as well as the one on the 18th March 2009 aimed at validating a « general manifesto » for civil dialogue, and in particular at the implementation of civil dialogue in the light of the Lisbon Treaty. The objective of this text was to force institutions to listen to associations. The quality of civil dialogue is always and everywhere an indicator of democracy in a society and it contributes to increasing the legitimacy of institutions and of their decisions.

Reunion of the 18th March 2009

The members of the liaison group adopted the final version of the manifesto for a genuine European civil dialogue and planned the program for the 14th April.

Reunion of the 5th June 2009

This reunion brought together the associations who signed the « manifesto for a genuine European civil dialogue ». It focused on the evaluation of the event on the 14th April and on the possible perspectives for this innovative collective action, undertaken by almost 20 of the largest associative platforms in Europe, that called on the European political parties.

- **Conferences organised by /in the EESC**

9-10 December 2008 : Conference « The Future EU policy on immigration, borders and asylum »

This conference, organised in collaboration with the CEPS, aimed at giving civil society stakeholders the opportunity to present and exchange viewpoints with those who design policies and academics, on the present and future of European policies in this area. This event took place in the context of CHALLENGE – Liberty and Security, a 5-year research project funded by the 6th framework research programme of DG Research of the European Commission.

17th March 2009 : Conference « Everything to play for! Let's climb out of this crisis together, and opt for progress »

The conference covered the consequences of the financial crisis on real economy, analysed through the point of view of production but also through a social viewpoint.

The second part addressed more specifically the social consequences of the crisis, in the presence of the European Commissioner for Employment, Social Affairs and Equal Opportunities. The discussion included a presentation by the different national economic and social committees regarding employment and social action in their countries.

The general common objective was to avoid using the crisis as an excuse for protectionism. All participants underlined the need to preserve the full exercise of fundamental freedoms.

14th April 2009 : Day «Participatory Democracy and Civil Dialogue: organised civil society calls on members of the European parliament »

200 representatives of the European civil society participated in this reunion that took place on the 14th April at the European Economic and Social Committee, on the issue of perspectives for the development of civil dialogue in the context of the Lisbon Treaty. Some 20 European networks gathered together for a common manifesto « for a genuine European civil dialogue » in order to call on political parties on the role of civil society organisations in a more participatory democracy. Two round tables were organised, one on « Civil Dialogue and Lisbon Treaty » and one on « Civil Dialogue and European elections ».

15th April 2009 : Conference «A programme for Europe, the proposals of civil society»

The objective of the conference was to present the « programme for Europe » drafted by the EESC, which proposed some ideas in relation with the choices that the Union has to make for a sustainable future in a world in crisis. The presentation of this programme provoked different reactions to the various political groups, represented by A. SEVERIN for the ESP, O. KARAS for the EEP-ED, J. CHATZIMARKAKIS for the ALDE and M. FRASSONI for the Greens. The programme was soon adopted by consensus, while the ALDE considered it very close to its own programme for the elections.

The real objective of the EESC through this programme was to develop a capacity to intervene in the problems in order to change the perception of other institutions for the EESC. The aim was also to define the new consultative function of the EESC.

16th June 2009: Hearing « Fundamental Rights and immigration », the AEDH, through its president intervened in the first part of the hearing.

- **« Open days » of the EESC**

On May 9th 2009, the AEDH responded to the invitation received by the EESC to have a stand during the « open days » of the European institutions.

Our presence in the EESC, on the occasion of the Day of Europe, had 3 main objectives.

- Introduce the AEDH through the presentation leaflet, giving concrete examples of topics where the AEDH has intervened: “return” directive, detention centres, data protection...
- Launch the membership campaign for the AEDH (individual members)
- Introduce the position of the AEDH for the European Elections.

For this reason, we created a visible stand that was a point of information that allowed us to value the actions and positions of the AEDH.

Our presence caught the interest of some members of the EESC, and of officials of the EU institutions. However, the public proved to be more interested in the architectural aspect of the stand rather than the stand.

- **Presence and expertise within the EESC**

The AEDH has contacts with several EESC advisors, particularly from group II. Our involvement and interest for the activities of the institution enabled us to hold our general assembly on its premises that were made gracefully available to us. Catherine Teule, vice president, is an expert on asylum issues for the EESC.

## 5. The Fundamental Rights Agency

- **The Fundamental Rights Platform and the Advisory Panel**

The AEDH is a member of the fundamental rights platform. This platform is an integral part of the Fundamental Rights Agency created by the regulation on 15th February 2007. It acts as a team of representatives of national civil society organisations and networks, that makes proposals concerning the work and activities of the Agency. It's also an opportunity to meet organisations and networks of the EU countries.

The AEDH took part in 2 meetings of the civil society forum of the FRA in Vienna.

7 – 8 October 2008: this first meeting was an opportunity for the AEDH to be involved in this new structure. Being involved in the workshops, through the writing of a report, the AEDH was integrated in the provisional representation panel of the forum to the FRA.

5 – 6 May 2009: this second meeting confirmed the position of the AEDH within the platform. The AEDH took the minutes of a working group linked with the representatives of the Hellenic League for Human Rights. Pierre Barge was elected, together with 8 more representatives, to form an advisory panel, which consists a more permanent contact group between the civil society forum and the bodies of the Agency.

- **Meeting with Morten Kjaerum, Director of the FRA**

On the 14th October 2008, a few days after the first reunion of the Fundamental Rights Platform, the AEDH welcomed in its premises Morten Kjaerum, director of the FRA. The AEDH was able to present its point of view concerning fundamental rights in the EU and discuss on the role of the FRA in the European scene and the necessity for the Agency to go as far as possible in the implementation of its Statutes, in order to become an actor able to intervene in cases of violations of human rights in the EU, instead of being strictly a report-making agency. The possibility of referral to the European parliament opens new perspectives.

- **Consultations on the programmes of activities**

As a member of the civil society platform of the FRA, the AEDH was asked to make some proposals concerning the working priorities of the Agency, in the context of the multiannual programme suggested by the Commission. The AEDH responds to this kind of invitations, based on its own priorities for action, but also on whatever it considers as an emergency, like human rights at the borders, or substantive issues, like the right to access to justice.

- **Conferences organised by the FRA**

8 - 9 December 2008 : Conference « Freedom of expression, cornerstone of democracy – Listen , communicate in a diverse Europe»

This conference took place in Paris. The AEDH took advantage of this occasion to make a public intervention on the fact that freedom of expression and democratic participation should be a right recognised for everyone in the EU territory: whether they are citizens of the Union, third country nationals with long term residence permits, or in an irregular situation. Nowadays, the issue of means of expression of migrants imprisoned in detention centres is also raised. It's necessary to establish a medium of communication suitable for a diverse Europe. However, official speeches of the representatives of the institutions, the presidency of the Union, Council and Commission went in a different direction: surveillance was presented as a means of preserving freedom, which provoked a vigorous response from representatives of the press who were attending the forum.

### 22nd April 2009 : Press Conference «European minorities and discrimination survey »

The AEDH attended the press conference organised by the Fundamental Rights Agency (FRA) following the publication of the results of a European survey on minorities and immigrants. The survey, conducted through face to face interviews, reveals the extent of racism within the EU. The press conference was also an opportunity to discover the report « Data in focus - Report 1: the Roma ». Having been reported as the first victims of discrimination in Europe, they were selected as the first subject of a detailed report. Morten KJAERUM, Director of FRA and Joanna GOODEY, Head of the department Liberties and Justice of the FRA attended the press conference. The main and most alarming finding is the sense of resignation that prevails among minorities and immigrants. As always, these reports were disseminated to our members in the form of flash news.

## **6. The Committee of Regions**

- **Consultations of NGOs and conferences**

- 26th February 2009: The future common European asylum system II

The Committee on Constitutional Affairs of the Committee of Regions organised on the 26th February a large consultation aiming at rendering an opinion on the issue of the future common European asylum system. The consultation brought together representatives of organisations and local and regional authorities, the rapporteur, Mme Doreen Huddart and the expert, Dr Sweeney. The rapport was presented in the Committee on Constitutional Affairs on the 27<sup>th</sup> February. At the request of the rapporteur, the AEDH filed a written document in the week that followed.

- 13<sup>th</sup> March 2009: Strengthening the global approach to migration

Several important points were covered. Emphasis was placed on the importance of long-term action and the need to focus on the definition of migration policies not only in relation to the economic crisis but also to the climate change. The need to involve organisations in the determination of migration policies and to have a global approach was also mentioned. M. Arnoldus Abramavicius, Dr Edita Gruodytf Mykolas and Mme Simona Ardovino, representing the Committee of Regions, insisted on integrating into the global approach the differences between cities and countries at the European level, since these differences influence substantially migration issues.

## **7. International Organisations**

- **European Court for Human Rights – 25th June 2008**

Aleksejs Dimitrovs, treasurer of the AEDH, acted as adviser to Mrs Natalija Andrejeva before the Grand Chamber of the European Court of Human Rights in her case against Latvia.

The applicant, Mrs Andrejeva is a permanent resident of Latvia who does not have the Latvian citizenship but was once a citizen of Kazakhstan, at the time member of the former USSR. To introduce her application, she relied on Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms, according to which the Court may receive applications from any person, non-governmental organization or group of individuals claiming to be victim of a violation of the rights recognized in the Convention or its protocols by one of the High Contracting Parties. The case concerns the refusal of Latvia to pay her a pension, even though Mrs. Andrejeva has always worked in Latvia, when it was still a member of the former USSR.

- **The Council of Europe – 15/16 December 2008**

Aleksejs Dimitrovs intervened as an expert in the First United Nations Forum on issues related to minorities that took place in Geneva. The topic was « Minorities and right to education ». During his intervention, he commented on Chapter 6 of the recommendations drafted prior to the Forum, adding that if additional funding was sent to private schools, it should be granted without discrimination, regardless of the language of instruction and confession. He also recalled the need to create the necessary conditions (logistic and human) to enable minorities to learn their mother tongue.

Because of political considerations, Aleksejs Dimitrovs also recalled that some countries like Estonia or Latvia, in recent years, have limited legal measures guaranteeing education in the native languages of national minorities.

## **II. NGO European networks**

- **HRDN : Human Rights and Democracy Network**

The HRDN network meets almost every 6 weeks. Since June 2008, the AEDH has attended 6 of these meetings and the general assembly. This network gathers NGOs working for the defense and promotion of human rights and democracy. It is composed of the following NGOs:

*AEDH; Amnesty International; Aim for Human Rights; CBM EU Liaison Office; Church and Society Commission; CICC; Coalition to stop the use of child soldiers; Christian Solidarity Worldwide; Club of Madrid; December 18; Danish Institute for Human Rights; Euromediterranean Human Rights Network; European Peacebuilding Liaison Office; FIACAT; FIDH; Frontline; Human Rights Watch; ICTJ; International Dalit Solidarity Network; International Helsinki Federation of Human Rights; ILGA; International Rescue Committee; International Rehabilitation Centre for Torture Victims; ISCOS; La Strada International; Light for the World; Minority Rights Group International; OMCT; OSI; Peace Brigades International Colombia; Partnership for Democratic Change International; Penal Reform International; Plan; Protection International; Quaker Council for European Affairs; REDRESS; Reporteurs sans Frontières; Save the Children; Search for Common Ground; International Federation Terre des Hommes; World Federalist Movement; World Vision*

Its work is led by a troïka elected at the GA. Since 2004, the troïka is composed by Liz Scurfield (QCEA), Susi Dennison (AI-EU office) and Nicolas Rougy (Club de Madrid). The network often deals with human rights issues outside the EU and with the external policy of the EU in this area. However, this year, the AEDH has contributed more to the network activities, particularly by participating to the working group « Fundamental Rights Agency ».

The HRDN network sends a presentation letter of the network to every new presidency of the EU. This initiative helps to extend the network but also to highlight the important challenges of the presidency in the field of human rights. This year, the network has taken a common action: a manifesto for the European elections. This manifesto was used to present the position of the network and its expectations from the candidates and later on, from the new elected MEPs. This manifesto is available on the website of the AEDH in English, French, Spanish, Italian, German, Czech and Polish.

- **EMHRN : Euro- Mediterranean Human Rights Network**

The AEDH was requested several times to intervene at the events organised by the Euro-Mediterranean Human Rights Network. After a closer collaboration with the network, the convergence of our interests and actions led to our adherence to the EMHRN in February 2009.

- **Conferences organised by the EMHRN**

Since June 2008, the AEDH has participated in 4 events organised by the network:

On the September, 12<sup>th</sup> and 13<sup>th</sup> 2008, the AEDH was invited to intervene in the seminar organized at the meeting of the Board of Directors of the EMHRN in Brussels. The theme was the European policy on migration and its impact in the Mediterranean basin.

From October, 31<sup>st</sup> to November, 2<sup>nd</sup>, the Civil Forum: « Moving and living together in the Euro-Mediterranean region » was held in Marseille. The AEDH intervened once more on the subject of the European migration policy topic during the seminar: « Migration policies in

Europe ». The AEDH has also participated in the elaboration of the final declaration of the Forum which is available on the website of the Euro-Mediterranean Human Rights Platform.

From December 12<sup>th</sup> to 14<sup>th</sup> 2008, the AEDH was invited to the General Assembly of the Euro-Mediterranean Human Rights Network in Barcelona and participated to the debate on the situation of asylum and immigration in Europe.

On May, 26<sup>th</sup> 2009, the AEDH attended the conference « Migrants and refugees in the Euro-Mediterranean Region » which took place at the headquarters of the network in Brussels.

- **Implication in the working groups of the EMHRN.**

The members of the EMHRN participate in at least 2 working groups of the network. Membership in the Network has resulted in the involvement of the AEDH in the working group on **gender issues**. A meeting was held in Stockholm, from May 10<sup>th</sup> to 12<sup>th</sup> 2009, but we were not able to attend. We stay informed and several members of the Board of the AEDH have already expressed interest to participate in this group. Furthermore, we are supposed to participate in the working group on the right of association and through Catherine Teule, vice president of the AEDH, we are involved in the working group "asylum-migration."

• **ENAR : European Network Against Racism**

The AEDH is a member of the ENAR through the coordination group of the ENAR Network for the EU. This network gathers European networks involved in the fight against racism in the EU. We have participated in 2 meetings of the group and in its general assembly on June, 11<sup>th</sup> 2009.

Moreover, the AEDH, through its President, has participated to the work of the "Committee on politics and lobbying", of the ENAR. This Committee does not have a decisive role, but it has the role of reflecting and proposing on the work of the political forums and the direction of the network.

The AEDH was invited to the seminar « Framing a positive approach to migration », organized by the ENAR in Paris on November, 6<sup>th</sup> and 7<sup>th</sup> 2008. In the name of the AEDH, its president has made an intervention on the topic of « Human Rights and migrations ».

• **CELSIG : European Liaison Committee on Services of General Interest**

The AEDH is active within the CELSIG in Brussels. It regularly attends the meetings of the network, which means 4 meetings since June 2008.

The European Seminar « The services of general interest, challenges of the European elections in June 2009 », organized on November, 13<sup>th</sup> 2008, was an opportunity to ascertain the legislative vacuum at a European level concerning the SGI and their absence from the debates. The CELSIG, called for SGI to become a major political concern in a letter addressed to the President of the EU. It advocates the creation of a parliamentary intergroup and a Deputy Commissioner for SGI and calls MEPs not to give power to the future President of the Commission until the issue of SGI is taken into consideration. The MEPs invited to the seminar seemed quite hostile to the idea of a Deputy Commissioner for the SGI but in favour of the creation of a parliamentary intergroup on this subject.

• **ERIO**

The AEDH follows closely the work of ERIO. After having invited its director to our GA in June 2008, the contact was maintained.

This year the AEDH has attended 2 conferences organized by ERIO in Brussels:

16th April 2009: Conference « Roma access to political participation »: as the European elections were approaching, this conference sought for solutions to overcome the barriers that prevent Roma from accessing the decision-making process. The conference also aimed at encouraging European leaders to promote political participation of Roma at the European and national level. As a result, MEPs from different political parties were present: Claude MORAES of the PSE or even Jean LAMBERT of the Greens and Isabel ALONSO, representing the future Spanish presidency of the Council of Europe. In conclusion, today is not about asking for specific rights for the Roma but about guaranteeing equality for the Roma as human beings

27th May 2009: Conference « Roma and migration: a European Challenge », this conference aimed at drawing the attention of policymakers, media and public to the question of migrations of the Roma within the EU. Several dimensions were therefore covered: racism and discriminations, restriction of freedom of movement within the Union, social exclusion. The meeting gathered organizations for the defense of the Roma coming from different countries of the EU, such as Romania, Bulgaria, Belgium, Spain and Italy where Roma communities are important. It was the opportunity to exchange concrete examples of good practices and above all to act against the violent phenomena that have seriously affected the Roma community in different countries of the EU, reminding that the motive for migrations is not only economical but can often result from social pressure.

- **The platform on asylum and migration policies**

The AEDH is a member of the NGO platform on asylum and migration policies of the European Union. This platform is an informal group of NGOs based in Brussels. It holds its plenary meeting every 3 months. It is currently coordinated by the UNHCR, which created the platform in 1994. The members of the platform are the following:

*Amnesty International, AEDH, Caritas Europa, CCME, COMECE, ECRE, ENAR ; European Platform for the International Convention on the Rights of All Migrant Workers and the Members of their Families, European Women Lobby, HRW, ILGA-Europe, International Catholic Migration Commission, FIDH, IRCT, International Rescue Committee, JRS, Justice et Paix Francophone de Belgique, MdM, MSF, MPG, Pax Christi International, PICUM, QCEA, Red Cross EU, Save the Children, Solidar.*

Since June 2008, the platform meets 4 times more aside the sub-working groups: the Asylum Subgroup and the Migration subgroup, which meet before every plenary meeting. These meetings take the form of informal discussions on the activities of each member, comments on the news from the European institutions and exchange of information. We have participated in all the meetings of these groups.

- **ECF : European Civic Forum**

The AEDH, has taken part in the creation of the European Civic Forum. Furthermore, the AEDH is a member and holds an administrative position in the Forum. This is a network of associations coming from EU countries which have a common objective: the promotion of the European citizenship. It defends the idea of a statute of the European association and requests that European institutions take into consideration the establishment of a genuine dialogue with the organizations of citizens. The Forum aims at being strongly involved in the implementation of the Lisbon treaty concerning the dialogue with civil society organizations.

The meeting of the Board of Directors of the ECF takes place every trimester. The AEDH attends those meetings. The last general assembly, on Pail, 15<sup>th</sup> 2009 was the occasion to welcome new members. The AEDH attended the meeting of the Forum Board of Directors on the June, 18<sup>th</sup> 2008.

Each year the ECF organizes the European Civic Days. The AEDH was actively present to the Civic days that took place from October, 4<sup>th</sup> to 6<sup>th</sup> in La Rochelle in France.

- **The participation of the AEDH in the European civic days in la Rochelle on September, 4<sup>th</sup> – 6<sup>th</sup> 2008**

At the European Civic Days: « mobility, dialogue, participation : towards an active European Citizenship » in la Rochelle, the AEDH held a workshop entitled « Does a Europe of Human Rights bring peace? »

The discussions were very rich, fed by high-quality interventions by the panel, but also a real participation of the public.

This workshop was the occasion for participants to discuss implications of European policies in their daily lives, and challenge some ideas about the EU

The issues covered were the following:

- A democratic Europe for European citizens: the EU is the only « country » that does not respect the Copenhagen criteria.
- The European social model: the EU does not dismantle the social systems, but may instead raise the standards of social protection of member countries.
- The challenges for multiculturalism in Europe: it is sometimes difficult to accept different cultures. At which point do we pass from cultural difference to violation of human rights?
- The orientations asylum and migration policy of the EU: today in the EU it exists a category of persons deprived of rights: the migrants.
- European citizens confronted with personal data protection: citizens are put on files; their personal data is stored in databases by the EU and states for commercial or law enforcement reasons.
- Individual liberties and the fight against terrorism in Europe: when it comes to strengthening the security of states, the individual freedoms are at stake; should we choose between freedom and security?

The next European Civic Days will take place in Spain.

The ECF aims at being involved in the European Year 2011 on volunteering.

• **Participation in other conferences and the activity of European networks**

- **Collective « Bridges not walls »**

The AEDH has signed the petition « Bridges not walls », for a Europe which is open and inclusive. On the October, 17<sup>th</sup> 2008, 2 members of the AEDH Board have participated to the citizen summit on migrations in Montreuil in France. We have attended the seminar: « Minors in migration », we have intervened in the debate and we have shared the positions presented by our Andalusian member, the APDHA.

- **MEDEL : Magistrats Européens pour la Démocratie et les Libertés**

MEDEL is a network gathering associations and syndicates of magistrates, judges and procurators of the EU. They regularly organize conferences. In November 2008, the AEDH was invited to the seminar « Public liberties since 9/11 » in Paris. It has intervened at the

congress of MEDEL on the topic of networks for the defense of human rights in Europe. The theme chosen for this seminar was « the decline of liberties after 9/11». Particularly, it was discussed that in the name of security, it is possible today to limit the individual and public liberties of all citizens. The question raised was to know where are the limits and which is the legitimacy of such violation, after 7 years.

- **EWL**

The European Women's Lobby and the AEDH maintain good relations. The EWL is a member of the network EU Civil Society Contact Group. This year, the Lobby has organized the conference « EU anti trafficking day: what is being done to prevent trafficking in women and to assist victims? », on October, 16<sup>th</sup> 2008. The AEDH has attended this conference and participated to the general debate to improve ideas and actions in this field.

- **CCME**

The AEDH collaborates often with the Churches' Commission for Migrants in Europe. The CCME is an NGO based in Brussels dealing with issues of migration in the EU. The AEDH often responds to the invitations by the CCME. Thus, on June, 25<sup>th</sup> 2008, the AEDH attended the conference: « Monitoring forced returns/deportations in Europe. Experience, standards and best practice ».

- **Social Platform**

Like the European Women's Lobby, the Social Platform is a member of the EU Civil Society Contact Group. It regularly organizes conferences in relation with social rights in Europe. The AEDH has therefore attended the conference: « Civil Dialogue at European level: How to build the Europe that we want? » that took place in Brussels on December, 9<sup>th</sup> – 10<sup>th</sup> 2008.

- **EU Civil Society Contact Group**

This contact group of the civil society in the EU brings together the main NGOs based in Brussels: the Platform of social NGOs, HRDN, networks on the environment, Concord... When the new coordinator of the group took office, the AEDH got in contact to learn the perspectives and actions that the contact group intends to implement in relation with its members.

- **Swiss Representation in the EU**

Occasionally, conferences are organized by the permanent representation of the European countries in the European institutions. The AEDH took part in the conference «Migration partnerships: a new instrument of European migration policy? », organized by the Swiss representation, on October, 9<sup>th</sup> 2008.

- **University of Utrecht**

For the first time the AEDH has responded to the invitation by a group of experts of the University of Utrecht. On the 17<sup>th</sup> April 2009 a round table on « Shifts in Governance at the Physical and Legal Borders of Europe: In search of Accountability » was organized.

The round table was organized by the Department of Administrative and Constitutional Law of the University of Utrecht in the context of a research programme funded by the European Commission.

The conference focused on the development of new measures on the legal and physical boundaries of Europe as a result of shifts of power. These shifts in governance are closely related to 5 major trends: Europeanization, extra-territorialisation, privatization,

transnationalism, and securitization. These trends raise the question whether current forms of accountability, both political and legal, are sufficient to secure democratic decision making and to protect the rights and freedoms of individuals. The round table was an opportunity to investigate whether existing concepts of accountability are still valid in this field, and if not, whether new mechanisms of accountability should be developed.

- **Social Forums**

o **European Social Forum, , Malmö, from 17th to 21st September 2008**

During the ESF in Malmö, the AEDH has organized a workshop with the title: « European Democracy, citizenship and institutions ». It relied on its members to intervene in the debate. This event was an opportunity for some interesting events on issues of the European citizenship. The question of the European citizenship based on residence drew particular attention. One more time, we measure the difficulty of this concept in some countries, for instance in Central Europe, where from the fall of the Iron Curtain and the independence, the countries were already in the process of joining the EU.

The feeling of loss of control and national identity is particularly strong. This difference which is accepted in the EU should not be rejected for the third-country nationals. As it has been underlined during the debate: we must not confuse the economic, social and cultural boundaries; if the protection of oneself from the foreign workers has just an economic aspect, then why is there such a rise of xenophobia in Europe?

The AEDH has also intervened in the second workshop entitled: « Diversity of racism in Europe : common and specific answers », which was under the responsibility of the LDH – France.

o **Forum Social Mondial, Belem, January 2009**

The AEDH has organized during the FSM of Belem in January 2009 a seminar on economic social rights. The speakers came from the AEDH, the LDH, the EESC and the CGT. Around twenty people attended the reunion where the importance of economic and social rights in the context of globalization, the problems within the EU and the third world etc, were discussed. Attention was given to the defense of existing rights and to the need for new rights in the context of recent social developments.

### **III. Relations with the members**

- **Meetings with our members and participations to events on invitations of our members**

- **Czech Republic**

On November 24th and 25th 2008, the AEDH went to Brno, in Czech Republic, in order to meet representatives from the Liga Lidských Práv.

This trip was the opportunity for the AEDH to gather people working on the protection and the promotion of Human Rights in Czech Republic. We talked about minorities in Czech Republic, and in particular about the very significant situation of the Roma people in this country. The exchanged remarks found a resonance in the work of the AEDH, especially in the later meetings of the AEDH with MEPs.

The AEDH also discusses with its partners about the Czech Presidency of the EU. We sadly learnt that the Czech presidency was not going to work on the new anti-discrimination directive as the directive of 2004 wasn't even transposed in the Czech legal system.

The AEDH has measured the values of this exchange of information with an association based in the country of the upcoming EU presidency, and will pay attention to renew the experience in the future.

- **Greece**

On March, 14th and 15th, 2009, the AEDH went to Greece. This visit lays within the scope of the European programme « Personal Data Protection ». The meeting took place at the headquarters of RAXEN NFP with representatives of the Hellenic League of Human Rights. We elaborated a work program and define how we could collaborate. We also met national politics. We talked about the situation of Human Rights in Greece. We finally consider organising the General Assembly 2010 in Greece.

- **Malta**

On November, 17<sup>th</sup> and 18<sup>th</sup> 2008, the AEDH visited the Malta Association for Human Rights in Valletta. The AEDH was very well welcome! AEDH and MAHR talked about the situation of Human Rights in Malta, the rise of xenophobia, the problems linked with regulation Dublin II, and about the dead-end situation of migrants in Malta. This trip was the opportunity to discuss with local professionals working of the field of immigration, and to visit an "open detention centre", and to note that it is not acceptable to keep on treating irregular migrants like this, and that the EU is responsible in its whole for this situation.

These visits and meetings with local NGO representatives allowed the AEDH to measure the emergency: there is a crucial need for a concrete European policy on the reception of migrants. The confrontation between European policies and local factual situations reinforced the positions of the AEDH to ask for an open and accessible Europe, respectful of the dignity of those arriving at its borders, which considers asylum not as a burden but a right for vulnerable people.

- **Austria**

On October, 9th 2008, the AEDH went to Vienna to meet with the representative of the Austrian League. The discussions drew up a panorama of the questions of Human Rights in Austria; asylum, immigration, situation of irregular migrants, rights of minorities. The relations between Austria and its neighbours were also evoked, in particular with Hungary. We considered how we could encourage and/or support the creation of associations for Human

Rights in Hungary, Slovakia and Slovenia. Finally, the discussion also related to the role of defenders of Human Rights in the national legal processing.

- **Italy**

On December the 4th, 2008, the AEDH was invited to participate to a seminar in Reggio de Calabria on the occasion of the 60th anniversary of the proclamation of the Universal Declaration of Human Rights. We met with the local section of the LIDU. The reception and debates were cordial. It was an opportunity to talk about the situation of vulnerable people, and how their rights were being infringed. We also mentioned the weight of the mafia which disabled a proper application of common law. This challenge will find a solution locally and requires the country to impose a true rule of law on the whole territory.

- **France**

On October, 1<sup>st</sup> 2008, the AEDH took part to a seminar organized by the LDH in Créteil, France, on “for democratic European Institutions”. The intervention related to EU citizenship, democracy and institutions.

On October, 2<sup>nd</sup> 2008, the AEDH has been invited to take part in a seminar entitled « Europe of Human Rights: between security and fundamental rights », during the event “Europe at Cosmopolis” in Nantes, France. We established a link between the maximum security wanted by European and national authorities, and the risks that it involves for the fundamental rights of the citizens.

On October, 5<sup>th</sup> 2008, the AEDH took part to the 20<sup>th</sup> Show for Ecology “Horizon Vert” in Villeneuve-sur-Lot, France. The topic of the seminar was “The State of Human Rights in Europe”. The AEDH presented the situation of fundamental rights in the European Union.

On November 27<sup>th</sup> 2008, the AEDH took part in a round table organized during the Conference on European policies for linguistic formation intended for migrants, in Paris, by the national federation of educational and training associations for migrant workers. The topic of the roundtable was “the point of view of associations working with migrants”. Our intervention was related to the “right of minorities and linguistic rights in Europe”.

This seminar was the occasion to compare national situations on the field of the professional formation of migrants, and to share good practices. The AEDH made the most of its intervention in order to make the link between the right of minorities, and the linguistic rights, between the right to speak one’s own language in private life, and the right to learn a language in order to be active in the public life. One cannot be granted rights conditionally to his ability to speak one or another language. Human Rights are universal and cannot be subjected to linguistic requirements.

On February, 13<sup>th</sup> and 14<sup>th</sup>, 2009, a « kiff off » meeting was organized at the LDH in Paris, in order to launch the project « Personal Data Protection ».

On May 6<sup>th</sup> 2009, the AEDH intervened in a seminar organized in Créteil: « European Elections of June: what’s at stake? ». It was the occasion to rise awareness among the assistance on the importance of EU legislation in the national legislation, and thus on the political importance of the upcoming elections. It was also the occasion for the AEDH to introduce its activities, and to find local support with individual members.

On May 14<sup>th</sup> 2009, the AEDH went to Metz to take part to a conference called “Is Europe a Peace factory?”, organized by the French Ligue de l’Enseignement in Moselle. The open debate and the attendance of EU elections candidates encouraged a discussion as an answer to the infosheets the AEDH elaborated for the European elections. Fundamental

rights are not seriously and concretely taken into account. Humanitarian actions exist in order to react to emergencies, but cannot be a compensation for a lack of rights.

- **Luxembourg**

On December, the 3rd, 2008, the AEDH has been invited to take part in a roundtable in Luxembourg on the occasion of the creation of the Luxembourg League for Human Rights: ALOS-LDH. This Association applied for membership, and after agreement for the Bureau became partner of the AEDH at the beginning of 2009. It can ask for full membership on the next General Assembly.

- **Development of the association**

- **Czech Republic**

On November 2008, during the trip to Czech Republic, the AEDH met with representative of the Czech civil society in Praha. We met with Barbora Tosnerova, from the Multikulturni Centrum Praha, and with Gwendolyn Albert, from Peacework. The AEDH took the opportunity to evaluate the civil society activism in Czech Republic. The question of the minorities had been discussed. We maintained contact after these meetings.

- **Romania**

From April 20th to 22nd, 2009, the AEDH went to Bucharest. The objectives of the visit were to meet with civil society associations, active on the field of the protection and the promotion of Human Rights in Romania, to evaluate the state of Human Rights in Romania, and to get information on the situation of minorities in Romania: third-country nationals, Roma people and homosexuals in particular.

Another important objective was to establish contacts for future collaborations. We met with Ioana Niang from the Asociatia Cultura Pacii (ACP), and we consider the possibility for them to become a member of the AEDH.

- **Bulgaria (in Brussels)**

Following its trip to Bulgaria in early 2008, the AEDH received in Brussels on October the 28<sup>th</sup>, 2008, a group of representative of the Bulgarian civil society, and especially Boryana Klimentova, from the National Centre for Legal Education.

A review of the situation of Human Rights in Bulgaria was made, and we considered what could be the action of the AEDH in Bulgaria. Can we be a relay of information from local associations to EU institutions?

The AEDH considers integrating Bulgarian associations into the network in order to open up to the new EU member states.

- **Individual members of the AEDH**

The AEDH currently counts many individual members. The contribution was fixed during the General Assembly up to 25 euros. A special price for students was also decided during a Bureau meeting (and is on standby of a formal GA approval): 10 euros.

Each individual member receives, like the associative members, the weekly newsletter as well as the flashnews.

A membership campaign is about to be launched. The AEDH hopes to find support, not only financial but also political thanks to the involvement of people living in the European Union into the defense of Human Rights.

These individual members can take part to the activities of the AEDH as volunteers.

The campaign will be on the European scale. In order to make it happen, new communication tools are being developed and individual members have already volunteered themselves to manage the operation.

## **IV. The tools of communication**

- **The website of the AEDH**

- **Objectives**

The website is inseparable of the rest of the activities of the AEDH, in the sense that it represents a gateway to other organisations, to citizens and to institutions. In particular, it is addressed to those who want to find information or positions about Human Rights in the European Union.

Updating the website is essential and we gave particular attention to news and to the enhancement of the information in our website. Our goal is to arrive at a point that people who are interested by the topics that we cover consult systematically our site. Our general objective is to make the website of the AEDH a point of reference as far as Human Rights are concerned for our members and internet users. We still have a long way to go in order to reach this goal but we have managed to make real progress.

- **Accomplished work**

As it has always been the case, our press releases are systematically uploaded in our website. We have also added the thematic files that we have finalised this year. We made particular efforts in order to diversify the themes included in those files. For each thematic file, the internet user can from now on find the important legislation corresponding to the particular subject, a position of the AEDH, whenever it exists, and finally some general documents about the particular subject.

Some necessary work for the maintenance and improvement of the website have been realised at a voluntary basis, but in 2008 we were able to remunerate a professional in order to make it more attractive.

Particular attention was given to the news column. Now, on the homepage of the website the most recent project of the AEDH appears (ex: the infosheets for the European elections 2009), as well as the newsletter of the AEDH. The latter is sent to our members on Friday and it is uploaded the following Monday. The most recent work of our members also appears in the column « news of our members ».

- **Perspectives :**

Statistics show a significant increase in attendance since last year. The foundation of the website is now solidified; the next interns will be therefore responsible for enhancing the website by adding content on a regular basis but also by considering other modules.

On the other hand, it is important to make it more visible through a communication work, for example by providing a link to the site of the AEDH from partner sites. Indeed, the statistics of the AEDH reveal that most of the entry links come from the search engine Google. In general, besides the question of attractiveness of the website, the question of ranking is also raised. In the short term, we will not have the resources to restructure the website, but we have to see what technical possibilities exist in order to further develop it. Reflection is necessary for the perpetuation and revitalization of this platform in order to better meet objectives.

- **The weekly newsletter and the « flashnews » sent to our members**

The newsletter includes a news column which presents the main events of the weekly news of the EU that are linked to Human Rights. It further gives information about the agenda of

the European institutions for the following week through its column « Agenda of the European Parliament ». The column « Agenda of the AEDH » gives information about the events or reunions that the members of the board or of the office will attend. Through these columns and the new composition of the newsletter launched in the beginning of 2008, the communication with our members has been reinforced.

Initially in English only, the newsletter has grown over the year. It is now circulated both in English and French. Since June 2008, AEDH has sent 43 newsletters to its members.

Early 2008 a new product named « flashnews » was launched. It promptly informs members, on the same day, on an event, an announcement of a draft project of the Commission or a vote on a European text. This formula which is limited to one piece of information enables prompt, concise and accurate information without any comment. It is a warning for members of our network. This formula has been well received, judging by the feedback we received.

Since June 2008 the AEDH has sent approximately 40 Flashnews.

- **The mailing lists**

The mailing lists enable us to disseminate widely our press releases by email. It is one of our main communication tools. In order to be able to have a more targeted or wider communication strategy, we started to work on a recast of the mailing lists. Different entries as targets are searched: thematic, country, institutions, networks...

Firstly, these lists concern our members, associative or individuals, and those who help us daily in our action. This covers our internal communication (newsletter, flashnews, information on the activity of our members...). Secondly, the lists cover our external communication which concerns the diffusion of press releases or other information on the AEDH achievements.

The European elections have been a major element and the opportunity to update our mailing lists. Our concern was to circulate widely the infosheets which called on the candidates and to inform our members, European networks, national media... In what way can we have press contacts in each EU country for a better dissemination of information? A first work has been undertaken which will be extended and deepened, especially through the solicitation of our members.

After the results of the elections, we are obliged to create our mailing list of parliamentarians, assistants and relevant services of the Parliament. People, who are sensible to our activities in the legislature that ends, should not be excluded by our mailing lists when they will no longer be members of the Parliament. Thus, our mailing lists for members of the Parliament will have multiple entries: a more limited list on the personalities necessary to reach whatever the subject matter, a second series of lists par parliamentary committee, and lists by country and by group.

Furthermore, as our contacts in the field, through our participation in events and working groups, during the various visits of the AEDH and based on positive feedback received, we complete a mailing list personalities and representatives of civil society organizations of the "field." We believe that for the development and impact of AEDH, this is a major challenge.

- **The new tools of communication**

For several months now, the AEDH has disseminated information sent by its members: this is "Member News. The information received from our members at the office of AEDH are

many and very diverse. It is impossible to distribute it all, first because of the amount of information, but also because it would mean diffusing a lot of information from a member and little from others. We therefore spread national newsletters whenever they exist and the main events organized by our members. We can not afford to do translations and therefore we circulate in the original language, but this should allow everyone to get an idea of the activity of other members, and why not to discover common concerns.

- **The translations**

- **A network of volunteer translators and interpreters**

Most of the translations and interpreting job done for the AEDH is voluntary. But when we have the means we remunerate. To meet our needs for translation and interpretation we can rely on a network of volunteer interpreters and translators. These networks are managed also at a voluntary basis by a professional interpreter and a professional translator.

Whenever there is a text to translate or a need for interpretation, we turn to them and they can detect the availability in the network and distribute the workload. Most of the time we work at a very tight time schedule, translations need to be done in two days, at risk of no longer being in the news. These networks allow us to be reactive in several languages! But English that is mostly requested language.

On the occasion of the European elections 2009 and the dissemination of the infosheets the network of translators has been effective. It has been expanded, with translation to Italian. For the General Assembly 2009, the translation will be provided by volunteer translator.

We feel the need to warmly thank those who provide the daily running of these networks and all the volunteer interpreters and translators that contribute to the exchange and dissemination of our work

- **The support of our members for translations**

The APDHA systematically translates our press releases in Spanish. The AEDH wishes to thank them for the translation work they do, especially for the translation of the infosheets for candidates of the European elections. Today, the German league also offers its services, including translation of what is relevant with its activities into English and French.

This linguistic support is vital to our activity. They are also a sign of the development of a genuine commitment and a willingness to exchange and to work as a network in a transversal way. This is both one of the objectives of the Association and an encouragement to continue our development efforts.

- **The work of interns**

The AEDH can only thank the work of its interns for daily translations. Whether it is an email to translate, the search for documents in multiple languages or pure and simple translation of texts of position of the AEDH. Do we know that most of our interns at the office can work in 2 or even 3 official languages of the EU? We note, however, that as far as official documents are concerned, translations done by our interns are always in their mother tongue.

We welcome the work done by Lola Isidro during her internship last year. From translating to proofreading, her help is invaluable to AEDH.

When it came to circulating a press release in all EU languages for the dissemination of infosheets for the European elections in 2009, the permanent staff of the office drew on their personal network: thank you Erasmus.

- **The press releases of the AEDH, a political position**

The AEDH regularly takes position at a European level when there is violation or threat of violation of fundamental rights. It is often associated with one of its members in order to report dangerous or intolerable situations that do not respect human rights.

These press releases are disseminated within the network of the AEDH, to the parliamentarians from all political backgrounds, to the General Directions of the EC concerned, to the formation of the Council concerned and to the national and European press. Every week, the press releases are attached to the newsletter. They are also uploaded on the website, at least in English and in French.

In 2008-2009 the AEDH diffused 13 press releases:

June 19th 2008 : A majority of MEPs took on heavy responsibilities by passing the directive on the return of third-country nationals.

July 9th 2008 : The "European pact on migration and asylum" confirms the securitarian political orientation of the European Union regarding migration and asylum.

October 22nd 2008 : The European Council turned a deaf ear to the calls of the organisations from the civil society by passing the "European pact on migration and asylum".

October 23rd 2008 : The European Criminal Records Information System (ECRIS) creates new risks for the protection of personal data.

October 27th 2008 : Sanction those who exploit, not those who are exploited

December 8th 2008 : « EVERYONE HAS THE RIGHT TO LEAVE HIS COUNTRY »

Article 13 of the Universal Declaration of Human Rights.

December 18th 2008 : European Parliament finally evaluates Fundamental Rights in the European Union

February 3rd 2009: Emergency in Lampedusa.

March 13th 2009 : Solving the current crisis with economic and social rights

April 1st 2009 : No to the presence of those who make racist, anti-semitic and xenophobic comments, at the head of public media.

April 2nd 2009 : The European Union must change its immigration and asylum policy.

June 3rd 2009 : Asylum crisis and the rise of racist violence in Greece.

June 15<sup>th</sup> 2009 : Alarming rise of the extreme right in the European Parliament.

The AEDH throughout the year relies on the responsiveness to the news of current members of the Board, as well as its permanent staff at the office. It also joins when it can the actions and positions of its members. It is important in the work of the AEDH to always consult the national association concerned before taking a position on an internal matter.

The AEDH draws the necessary arguments in the thematic dossiers prepared by the interns. Each intern is given a topic of research and develops his/her file with the support of an officer.

- **The actions of the AEDH**

- **Meeting with a group of high School students from Enghien**

Last March, the AEDH was contacted by a group of high school students who were organising an exhibition on the work of NGOs. Three students had chosen the AEDH and came at the headquarters to interview the permanent staff on their work within the Association. Three meetings were held both at the AEDH and at the European Parliament. The students, who were very enthusiastic, got really involved in their work and what was our surprise when

we discovered the stand at the exhibition held in their high school in Enghien! The stand was well conceived and perfectly representing what are our job and our positions as defenders of Human Rights. This experience was rewarding for both parts and we are hoping to do it again in the future!

#### ▪ **The infosheets for the elections**

Given the importance of the appointment, the AEDH decided to take position for the European elections of June 2009.

It has therefore prepared a series of cards in the form of question-answers on various topics debated in the European Parliament. Volunteers from the member associations have prepared the different argumentations.

The cards responded to the following questions:

##### 1. European policy on asylum

1.a. Should the implementation of the Common European Asylum System, starting from 2010, lead to impose higher procedure and protection standards to all member States, without any possible exemption?

1.b. Can a person claiming to seek protection but intercepted in irregular situation at the border or on the EU territory, alone or with others, be put in detention?

1.c. Should people seeking international protection in the EU be able to choose the country in which they want to lodge their claim?

2. Is it right to hold migrants in detention centres simply because they lack a residence permit?

3. Can we select our migrants?

4. Is the retention and transfer to police authorities of personal data contained in the Internet and telecommunications necessary in order to fight organised crime?

5. Should biometric and DNA files be allowed for the sake of security, but at the expense of privacy and individual freedoms?

6. Is there a 'European social model' and/or does it have to be promoted?

7. Is the ratification of the UN Migrant Workers Convention a necessary step for the defence of the social rights of migrants?

8. Should access to Services of General Interest (SGI) be considered as a fundamental right?

9. Are you in favour of a European citizenship based on a residence criterion?

10. Are you in favour of having a European Parliament with true legislative powers and an executive branch that answers to it?

11. Does the fight against terrorism justify a violation of individual freedoms?

12. Do you support equal treatment across Europe for couples recognized as such by national legislation?

13. Do you think that a common system of minority protection is needed?

14. Do you think that a European common policy is needed to fight discrimination which affects the Roma?

15. Are you ready to support the principle of a European text dealing with the problem of violence against women through a global or an integrated approach?

16. Are you ready to support the right to choose to give birth as a liberty and fundamental right for women?

These cards are available in english , french, spanish andd italian on the website of the AEDH.

#### ▪ **The collection of texts**

This year the AEDH has decided to elaborate a collection of texts resuming in particular the interventions made during the European Citizens Days that took place in La Rochelle in

September 2008. Positions by the members of the AEDH were added to these texts. This collection was completed in December 2008 and has been translated in two languages, English and French. Since then adjustments have been considered necessary and the collection couldn't be disseminated in such a condition. It will however be diffused soon. The majority of texts are available on the website.

- **The tools of presentation of the AEDH**

- **The triptych**

The AEDH has upgraded its presentation triptych following the last general assembly. This triptych was distributed on the occasion of the different events where the AEDH participated. It also constitutes a tool of presentation used during the meetings we have with institutional officials. It presents the objectives, the actions and the members of the AEDH and exists in English and in French.

- **The leaflet**

This year a leaflet of presentation of the AEDH has been elaborated. More detailed than the triptych, it gives a better perceptive of our policy. It marks the development and strenghtening of the association..

It is supposed to be an essential element of the membership campaign that it plans to launch this summer. The graphics, consistent with the graphic characteristic of the AEDH were realised by a volunteer graphic artist.

## **V. The means of the AEDH**

### **1. The office**

Since July 2007, the office of the AEDH is situated at rue de la Caserne. The more spacious premises have allowed the team to work under better conditions and to hold meetings. They are now fully used. Given our current development and the partnerships that we undertake, it is likely to extend the surface in the future.

### **2. Materials**

This year, the AEDH has reached from 3 people working full time at the office a total number of 4 and even 5 people some days of the week. This expansion has necessitated the purchase of new equipment. The office counts now 5 computers, all connected to the internet, which means that we now have 5 available workstations.

In order to facilitate our daily work, new office equipment was purchased as well as a refrigerator, a microwave...

### **3. Financial means**

- **Membership fees**

Concerning the membership fees for the associative members:

The AEDH counts on the support from its members for its operation. As decided during the previous General Assemblies, the contribution of each member is determined according to its means. The total amount of membership fees however is not sufficient. It is therefore necessary to find other resources.

The individual members through their membership fees contribute to the means of function of the Association. Their number constitutes a decisive factor for the self financing of the association. However, individual members are also a sign of the anchorage of the association as a movement of citizens and contribute largely through their involvement and volunteering to the development of the Association.

- **EU grants**

The AEDH received for 2008 the grant "Europe for citizens: structural support for civil society organizations at European level" of DG Culture of the European Commission. In November 2008, it resubmitted a file to renew the annual grant for 2009. It was notified for this renewal in April 2009. Even though this grant allows us to assure our operation, we must ensure self financing of at least 20%. The deferred payments and the payment of the balance, beginning of June 2009 for the grant in 2008, are not creating cash flow problems.

Meanwhile, the AEDH is partner of the program conducted by the French League of Human Rights: "Fundamental Rights and Citizenship: personal data, rights? Informing and sensitizing young European citizens ", of the European Commission".

European grants and projects create management constraints. They require the mobilization of resources and substantial time is invested in the responses to projects, then in the records of activity. This is why we must strengthen our own funds to ensure that EU resources become an addition to our own resources.

- **Donations, rewards**

In 2009, the AEDH received a reward for its activity in 2008: the « Swiss award for Human Rights ». It has also received various donations in 2008-2009. It wishes to thank its generous donors for their commitment and trust.

## **VI. The components of the Association**

### **1. Full members**

Since the last general assembly, the AEDH counts 21 active members coming from 17 European countries :

Austria	Österreichische Liga Für Menschenrechte
Belgium (fr)	Ligue des Droits de l'Homme
Belgium (nl)	Liga Voor Mensenrechten
Czech Republic	Liga Lidskych Prav
Estonia	Legal Information Centre for Human Rights
Finland	Finnish for Human Rights
France	Ligue des Droits de l'Homme et du Citoyen
Germany	Internationale Liga Für Menschenrechte
Greece	Hellenic Ligue for Human Rights
Italy	Liga Italiana dei Diritti dell'Uomo
Italy	Unione Forense per la Tutela dei Diritti dell'Uomo
Latvia	Latvian Human Rights Committee
Lithuania	Lithuanian Human Rights League
Lithuania	Lithuanian Human Rights Association
Malta	Malta Association of Human Rights
Poland	Otwarta Rzeczpospolita
Portugal	Civitas
Spain (Andalousie)	Asociaciòn Pro derechos Humanos de Andalucia
Spain (Catalogne)	Institut de Drets Humans de Catalunya
Switzerland	Ligue Suisse des Droits de l'Homme
The Netherlands	Liga Voor de Rechten van de Mens

### **2. Partner members**

In January 2009, the association Action Luxembourg Ouvert et Solidaire – Ligue des Droits de l'Homme, ALOS-LDH, asked to join the AEDH. According to the Statutes, this request has been submitted for approval by the Board of the AEDH. ALOS-LDH became partner of the AEDH in February 2009. ALOS-LDH can become an active member of the AEDH during the next General Assembly on 19 June 2009.

### **3. The individual members**

The AEDH counts individual members whose number is increasing. They are a living part of the AEDH. The management of individual members and the development of individual membership is now in the hands of volunteers assisted by the interns at the office. We must be ambitious as far as our ability to have members joining the AEDH, since they provide us with an important political and material support.

### **4. The Executive Board**

- **The Board**

The AEDH is administered by an Executive Board, elected by the General Assembly for a period of two years. The executive board of the AEDH is as follows:

- Pierre Barge : president
- Joana Melo Antunes : vice-president
- Philippos Mitleton : vice-president
- Catherine Teule : vice-president
- Kristiina Kouros : vice-presidente
- Francine Mestrum : secretary general
- Aleksejs Dimitovs : treasurer
- Marija Staciokiene : member
- Alfredo Arpaia : member

- **The team of the AEDH**

Since July 2008, Mélanie Barthezème is employed full time as project manager. Furthermore, the European project "personal data protection", has allowed us to employ part-time for this purpose, from April to July 2009, Maartje De Schutter.

- **The team also consists of interns**

Since June 2008, the AEDH has received 9 interns:

Lorène Touchet (April – July 2008)  
 Bernadette Oliveira Martins (January – July 2008)  
 Lola Isidro (July 2008)  
 Agnès Lavabre (August 2008 – February 2009)  
 Tosca Vivarelli (August 2008 – January 2009)  
 Mélanie Laudriec (August 2008 – April 2009)  
 Sophie Ngo (March 2009 - ...)  
 Athina Georgantzi (March 2009 - ...)  
 Despoina Bistina (March 2009 - ...)

- **The volunteers**

Throughout the year, the work of the AEDH is based on the work of volunteers, former interns, individual members, activists of national leagues or just supporters of AEDH.

All the daily work of the AEDH is completed by interns. Without them, our recent permanent post insured by Mélanie Barthezème wouldn't be enough. We can only warmly thank them. Thanks to the support of volunteers, members of the AEDH, the general assembly in June 2008 in Créteil was a success.

It is also thanks to volunteers that administrative tasks such as accounting, informatics, Internet, budget monitoring, management of individual members are performed.

The largest part of the activity of the AEDH relies on volunteer action. This is what gives meaning to our organisation, being an organisation of citizens, of exercise of citizenship. Because our league members, our member associations are themselves organisations of active citizens, because our individual members beyond their financial contribution bring us their knowledge and expertise, because it is primarily volunteers that work and on a daily basis at the AEDH.

We are really grateful to all those people.

## **VII. Press Releases for 2008-2009**

**Brussels, 19th June 2008**

**A majority of MEPs took on heavy responsibilities by passing the directive on the return of third-country nationals.**

On June, the 18th, 2008, by voting in favour of the directive on the return of third-country nationals, a majority of MEPs took on the responsibility for:

Making detention an ordinary way to manage migrants. Simply for staying illegally on the EU territory people, even entire families, will be held up to 18 months. Therefore, the illegal stay of migrants ends up being considered as a crime ;

Forbidding the access to the EU territory to removed persons, therefore condemning them to a double penalty and to live clandestinely;

Allowing the detention of minors and the removal of unaccompanied minors ;

Removing migrants to third-countries without evaluating the risks they may have to face there;

Expelling persons considered vulnerable and entitled to specific treatment.

Moreover, this directive does not contain any operational guarantees for the application of international law and does not respect the principles of the Council of Europe on forced return.

The AEDH calls up the citizens, residents and elected people from all over the European Union to rise up against this measure, to denounce this clear denial of fundamental rights, and to do what is needed to rebel against the application of this directive.

**Brussels, July 9, 2008**

**The “European pact on migration and asylum” confirms the securitarian political orientation of the European Union regarding migration and asylum**

**Confirming the securitarian political orientation of the European Union regarding migration and asylum, the Council of ministers, at an informal meeting, accepted, on July 7, 2008, an amended version of the “European pact on migration and asylum”, submitted by the French presidency.**

AEDH positively welcomes the fact that several member States opposed a certain number of propositions contained in the first version of the Pact, particularly the one concerning the integration contract. But, fundamentally, the very principle of the Pact remains inadmissible as it embraces a purely utilitarian vision of migrations, makes repression the privileged way to regulate immigration and brings important regressions with regard to international conventions on migrants and asylum seekers rights.

AEDH particularly denounces:

- a “selective immigration” policy, discriminatory and groundless;
- the reference to modern means of identification, particularly biometric ones, to control entry and exit out of the European Union, along with the set up of interoperability of collected data;
- the unconditional refusal of collective regularisations, in defiance of migrant workers’ rights, though the majority of them has been contributing for years through their work to the economic prosperity of the Union;
- the organisation of return « joint flights » to deport undesirable aliens;
- the lack of improvements concerning the right of asylum, the upholding of the Dublin II system whereas it has dramatic consequences that can be seen every

day, the increased difficulties for asylum seekers to reach the EU countries' borders to ask for protection;

- the utilitarian logic of « give and take »: the development of foreign aid, which is not really convincing, in exchange of highly qualified migrants, and the reinforcement of pressures over emigration countries.

The legitimacy of the European Union in wanting to control its borders cannot be done in such a securitarian, repressive and discriminatory manner. Consequently, AEDH calls all European citizens, residents and elected representatives to be vigilant in order for this pact not to succeed. Europe needs another migration and asylum policy, exemplary *vis-à-vis* the rest of the world, respectful of rights, based on reception, non-discrimination and equality of rights.

### **Brussels, October the 22nd, 2008**

**The European Council turned a deaf ear to the calls of the organisations from the civil society by passing the “European pact on migration and asylum”.**

**Despite the pressure of several organisations from the civil society, the European Council passed on October 16, 2008 the European Pact on migration and asylum. The choice for a securitarian policy on immigration and asylum has been made.**

This pact, by embracing a purely utilitarian vision of migrations, makes repression the privileged way to regulate immigration. In the eyes of international conventions, it brings important regressions with respect to migrants and asylum seekers rights.

The AEDH has to denounce once again:

- a “selective immigration” policy, discriminatory and groundless;
- the reference to modern means of identification, particularly biometric ones, to control entry and exit of the European Union, along with the set up of interoperability of collected data;
- the unconditional refusal of collective regularisations, in defiance of migrant workers' rights, though the majority of them has been contributing for years through their work to the economic prosperity of the Union;
- the organisation of return « joint flights » to deport undesirable aliens;
- the lack of improvements concerning the right of asylum, the upholding of the Dublin II system whereas it has dramatic consequences that can be seen every day, the increased difficulties for asylum seekers to reach the EU countries' borders to ask for protection;
- the utilitarian logic of « give and take »: the development of foreign aid, which is not really convincing, in exchange of highly qualified migrants, and the reinforcement of pressures over emigration countries.

The legitimacy of the European Union in wanting to control its borders cannot be done in such a securitarian, repressive and discriminatory manner. The European Council took on heavy responsibilities by giving this answer to the need of protection of asylum seekers and the reality of global migrations. The AEDH calls up all European citizens, residents and elected representatives to be vigilant on the consequences of the pact which reflects both current political orientations and legislative process of the EU on legal and illegal immigration. Europe needs another migration and asylum policy, exemplary *vis-à-vis* the rest of the world, respectful of rights, based on reception, non-discrimination and equality of rights. The pact does not meet these requirements

### **Brussels, October the 23rd, 2008**

**The European Criminal Records Information System (ECRIS) creates new risks for the protection of personal data.**

On June 2007, the Council reached a political agreement on a project for a directive on the organization and the content of exchanges between member states of information extracted from criminal records. On May the 27th, 2008, the Commission presented a proposal for a Council decision on the establishment of the European criminal records information system (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA. On October the 9th, 2008, the European Parliament adopted the report on this proposal and submitted amendments to the text of the Commission. The Council has now to elaborate the definitive version of the decision on ECRIS. Yet this decision plans the elaboration of a computerized system that facilitates the exchange of information on past criminal convictions between member states. The AEDH is preoccupied with the implementation of this system as it carries new risk for the protection of personal data.

As emphasized by Peter Hustinx, the European data protection supervisor, in a recent position paper, "the processing of personal data relating to criminal convictions is of a sensitive nature". Yet, nowadays, no global legal framework guarantees the prevention of sensitive data and private life from police cooperation.

The AEDH considers as necessary and urgent that efficient standards regulate the information-exchange system, in order to provide guarantees to each EU resident regarding protection of personal data and privacy.

The decision must therefore make provision for and organize explicitly:

- A reliable technical infrastructure and an efficient control of the system, a better legal safety.
- Reliability of the exchanged data
- The right to privacy

**A reliable infrastructure and an efficient control of the system, a better legal safety, under the responsibility of the Commission.**

ECRIS does not establish a global system of criminal records, but organizes an interaction between each member state's criminal records. Each state will then be responsible for its own national data base and for the efficiency of the information exchange, and therefore responsible for the interconnection software. However, the risk of a different use of the system from a member state to the other jeopardizes the efficiency of information exchanges. As well, the sharing out of responsibilities between the member states won't be done by itself. The safety of the network is then not immediately guaranteed. **The Commission must be responsible for the interconnection software of ECRIS in order to assure the harmonization of the utilization of the network and the coordination of the control of the exchanges.**

Even if it is not a global system, ECRIS needs a common infrastructure, provided by the Commission. **The responsibility of the Commission for the common infrastructure must be therefore clearly defined in the decision.** The AEDH is also deeply concerned about the complete lack of protection of personal data. Indeed, the legal basis of ECRIS is title IV of the EU Treaty (i.e. the third pillar). No community legal framework is therefore meant to apply to activities led within this system. It would be inconceivable that the Council don't modify its decision proposal in order **to guarantee the implementation of the regulation 45/2001** on the processing of personal data extracted from criminal records.

These clarifications are essential if we want to guarantee the legal safety of European citizens.

**The reliability of exchanged data: the foundation of a fair justice.**

An increasing control should allow the exchange of **perfectly updated and correctly translated data**. The resort to automatic translators must be very clearly specified and delimited. It can lead to a quicker mutual understanding and therefore increase the efficiency

of the network. But, it cannot affect the quality of the information transmitted nor be ambiguous.

**The AEDH worries about the common table of offence categories and the latitude the judicial authorities will then have for the interpretation.** The categories are wide, and if all the elements needed to improve the comprehension of the offence are not transmitted, the risk to have a defendant condemned more severely on the legal basis of misled criminal records is higher. The reliability and the precision of the data are essential in order to assure fair justice for all Europeans.

#### **The limitation of data transmission for the respect of the right to privacy.**

Personal data transmissions should be restricted to the ones that are essential for the good justice process. All the information registered under national criminal records is not meant to be transmitted. Article 11 of the framework decision supports this statement as it makes a distinction between obligatory information and optional information. **But the principles of necessity and proportionality, which narrows the domain of transmissible data, must be explicitly recalled in the decision and be indicated in the form the national authorities will have to fill out.** Otherwise, the transmission of personal data, not strictly necessary to the purpose of the system, would be a breach of privacy of the defendant or of his relatives (Transmission of the family name and address for instance).

ECRI can only support a better process of the European justice only if it does not constitute by itself an infringement of the citizen's fundamental rights. **Facing the multiplication of data bases and exchanges of personal information, we need to be watchful, today more than ever.**

**The respect of privacy is a fundamental right. ECRIS decision must guarantee the protection of personal data.**

**Brussels, October 27<sup>th</sup>, 2009**

**Sanction those who exploit, not those who are exploited.**

**Sanctioning employers who exploit illegally-staying third-country nationals must not result in sanction of those who are exploited; yet, this is the outcome under the proposal for a directive<sup>1</sup> currently being discussed by Parliament and the Council.**

We can only applaud the European Union's use of legislative means to combat illegal employment and sanction employers who exploit their workers with no regard for their social or salary rights. Employers use illegal employment in an attempt to avoid paying taxes and social security contributions. This not only weakens the budgets of public authorities and social organisations, but also reduces society's ability to ensure social welfare and cohesion. Nevertheless, sanctions against these employers must be accompanied by recognition of the salary and social rights of workers illegally employed, including their right to continued employment.

The proposal for a directive "providing for sanctions against employers of illegally staying third-country nationals", which takes as a basis Article 63(3) of the EC Treaty (related to illegal immigration), in actual fact limits the application of sanctions to employers of third-country nationals only. Labour exploitation must be consistently condemned, regardless of who the victims are. This half-measure is not in itself acceptable. By targeting this category of employers, the unseen objective of this directive amounts to obliging illegally-staying employees to return to their country of origin, either voluntarily or by force, which renders this directive all the more unacceptable in terms of both wording and content.

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<sup>1</sup> Proposal for a directive providing sanctions against employers of illegally staying third-country nationals.

For Parliament and the Council to approve it as is would be for them to assume huge liabilities. They would be accountable not only for a measure that discriminates against illegally-working authorised residents (both EU and legally-staying third-country nationals) victimised by employers, but also for the sanctioning of workers more susceptible to exploitation due to not having a residence permit and so, in most cases, being unable to defend their rights. These employees, despite contributing to the creation of wealth like all other workers, would lose their job, have their rights ignored and, in the event of forced return, find themselves potentially subject to recent provisions of the Return directive<sup>2</sup> (threat of administrative detention of up to 18 months while awaiting actual return, 5-year re-entry ban). The cumulative sanctions of job-loss, administrative detention and re-entry ban are disproportionate to the simple fact of illegally staying and working on European territory.

Employer sanctions would be too weak by comparison. Payment of outstanding social security contributions and salaries, equivalent to minimum wage in the country concerned, is not only justified but the least that should be expected. Criminal penalties would only be possible in the most serious cases or in the event of repeated infringements, meaning very few employers would be affected by them. The principal sanction would involve payment of the costs of return, voluntary or forced, of any illegally-employed worker. The logic behind this sanction is questionable, as it amounts to making exploiters of illegal work cover the costs incurred in sanctioning their own victims.

If, as stated during the parliamentary hearings, this directive aims to protect the rights of those who are exploited at work and to crack down on the delinquent employers that exploit them, and if, as affirmed in a parliamentary resolution, it calls for "firm steps to combat the illegal employment of immigrants, activating a range of penalties [...] and promoting measures to protect immigrants"<sup>3</sup>, then the draft text is not meeting its objectives. Those victimised by the underground economy should not be the first to suffer under measures implemented to fight it. More often than not, illegal workers fill positions necessary to economic activity and the creation of wealth in all Member States. If illegally-staying immigrants are forced to return to their country of origin, who will replace them, and how? Will it be other illegally-staying immigrants? Will labour trafficking become tougher and the underground economy more opaque, with fewer possibilities for victims of trafficking and exploitation to defend themselves?

The European Union must arm itself with instruments of a bona fide common migration policy, one that would meet both immigrants' needs and those of migration in the EU. Since migration has become a global and social phenomenon, it would be futile to try to place certain categories of the population under house arrest while encouraging greater mobility of other groups. In such a situation, proposing repressive half-measures that discriminate against immigrants, as in this directive, is a misguided solution to a much larger, more global challenge; acknowledgement of fundamental rights must be the rule rather than the exception.

We call on the European members of parliament to avoid the trap that has been set for them, in which, under the pretext of sanctioning employers who unlawfully hire illegally-staying immigrants, they are asked to vote for a text that would effectively lead to sanctioning the immigrants themselves, whose only fault is being illegally employed and without stay authorisations. Already the victims of exploitation by their employers, these people would be the primary sufferers if this directive was brought into force. The sole purpose of the directive must be to sanction employers who practice illegal hiring, regardless of the residency status of the illegal workers, and to recognise the rights of these workers, including that of continued employment.

**The European association for the defence of human rights (AEDH) calls for sanction against those who exploit, not those who are exploited. All workers must benefit from the same rights, regardless of their nationality or their origins. Equality of rights, a**

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<sup>2</sup> Directive on common standards and procedures in Member States for returning illegally staying third-country nationals

<sup>3</sup> European Parliament resolution of 26 September 2007 on the policy plan on legal migration

**tenet of international, European and national laws, does not tolerate discrimination against those who are both victimised and defenceless.**

**Brussels, December 8, 2008**

**« EVERYONE HAS THE RIGHT TO LEAVE HIS COUNTRY » Article 13 of the Universal Declaration of Human Rights**

**Leaving one's country is a right. Nevertheless, leaving one's country can imply 18 months of detention, if the Council passes the directive on return of illegal immigrants<sup>4</sup>.**

Whereas all Europe is celebrating the 60th anniversary of the Universal Declaration of Human Rights, representatives of the member states governments are about to pass, on the quiet, the directive on return of third country nationals illegally staying within the European Union. This directive is widely contested by numerous Southern countries. It stigmatizes people illegally staying in the EU, and leaving one's country hoping to find a better life in Europe is considered therefore, as a crime. By allowing up to 18 months of detention for migrant families before a forced return, this directive is an infringement to the right to leave one's country guaranteed by the Universal Declaration of Human Rights.

We ask European governments to pull it together and literally comply with the Universal Declaration of Human Rights. We cannot stand:

- Making detention an ordinary way to manage migrants;
- Forbidding the access to the EU territory to removed people;
- Allowing the detention of minors and the removal of unaccompanied minors
- Removing migrants to third-countries without evaluating the risks they may have to face there;
- Expelling persons considered vulnerable and entitled to specific treatment.

The AEDH calls up the citizens, residents and elected people from all over the European Union to rise up and ask their representatives to abandon this directive, and turn over this shameful leaf of Human Rights history.

The anniversary of the UDHR should be for Europe, and for the French presidency of the Union, an opportunity to reaffirm to the world that « whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world »<sup>5</sup>. It is the opposite that will be addressed if the return directive is adopted.

**Brussels, 18 December 2008**

**European Parliament finally evaluates Fundamental Rights in the European Union.**

**The European Parliament Committee on Civil Liberties, Justice and Home Affairs has made a worrisome assessment of the high number of violations of fundamental rights in the European Union. Nonetheless, its recommendations do not set strong imperatives for the Member States.**

The AEDH expresses its satisfaction with the adoption of a report on the situation of fundamental rights in the European Union 2004-2008, presented by MEP Giusto Catania and adopted on 2 December 2008 by a very large majority. The report was debated in a plenary session in Strasbourg on 17 December and should be approved in January 2009.

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<sup>4</sup> This directive was adopted by the European Parliament on June 18, 2008

<sup>5</sup> Extract of the preamble of the Universal Declaration of Human Rights

Catania said that the report "plugs a gap". The EU has long been a strong critic of human rights violations in other countries, but has remained silent on breaches on Community territory.

**The AEDH welcomes this long-overdue move to evaluate and question the human rights situation in the European Union.**

Respect for human rights is one of the foundations of the European Union<sup>6</sup>. Respect for human rights within the Union's borders should be a prerequisite for any promotion of the EU's values in other countries.

**However, to reach a consensus, the more pertinent initial report has been toned down rather than being used to draw Member States into a drive to promote the respect of fundamental rights.**

The AEDH strongly regrets that sections of the report on economic, social and cultural rights, as well as refugees and asylum rights, were reduced to a minimum and largely simplified in the face of opposition from many MEPs.

Numerous amendments have modified the essence of the report, to such an extent that the question of refugees and asylum rights will be tackled in a separate report. AEDH holds that this issue touches on rights that are just as fundamental as those examined in the report, where it thus has a rightful place.

**AEDH is therefore concerned about the general nature of the report and the restrictions that were placed upon it.**

Moreover, to facilitate the report's adoption, no Member State was mentioned by name. Consequently, the AEDH fears that Member States may not feel any connection to criticism expressed in the report.

It is disappointing that no concrete cases of human rights violations were cited anywhere in the report to spare national sensibilities, even though such violations are now a daily occurrence.

MEPs would do themselves credit in the future if they set aside their own national origin and denounce human rights violations wherever they occur.

**Brussels – Rome, February 3rd, 2009**

**EMERGENCY IN LAMPEDUSA**

**In view of the deterioration in the situation on the island of Lampedusa, the Italian authorities, supported by the European authorities, must make every effort to stop an intolerable situation for migrants, who are affected in their rights and their dignity, and for the island's inhabitants who showed their solidarity.**

**Joint press release with the LIDU-Italy**

In the beginning of this year 2009, tension does not stop growing on Lampedusa Island, where is installed a detention centre. Last week, some demonstrations associated, in a spirit of solidarity, local representatives, inhabitants, migrants and asylum seekers living in centres of primary reception<sup>7</sup> (CPA). They demonstrated against a situation which has become unbearable for everyone. In 2008, 31.700 persons arrived on Lampedusa's coasts. Today 1.800 persons are squeezed into a reception centre which, at the origin, was supposed to welcome 381 persons. In order to deflect the influx of arrivals, the Italian government is willing, at the same time, to harden the legislation on expulsions, increase the legal period of retention, maintain newcomers on the island, and create for this purpose a new detention centre (Identification and Expulsion Centre, CIE) that could welcome 2.000 people. Those decisions have crystallised discontents.

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<sup>6</sup> **Article 2 of the Treaty on European Union states:** The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and **respect for human rights**, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail.

<sup>7</sup> For details about the different retention centres in Italy, please consult our file in appendix.

In the wake of these measures, since January 24, the Territorial Commission, in charge of the examination of refugee claims, was transferred directly to the island<sup>8</sup>, under the pretext of examining quickly claims for international protection and expel the persons who are not recognized as refugees. As underlined by the UNHCR office, in this situation, asylum seekers won't have access to legal assistance; there are no lawyers on the island who could take care of an appeal in the case of dismissal of a refugee claim. For those who do not obtain the refugee status and thus who are waiting for expulsion, imprisonment would become the rule in a new centre which is under construction on the island. Foreseeing long delays of deportation, a new decree on security is to be approved by the House of Representatives; it would allow a detention up to 18 months, whereas today the maximum is 60 days. We can only see here the regressive effect of the return directive<sup>9</sup>.

The limitations on the rights and liberties of migrant persons, the use of detention to manage human beings who left their countries, therefore considered as criminals, the intensification of police controls in the territorial waters of North-African countries, by means of agreements with Libya<sup>10</sup> for instance, will not prevent those who try to come to Lampedusa and Europe. On the contrary, the obsession of safety and border control can only encourage those who flee their countries to take even more risks.

Beyond Italy, the situation in Lampedusa is the typical example of the failure of European policies. The policy of confinement of migrants arriving without documents at the European borders, borders which are often insular, like in Malta, the Canaries or Lampedusa, is not only inefficient to limit arrivals in Europe, but causes intolerable situations of breach of human dignity, denounced in several recent reports<sup>11</sup>. The right to claim asylum and the right for everyone to leave their country, written in article 13 of the Universal Declaration for Human Rights, are as well infringed.

**Therefore, AEDH, in association with LIDU,**

- ***asks to put an end to the inhuman situation of the concentration and detention of asylum seekers and irregular migrants in Lampedusa ; to quickly take measures in order to allow these people to recover dignity and live in decent sanitary conditions;***
- ***asks that legal assistance and effective appeals for asylum seekers are respected and that European and national authorities, in solidarity, become the guardian of the Conventions and rules of International law ;***
- ***asks the Italian MPs not to pass the executive order which reflects the securitarian culture for border closure and the stigmatization that stirs up xenophobia, and which could results in an infringement of Human Rights ; its implementation would lead to worsen the current tensions, which could have tragic evolution.***

Besides the emergency of the situation, what is currently happening in Lampedusa underlines the failure and inefficiency of domestic and European policies of border closure and confinement of migrants, - including asylum seekers, which is a violation of the Geneva Convention. This confirms the necessity of a different asylum and migration policy in Europe, welcoming and respectful of Human dignity and Rights.

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<sup>8</sup> Until now, after a few days in the reception centre, migrants were transferred to a CIE, elsewhere in Italy, where they could ask for asylum and rely on a lawyer.

<sup>9</sup> Directive 2008/115/EC European Parliament and Council, December 16, 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>10</sup> On January 30, the Italian House of Representatives ratified the bilateral agreement of friendship with Libya, which plans the use of six speedboats in the sea, and Home Secretary Maroni reached with its Tunisian counterpart an agreement on repatriations, to be done in the next 2-3 months.

<sup>11</sup> On this subject, cf. last reports of the UNHCR, Council of Europe, missions of the EP in retention centres.

**Brussels, March, 13th, 2009**

**Solving the current crisis with economic and social rights**

The economic and financial crisis is worsening and leaves its impact on all people and economic sectors of the different member states of the European Union. Due to the growing unemployment and the threats on the social protection systems, this could lead to a major social crisis. Moreover, the ecological crisis demands urgent measures that could however facilitate a solution to the economic crisis.

**AEDH (European Association for the defense of Human Rights) demands the heads of state and government of the European Union, meeting for their spring summit on 19 March, to take courageous decisions in order to restore trust, to promote employment and to strengthen social protection. AEDH is convinced that a solution to the crisis will need to strengthen economic and social rights in order to strengthen social cohesion and solidarity that contribute to growth and economic efficiency.**

The current crisis presents risks but is also an opportunity. It shows the urgent need for a strong political and social Europe that can act in favor of its people as well as in favor of its economy and banks. This crisis not only needs an economic governance and industrial policies but also, and most of all, coherent actions on all fronts in order to strengthen social cohesion, the social responsibility of companies, the ecological dimension as well as financial stability.

For the European Union, AEDH demands an ambitious program aimed at the development of an economy that brings social justice. This program should imply:

- Support for public investments, including social infrastructure, innovation and clean energies;
- Programs in favor of services of general interest as elements of growth and of protection for the population;
- Social measures, including a minimum wage in function of the GDP of different member-states, the strengthening of workers' rights in order to avoid social dumping and mechanisms for the redistribution of incomes in order to stop the growing inequalities;
- Incentives for upholding and strengthening social protection, especially for young people, the unemployed and retired people;
- Programs in favor of employment and training, especially for the unskilled people;
- Programs to stop all forms of discrimination.

The growing unemployment as well as the threatening discriminations and xenophobia could lead to a social crisis that can only be stopped with urgent measures in favor of solidarity and social cohesion. They all point to a better respect of all human rights and economic and social rights in particular. Freedom and equality, laid down in the European treaties and the Charter for fundamental rights, are the ideal solution for protecting people and fostering economic efficiency.

**Brussels, April, 1st 2009**

**The AEDH in partnership with Otwarta Rzeczpospolita - Open Republic asks for the dismissal of Piotr Farfał, current President of the TVP and calls for vigilance regarding the persistence and the increase of Anti-Semitism in Poland**

Letter regarding the dismissal of Piotr Farfał

Feeling civic helplessness regarding the situation resulting from the appointment as the persons performing the duties of the President of TVP of the ex-neo-Nazi Piotr Farfał, on March 27 we sent a letter to the Speaker of the Sejm, Speaker of the Senate, Prime

Minister, Minister of the State Treasury, MPs and Senators. In this letter we call for taking steps leading to the dismissal of Piotr Farfał.

Warsaw, March 26, 2009

Sir Bogdan Borusewicz  
The Speaker of the Senate of the Republic of Poland

We address you, Mr. Speaker, feeling civic helplessness with respect to the situation connected with the appointment of the former neo-Nazi Piotr Farfał as the person performing the duties of the President of TVP. This situation, obviously, results from the scandal coalition policy of the previous Prime Minister, which promoted the people, who publicly promote racism, xenophobia, and intolerance. Now, the new Polish state administration should not remain passive regarding the effects of this policy. We address you, Mr. Speaker, because you belong to the group of persons who constitute and execute law in our country, and we are disappointed that so far, no steps have been taken that would aim at solving this embarrassing and highly harmful situation.

It is not the first time that we call for taking steps that would lead to the dismissal of Piotr Farfał. We were asked, what wrong he can do managing TVP. We replied that it suffices that he will not do anything good. Now, only two months later, we may present a long list of negative consequences of his decisions and orders. President Farfał takes advantage of his position and is generous in entrusting the managerial positions in the administration of TVP to his colleagues – non-professional without qualifications and experience, who are, instead, generally known for their participation in the compromising racist incidents and for their xenophobic statements. The new directors in the structure of TVP, well paid from our taxes, are for example Ryszard Parða, Szymon Pawłowski, Marcin Rostowski or Konrad Bonisławski. Each day we learn about new facts, which are compromising for the public television. Piotr Farfał, acting in keeping with his controversial ideology, dismisses the heads of the few mission programs, which are broadcasted on TVP, he censors the work of journalists and orders implementation of the projects that are contradictory to the public interest and the public television mission.

Various institutions and European organizations already react to this embarrassing situation. The managers of the German-French television station ARTE stated that until the change at the position of the President of Telewizja Polska SA, who is known for his extreme nationalism, they may not continue cooperation with TVP, since this would be contrary to the values promoted by their firm. Association Européenne pour la défense des Droits de l'Homme (AEDH) expressed its indignation regarding the fact that the public television in Poland is managed by the ex-neo-Fascist and extremist nationalist, and announced that it would bring this fact to the attention of the human rights organizations and the deputies of the European Parliament. We do not think it would be good for us to be stigmatized for indifference and passive attitude regarding this matter.

We are of the opinion that the prompt legal and administrative steps should be considered in order to solve this situation, which is harmful and embarrassing for Poland. We are convinced that this is possible, as we may refer to the prompt solution by the Minister of the Interior and Administration or an unsolvable – as it was stated – issue of the citizenship of the March emigrants.

Paula Sawicka  
Présidente du Conseil d'administration  
d'OR

Jerzy Jedlicki  
Président du Comité de programmation  
d'OR

We attach the sample of journalist achievements of Piotr Farfał. In 1995, in a newsletter "Front" (no. 4), in the release "Life space" he wrote: "Cruelty and courage of the Slavonic invaders were widely known in all Europe. We were aggressors, and not the slaves and shepherds as the Jews want to present us. [...] The Zionist government, which currently robs Poland, led to the situation that each child can enumerate the tribes of American savages, and which of those children can say anything about the tribes that their Nation was formed of. The Jews deliberately blur our heritage, and one dries without roots".(Quoted after Marcin Kornak, "Slavonic abuse", Nigdy Więcej, no. 17, winter-spring 2009, p. 21-22).

We know nothing about Piotr Farfał publicly negating such opinions. We sent the letter of the same content to: the Prime Minister of the Republic of Poland, the Minister of State Treasury, the Speaker of the Sejm, MPs, Senators.

**Brussels, April the 2nd, 2009**

**The European Union must change its immigration and asylum policy.  
Leaving the fatal trap set at the European borders is the challenge set by the recent shipwrecked people in the Mediterranean, causing hundreds of deaths.**

The new tragedy that just happened off the coast of Libya shows to the extent that European policies took to prevent immigration which is said to be illegal, are not only inefficient, but daily putting human lives in danger.

On the night of March 30th, there was a boat wreck off the coast of Libya that caused 365 deaths, maybe more according to some assessments. The makeshift boats called haragas, have left for Europe overloaded by migrants whose only hope was to get a better future.

Whether it is off the Canary Islands, at the gates of Ceuta and Melilla or near Lampedusa or Malta, each time the European countries have no other answer than calling for more surveillance, more security measures or more controls. They are trying to prevent all those who attempt to reach the coasts of Spain, Italy, Malta or Greece at peril of their lives. As John Redmond, the spokesman of the UN High Commissioner for refugees said, these boat wrecks "are again an example of the dangers people expose themselves to in these migratory flows which mix economic migrants and refugees, in the Mediterranean Sea and elsewhere, causing several thousands of deaths each year."

However, now the Italian Minister of Home Affairs, Roberto Maroni, has still only one thing in mind which is promoting the Italy-Libya patrols that will be in place starting on May 15th. He counts on these patrols to put an end to migratory flows coming from Libya. No matter the boat wrecks, nor the human cost, or as the IOM spokesman Jean-Philippe Chauzy has declared, the fact that "controls have an unwanted effect of pushing the illegal immigration networks to find other roads which would be even more dangerous".

When will the European authorities and member States be brought back to their senses and be able to assess the series of measures that couldn't either prevent more than 30,000 people to cross the Mediterranean Sea in 2008, or several thousands among them to die?

Leaving one's country, whatever the reason, is always a painful choice. But it is a choice written in the Universal Declaration of Human Rights, Article 13. Leaving is a personal choice; no state measure in the world where there is free movement of goods, services and capital, will be able to prevent people from moving. If it is legitimate for a State to regulate entries and departures at its border, it is not legitimate to look upon people who arrive at the border as criminals. Women and men who want to come to Europe have the right to be welcomed, to state the reasons of their arrival. The dangerous myth is to make European citizens believe that control measures at and beyond borders would protect them from immigration, and also that deaths in the Mediterranean Sea would be the price to pay for

crossing borders. Especially when the European Union estimates its migratory balance up to more than one million people.

Europe declares its needs for migrants but wants to choose them according to these needs. Being strict to a double security and market logic, it turns its back to globalization and it denies itself of the future. By nurturing foreigner denial speeches, it participates to an increase of xenophobia within itself and disowns its founding values.

Europe must immediately change its political orientation regarding asylum and immigration; otherwise it will keep plunging into this "fatal trap set at the Europe's borders", as the General Secretary of the Council of Europe Terry Davis said. Not only is it a fatal trap for the migrants but it could also be fatal to Europe itself.

The AEDH is calling the MEPs, the European Commission and the Council to implement a new policy starting now. This policy would reflect the new Stockholm program that will follow The Hague program. It is calling the citizens to do the same by reaching out to the candidates of June 2009 European elections.

### **Brussels-Athens 3<sup>rd</sup> June 2009**

#### **The asylum crisis and the rise of racist violence in Greece**

#### **Open letter to the Prime Minister of Greece, Mr. Karamanlis and to the Minister of Interior, Mr. Pavlopoulos. HLHR – AEDH joint statement**

The Hellenic League for Human Rights (HLHR) and the European League for Human Rights (AEDH) express their deep concern about the emergency of the asylum system and the rise of xenophobia and racist violence in Greece. HLHR and AEDH propose policy solutions and immediate remedy action in order to avoid escalation of phenomena of violation of human rights with a highly negative impact on victims and society.

HLHR and AEDH are concerned about a proposed Greek Presidential Decree which will further deteriorate Greece's asylum system crisis. The proposed amendments to Presidential Decree 90/2008, which incorporates into Greek law the provisions of the EU Procedures Directive include:

- The abolition of the Appeals' Board as second stage instance for the substantial examination of an asylum application. This leaves asylum-seekers without the right of appeal for a substantial examination of their application at a second instance. In case of a rejection, which is the outcome of the overwhelming majority of asylum applications in Greece (98,62% in 2008), asylum seekers may only apply for a review by the Council of State which only examines the legality of the procedure but does not exercise a full control of all the legal and factual aspects of the cases.
- Decision authority on asylum applications is left to the regional and local Police Directors throughout Greece, without an effective role of non-police bodies and NGOs. Existing Appeals' Boards, maintained for the pending appeals, will become an advisory body with no decision making power.

In the past years the Greek authorities have abstained from protecting promptly and efficiently the rights of asylum seekers, women, children and elderly. The percentage of granting asylum status have been among the lowest in Europe (1,38% in 2008 for asylum and humanitarian status grants) and admittedly Greek state has been reluctant in providing

effective protection of unaccompanied minors against detention and expulsion despite urgent recommendations by national and international bodies.<sup>12</sup>

In the same time, large numbers of asylum seekers seek every weekend to submit an asylum application in the Athens police headquarters. During such process and after clashes with the police, 3 asylum seekers have died under undetermined conditions in the last 6 months.

Areas of the historic centre of Athens are inhabited, rented or occupied, by undocumented migrants and asylum seekers under precarious or inhumane conditions, while xenophobic public discourse about 'ghettos' and criminality of migrants is on the rise.<sup>13</sup>

Day-by-day racist Islamophobic incidents and violence by organised far-right groups against asylum seekers occur in the centre and suburbs of Athens, without effective intervention by the Police in protection of the victims, while official statistics have not ever recorded any racist crime in Greece.

Boat-prisons and military detention camps in the outskirts of Athens are discussed or announced as policy for sweeping asylum seekers and undocumented migrants out of the city centre.

HLHR and AEDH urge the Greek authorities:

- To refrain from any action or legislative initiative that would entail further violation of human rights of undocumented migrants, therefore to preserve second instance substantial examination of asylum applications, to refrain from mass rejections and guarantee effective and transparent first instance decisions for granting asylum status to those entitled to international and humanitarian protection.
- To design policies, which would be guided by a human rights-based approach and would guarantee efficient results for both the undocumented migrants and Greek society.
- To involve fully and as soon as possible civil society, competent NGOs and academic centres and most of all, migrant associations and organisations in migration policy planning and implementation.
- To proceed with full integration and granting rights to migrants, who live for many years in Greece, in order to achieve political participation through public representation, and counterbalance xenophobia in local communities and at a national level.
- To provide effective protection of vulnerable groups, such as women, children and elderly by protecting from expulsion where needed and by providing to unaccompanied minors effective representation, tutorship and social care and protection specific to their needs.
- To reform and to implement an efficient asylum system by endorsing recommendations by the competent international, intergovernmental and national civil society bodies and organisations.
- To proceed as an EU-border member State to the necessary steps for the activation of the European Directive 55/2001 about mass influx of displaced persons for those ethnic and vulnerable groups needing humanitarian protection for fleeing their

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<sup>12</sup> According to the comments of Greek authorities to the report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, Strasbourg, CommDH(2009)6 (4.2.2009) *'the Aliens Law has not included an individual provision for the exclusion from arrest and detention for deportation of unaccompanied minors who violate the migration legislation. Besides, the prospect of an opposite provision would increase the problem of the "children of traffic lights" and child labour in general.'* (Appendix, p.23). The Greek Ombudsman has proposed the abolition of detention and expulsion of unaccompanied minors since October 2005.

<sup>13</sup> According to the Greek National Monitoring Centre on Racism and Xenophobia – RAXEN NFP (HLHR-KEMO) The increasing trend of racist violence and Islamophobic incidents have been alarming since the election of a far-right political party in the Parliament in autumn 2007. The Greek RAXEN NFP is led by HLHR [www.hlhr.gr](http://www.hlhr.gr)

countries under war and turmoil. This could cover those persons that according to the Greek state are not entitled to asylum status but yet they need provisional protection.

- To provide a reasonable path to regularisation of status for those migrants already employed into the widespread Greek informal economy.
- To provide effective protection and assistance to racism, discrimination and hate crime victims by activating and efficiently implementing existing anti-racist and anti-discrimination law provisions.
- To refrain from any comments, political action or discourse that could further boost and provide fertile ground for dangerous, rapidly escalating and social cohesion threatening xenophobic trends and violence.

**Brussels, 15th June 2009**

**Alarming rise of the extreme right in the European Parliament.**

**After the results of the European elections, the AEDH expresses its deep concern regarding the rise of the extreme right in several EU Member States.**

Extreme right parties won 8 more seats compared to 2004. What is even more alarming is the passive reaction, even the complacency in some cases, of several political parties and national authorities, in response to the racist and xenophobic remarks, which lead to exclusion, made by leaders of the extreme right.

The AEDH can only be alarmed by this rise of racism and xenophobia and the possible establishment of an extreme right political party in the European Parliament. This is in contradiction with the rights proclaimed in the Fundamental Rights Charter and the values which joined together EU countries.

The AEDH observes that this rise of populism has to be interpreted as a direct consequence of the increase and persistence of social inequalities. In recent decades, an already deep gap regarding income distribution in Europe has widened. The only answer given is a security-oriented talk and the stigmatization of foreigners, instead of seeking to measure the extent of social inequalities and trying to reduce them.

The AEDH calls on the citizens, political forces and civil society to join together in order to denounce this situation and ask from national and European public authorities to not tolerate any kind of racist and xenophobic outbreak. It insists that the only way possible to consolidate the European construction is that of a social Europe where social rights are considered equal to other rights.