



## EMHRN Executive Committee meeting

Rabat, 6-8 June 2014

Minutes – *approved*

The EMHRN Executive Committee meeting took place in Rabat on 6-8 June 2014. In the margin of the meeting, the Executive Committee met with Michael Juul Jeppesen, Danish Ambassador; Driss El Yazami, President of the CNDH; and Mahjoub El Haiba, Delegate of the Interministerial Human Rights Delegation. The Executive Committee also invited representatives of the Moroccan civil society for a Working dinner on 6 June 2014 in order to discuss the human rights situation and the progress of the legislative reforms in Morocco. These included Saida Idrissi Amrani, ADFM; Atika Ettaife and Khadija Anaini, AMDH; Samira Ainane and Mohamed El Boukili, OMDH; Habib El Belkouch, Centre d'Études en droits humains et démocratie; Hicham Rashidi, Groupe antiraciste d'Accompagnement et de Défense des Etrangers et Migrants; Mustapha Chafiai, Adalah; Khadija Riyadi (coordinator of a network of 22 human rights NGOs in Morocco); and Annette Juenemann (honorary member).

### **PARTICIPANTS**

#### Executive Committee (EC) of the EMHRN:

Michel Tubiana (President), Nasser Dutour (Vice president), Ayachi Hammami, Eugenia Papamakariou, Søs Nissen, and Isaiás Barreñada (EC members).

#### Secretariat:

Marc Schade-Poulsen (Executive Director), Maysa Zorob (Justice Program officer, on 6 and 7 June) and Maibritt Nielsen (Executive Secretary, rapporteur).

#### Other participants:

Annette Juenemann (honorary member, on 6 June for the session 2. *Round on the recent political developments in the region* and Working dinner) and Catherine Wihtol de Wenden on 8 June for the session 10. *The rights of migrants*).

Saida Idrissi Amrani, ADFM; Atika Ettaife and Khadija Anaini, AMDH; Samira Ainane and Mohamed El Boukili, OMDH; Habib El Belkouch, Centre d'Études en droits humains et démocratie; Hicham Rashidi, Groupe antiraciste d'Accompagnement et de Défense des Etrangers et Migrants; Mustapha Chafiai, Adalah; Khadija Riyadi (coordinator of a network of 22 human rights NGOs in Morocco) participated in the Working dinner on 7 June 2014.

#### Absent with notification:

Moataz El Fegiery (Treasurer, participated via Skype on 6 June for the session 2. *Round on the recent political developments in the region*), Alya Chérif Chammari, Anitta Kynsilehto, Osman İşçi, Raffaella Bolini and Mahmoud Abu Rahma (EC members).

### **AGENDA**

1. Welcome - Approval of the agenda and approval of the minutes from the EC meeting on 7-9 March 2014
2. Round on the recent political developments in the region
3. Public event addressing Moroccan civil society: the human rights situation and the progress of the legislative reforms in Morocco
4. Report from the Secretariat

5. The EMHRN's program on Justice
6. Financial report from the Secretariat, including fundraising
7. Restructuring of the EMHRN
8. Membership issues, including membership applications
9. Planning for the next General Assembly 2015
10. The rights of migrants
11. Miscellaneous



## **1. Welcome - Approval of the agenda and approval of the minutes from the EC meeting on 7-9 March 2014**

Michel Tubiana welcomed the EC members to Rabat for their second EC meeting this year. He noted that if one of the EC members present had not shown up for the EC meeting, the meeting would have been cancelled as there would not have been a quorum. As the General Assembly is one year ahead only, it is important that the EC members assume their responsibility, he noted.

In order to stay focused on the discussions, Søs Nissen suggested closing the computers during the meeting. Michel Tubiana also suggested avoiding Skype calls during the EC meetings, and Ayachi Hammami agreed with this suggestion.

### Decisions:

- The EC approved the agenda of the meeting
- The EC approved the minutes from the last Executive Committee meeting on 7-9 March 2014 without any observations
- The EC should discuss their internal functioning at the EC meeting on 24-26 October 2014

### Documents:

1.1 Agenda (*for approval*)

1.2 Minutes from the EC meeting on 7-9 March 2014 (*for approval*)

## **2. Round on the recent political developments in the region**

*Moderator: Nassera Dutour*

Søs Nissen introduced some discussion points for the round on the recent political developments in the region;

- The results of the EU elections
- The results of the Presidential elections in Egypt
- The situation in Syria, China and Russia not being willing to cooperate with the UN on Syria
- The unity government in place in Palestine, the breakdown of the negotiations in the peace process, and the hunger strikes of the Palestinians
- The upcoming elections in Tunisia and the role of civil society in this respect

In relation to the Presidential elections in Egypt, Michel Tubiana said that, taking into consideration the way the elections unfolded and that the majority of the Egyptians had voted for Sisi, the elections had been a setback to democracy. As regards the peace talks and negotiations, they were in the past suspended and then resumed sometime after. Michel Tubiana noted that, in Europe, the extreme right wing in countries like France and Denmark won the EP elections, which reflects the position of these populations regarding the EU institutions. With the developments in Ukraine and the rebirth of nationalistic positions, the prospects of war in Europe unfortunately seem to come closer. This situation reminds the Europeans of past historic events. Finally, Michel Tubiana noted that there is a wave of anti-Jewish acts in Europe, as experienced against the Arabs in the early 1980s, which is linked to the social and economic crisis and the atmosphere created by it.

Ayachi Hammami was of the opinion that there are some democratic setbacks in Europe and in the South. Many hopes were generated by the Arab spring but there is a feeling of failure and disappointment among

the populations; they are left with the choice between the Islamists or the old regimes, and there is little space for democrats. Despite of some problems, Tunisia seems to be the only country in the region with positive prospects whereas in Algeria and Egypt, the elections were a blow to the hopes and expectations to the young at the forefront of the revolutions. Ayachi Hammami thought that the EMHRN should give more support to civil society in these two countries and for instance set up a committee that would draft a strategy and action plan on how to deal with the situation in Algeria, and possibly dedicate a campaign each year of one week for each country. Michel Tubiana replied by saying that the EMHRN has already a strategy for Algeria and that many campaigns have already been launched, for instance in relation to the visa for Algeria. Marc Schade-Poulsen added that the EMHRN would take part in a big project on Egypt from 2015 (see 6. *Financial report from the Secretariat, including fundraising*).

A part from these observations, the EC members highlighted the following developments in the region;

- The worrying raise of the nationalistic parties in countries like Denmark, France and Greece, as shown in the EU elections, which will have an effect on the EU
- The human rights regression in the North and South
- The worsening of the social and economic conditions in many countries in the region and the need to bring ecosoc rights closer to civil and political rights
- The election of President Sisi in Egypt whose main priority is to deal with the economic and social situation to ensure stability
- The shrinking space for the opposition in Egypt due to the electoral law and the new political system
- The criticism by the EU in relation to the elections in Egypt, saying that the representatives of the opposition had limited space to express themselves
- The tendency of mass sentences in the region as experienced in Egypt, and the need to look at the violation of fair trial standards in the region
- Europe's racism against migrants coming from the South and even countries within Europe itself
- Migration as a key issue in Germany, the migrants getting no support from the major political parties

In relation to the Presidential elections in Egypt, Marc Schade-Poulsen suggested writing to the EU Council, encouraging it to draw conclusions from the EU's own election monitoring report that says that the elections were not free and fair although that, technically, the elections went well (except from the elections being extended with one day during the elections). Maysa Zorob added that all citizens should have been able to vote, however five million women and 400,000 men without ID had not been able to vote during the elections in Egypt.

### **3. Public event addressing Moroccan civil society: the human rights situation and the progress of the legislative reforms in Morocco**

#### **4. Report from the Secretariat**

*Moderator: Michel Tubiana*

Marc Schade-Poulsen presented the report from the Secretariat (see 4.1 *EMHRN Activity Review no. 2*) and invited the political referents to comment on the activities of the different Working groups (activities are only mentioned below when they are not included in the 4.1 *EMHRN Activity Review no. 2*).

*Evaluation of the projects on Tunisia, Syria and Algeria*

Marc Schade-Poulsen informed that the EMHRN's projects on Tunisia, Syria and Algeria had been evaluated, and that the result of the evaluation was positive; the difference between how the participants to the activities and the EMHRN consider the activities is not significant, and the participants trust the Network and think it provides an added value to their work. As for improvements, the participants thought that the EMHRN could be better at reporting back to the members on advocacy activities.

*EU progress report*

The EU has issued the annual progress report, and the human rights chapter is becoming more objective and critical. The EMHRN's recommendations were included in the report, among others on Algeria, Egypt

and Israel. It however remains to be seen which actions the EU will take on the different issues highlighted in the report.

#### *Structured regional dialogue*

Marc Schade-Poulsen informed that Stefan Füle has allocated 1 million EUR to a pilot phase for the establishment of the structured regional civil society dialogue. A first civil forum took place in Brussels in April 2014, and a second will take place in Tunis on 17-18 June 2014 where a 1 year action plan should be established. On a positive note, Marc Schade-Poulsen said that the NGOs invited should adhere to the international human rights conventions.

#### *Algeria*

Søs Nissen noted that she had read in the *4.1 EMHRN Activity Review no. 2* that a report on Algeria has been delayed. Marc Schade-Poulsen explained that the EMHRN had sent a mission to the desert towns in the South of Algeria that is a poor area with social unrest while multinational companies are involved in the oil industry. Following this mission, one of the writers of the report on the mission had not delivered what had been agreed upon and the two other writers might finalise the report without the third contribution.

Nassera Dutour informed that Marta Semplici had received an email from Madjid Benchikh one month prior to the EC meeting with suggestions on the functioning of the Solidarity group on Algeria that he had asked them to consider. Marta Semplici had answered him, but now he is asking why he has not received any response to his email. Ayachi Hammami suggested Marta Semplici to consult with the members of the Solidarity group to get their vision on how to advance within the group which could be shared with the EC. Marc Schade-Poulsen agreed that Marta Semplici could contact the members.

#### *Libya*

Marc Schade-Poulsen informed that the EMHRN had gathered 20 organisations from Libya in Tunisia; the feedback from the meeting was that the organisations would like the EMHRN to continue organising these meetings that were seen as being fruitful. Ayachi Hammami added that the representatives of the organisations, half of them being women, had discussed issues related to among others women's rights and torture. At the end of the meeting, the organisations had decided to create a coordination committee of five Libyan NGOs that would meet in Libya and come up with a structure for their work within a month. Søs Nissen asked the Secretariat to send her the list of organisations.

#### *Tunisia*

Marc Schade-Poulsen noted that the EU-Tunisia project is going well, and that it is promising for the EMHRN's activities in the different countries in the region. He mentioned that the Tunisian Ministry of Justice would like to work with the EMHRN on the project. Also the EMHRN had been asked by the Tunisian civil society coalition on the elections to facilitate monitoring and administration two million EUR on its behalf; however Marc Schade-Poulsen would have preferred if it had been possible for these organisations to create an independent organization to handle the project. He added that former EMHRN President Kamel Jendoubi was ready to guide Ramy Salhi on the set-up of the project. Finally, Marc Schade-Poulsen asked the EC members for their feedback on this issue.

#### *PIP Working group – settlement products*

Eugenia Papamakariou informed that the PIP Working group had discussed the issue of banning the products from the occupied territories at their last meeting on 16-17 May 2014. She said that there was a need to decide whether the Network is in favour or against the banning of the settlement products – and not just talk about the labelling of the settlement products. Michel Tubiana noted that the issue is not only about banning the products from the settlements but also the boycott of relations with Israel etc., and due to the complexity of the issue, he suggested to discuss at the next EC meeting on 24-26 October 2014. Isaías Barreñada informed that the EU has adopted a clear position on the issue of settlement products recently, and that some member states have become more active on this issue than the EU itself.

#### *Mission to the Western Sahara*

Isaías Barreñada suggested that the participants in the mission to the Western Sahara on 16-21 September 2014 should be from both the North and the South, including the Maghreb and the Middle East. Søs Nissen noted that she would have liked to be informed of the dates for the mission before. Marc Schade-Poulsen explained that those responsible for North Africa had been consulted for the mission but that the consultation could have been extended to all EC members.

#### Decisions:

- The EC members agreed to that the EMHRN supports a ban on settlement products and that it should discuss the issue of further boycotts at their meeting on 24-26 October 2014
- The EC members should discuss the EMHRN's activities in Egypt, Libya and Algeria at their meeting on 24-26 October 2014

Documents:

4.1 EMHRN Activity Review no. 2 (*for information*)

4.2 Work plan 2014 (*for information*)

## 5. The EMHRN's program on Justice

*Moderator: Michel Tubiana*

Maysa Zorob presented the *5.1 Concept note* of the Justice Working group and explained that the three priority topics identified by the Working group in the coming year are judicial independence and reform, transitional justice, and the right to a fair trial throughout the region.

Following the presentation of the program on Justice, Søs Nissen asked what the strategic focus of the trial monitoring is, as it could entail a lot of work, and it is not easy to be successful with trial monitoring. Maysa Zorob informed that trial monitoring would be a tool for showing solidarity but the EMHRN would also use the conclusions of the trial monitoring as a tool for the Network's advocacy efforts on EU-Egypt relations for instance.

Michel Tubiana noted that it was problematic to find competent persons who could monitor trials and who are available on a short notice. Maysa Zorob said that there should be more capacity building activities on trial monitoring for local lawyers so they would be able to observe cases in their own countries, this also to avoid sending foreign lawyers to countries in the region. She furthermore noted that the EMHRN should avoid the ad hoc approach for the trial monitoring in the future. Michel Tubiana said that it was important to find Arabic speaking lawyers with expertise on the local legal system – and not necessarily local lawyers.

Ayachi Hammami informed that the objective of the report on the education of judges is to make a tool available to civil society organisations to help them to revisit the training for judges at judicial schools and throughout the career of judges. The judges are trained on the technical aspects of their work but not sufficiently on the issue of independence and impartiality of the judiciary, he said.

Ayachi Hammami also mentioned that the Working is paying attention to the developments in the region in relation to transitional justice which is a highly problematic issue. He informed that in Tunisia, there are organisations that only focus on transitional justice whereas in Libya a ministry was created on transitional justice. Marc Schade-Poulsen said that one of the challenges of the Working group is to combine the interests of the Working group members with a relevant legal perspective. The Network would add value if the Working group's work, including reports, is linked to the current developments in the region in the future.

Finally, Ayachi Hammami mentioned that one member of the Working group had never attended any of the Working group meetings.

Documents:

5.1 Concept note (*for information*)

## 6. Financial report from the Secretariat, including fundraising

*Moderator: Michel Tubiana*

Marc Schade-Poulsen presented the *6.1 Annual financial report 2013* for the EC's approval; he noted that the profit of the year 2013 was 10,000 EUR, the EMHRN's equity thus reaching approx. 100,000 EUR in total. The ideal situation would be to have 6-700,000 EUR in equity; however he was not sure how the EMHRN could ever reach this amount.

Marc Schade-Poulsen also drew the EC's attention to the administrative costs that were quite high in 2013, mainly due to the renovation of the offices in Tunisia and Brussels and the law suit against the Danish photocopying company that cheated the Network's former Chief accountant. In case the EMHRN would win

the court case, the EMHRN would get 100,000 EUR back. The Annual financial report 2013 was signed by the EC members present during their meeting.

Being the political referent for the Justice Working group, Ayachi Hammami said that he would have liked to be consulted for the regional call where the EMHRN has asked for funds for the justice and gender programs. Marc Schade-Poulsen said that Ayachi Hammami was right and he explained that the call had been answered according to the Work program for the Justice Working group and the application did thus not include any new activities on justice. Søs Nissen thought that, since the call involves the EMHRN's partners in the South, it would have been wise to have the political referent involved in the call.

Marc Schade-Poulsen furthermore informed that SIDA had promised to allocate funds for the EMHRN in 2014, however the EMHRN had not yet received the contract and the EMHRN's contact person at SIDA had informed him eight days prior to the EC meeting that the amount allocated to the Network would be less than expected.

Finally, Marc Schade-Poulsen noted that if the EMHRN would get all the funds listed in the budget for 2014-16, the Network would have managed to increase the budget with 1 million EUR and be covered until 2016 at least.

#### Decisions:

- The EC approved the *6.1 Annual financial report 2013*
- The EC approved the *6.2 Budgets and accounts*

#### Documents:

- 6.1 Annual financial report 2013 (*for approval*)
- 6.2 Budgets and accounts (for approval) (3 sheets) (*for approval*)
- 6.3 Fundraising update (*for information*)

## **7. Restructuring of the EMHRN**

### *Moderator: Ayachi Hammami*

#### *Recruitment procedures*

In relation to the EMHRN's recruitment procedures, Michel Tubiana said that he found it problematic that some EC members agree to be the reference person for some candidates. Ayachi Hammami was in favour of EC involvement in the recruitment procedures and he suggested establishing a recruitment committee consisting of Marc Schade-Poulsen and two EC members who would be in charge of the job interviews. Nassera Dutour was also in favour of EC involvement in the recruitment procedures, in particular as the Statutes state that the recruitments should be carried out in cooperation with the President, the Vice president and the Treasurer.

However, Michel Tubiana questioned how the EC members could take part in the recruitments carried out in Copenhagen, Paris and Brussels. He thought that it was good to have good recruitment procedures and he suggested that the Secretariat could inform and consult the EC about the candidacies. The EC members should however avoid being the reference person for any of the candidates, he said. Ayachi Hammami agreed with Michel Tubiana that it was important to inform and consult with the EC; however it was not done in a systematic way. Marc Schade-Poulsen answered by saying that he had forgotten to consult with the Vice president and Treasurer as stated in the Statutes. He added that in some cases EC members might support different candidates for the same position. Michel Tubiana said that the Executive director and not the President should take the decisions on the recruitments. Finally, Søs Nissen thought that this sensitive issue should be discussed when all the EC members were present.

#### *Restructuring process*

Marc Schade-Poulsen informed that, since the restructuring process has almost been finalized, there is no longer any need to distribute the document *7.1 Restructuring - an update* prior to the EC meetings. What remains is the recruitment of an additional Advocacy officer and a Capacity building officer. Marc Schade-Poulsen furthermore informed that several staff members would leave the EMHRN and be replaced in the coming months, i.e. Lina Alquarah, Shadia el Dardiry, Vassia Spanaki, and Bérénice Michard (maternity leave). In addition, the new Advocacy director will begin at the Brussels office in September 2014.

As for the Amman office, Marc Schade- Poulsen informed that it will be kept as the EMHRN's regional office in the Mashrek for an interim period, however the office is empty and the Secretariat has difficulties filling out the functioning of the office and it will therefore look at whether in the future any of the thematic staff members could be placed in Amman. He noted that it was difficult to recruit staff members in Jordan as there are many international organisations in Jordan. For the time being, an agreement with Dignity, that will rent part of the office, has been signed in order for the EMHRN not to have too many expenses. Marc Schade-Poulsen asked the EC members to sign a paper stating that he would be the contact person with the Jordanian authorities for the time being.

Søs Nissen thought that the Secretariat should try to define what the advantages of staying a couple of years in Amman could be for the rather young staff members of the Network. She suggested considering whether the staff members working on Syria could be moved to Amman. However, Nassera Dutour had never felt that the office in Amman was very dynamic and she suggested moving the regional office to another country. Marc Schade-Poulsen answered by saying that the staff members working on Syria would like to avoid being divided and that they felt more safe working on this issue from Paris. Michel Tubiana also said that other options for the location of the Mashrek office, being for instance Egypt and Lebanon, had already been discussed but were not viable for different reasons, and he did not think that the EMHRN should lose its legal registration in Amman.

#### Decisions:

- It should be clarified in the Bylaws or Statutes if/to which extent EC members can support candidates for vacancies within the EMHRN
- The EMHRN maintains the office in Amman until further notice

#### Documents:

7.1 Restructuring - an update (*for information*)

7.2 EMHRN's office in Jordan (*for information*)

## **8. Membership issues, including membership applications**

*Moderator: Eugenia Papamakariou*

#### Decisions:

- The Forum Tunisien pour les Droits Economiques et Sociaux, Tunisia, was adopted as a Regular member

#### Documents:

8.1 Membership overview (*for information*)

8.2 Membership application overview (*for information*)

8.3 Membership application: Forum Tunisien pour les droits économiques et sociaux (*to be reexamined*)

## **9. Planning for the next General Assembly 2015**

*Moderator: Isaías Barreñada*

Marc Schade-Poulsen informed that the Secretariat had not yet succeeded in raising the funds for the General Assembly (GA) in 2015. The venue for the GA would be decided according to the funds raised. Both Osman İşçi and Isaías Barreñada had looked into the possibility of raising funds in Turkey and Spain respectively, however so far without any luck. The possibility of holding the GA in Italy would also be explored in the next couple of months. Meanwhile, the EC members could settle the dates for the GA. Isaías Barreñada thought that the possibility of holding the GA in Spain should be further explored.

Michel Tubiana said that the GA is preceded by a seminar, and the EC should start thinking about a theme for the seminar, one idea being the new civil society actors following the Arab Spring, another being the new situation that followed the revolutions in the region, however without forgetting the North. Søs Nissen thought that it would be a good idea to combine a discussion of the developments in the region with one on the new generation of young human rights activists. She suggested that these young activists could be invited for the GA in order for the other participants to be inspired by them, while the experience of the previous human rights generations could be useful to the young activists.

Ayachi Hammami agreed with the idea presented by Søs Nissen but he also stressed the importance of looking at how the old actors, i.e. the previous human rights activists, adjust to the new reality that emerged after the revolutions. He noted that in Tunisia, a lot of the old conventional mainstream human rights organisations are losing ground to the new young actors who are specialized in different fields or topics. Finally, he suggested looking into whether the EU would be able to fund the GA or the seminar as it would leave the EMHRN with a wider margin to choose the country for the event, however Marc Schade-Poulsen did not think that the EU would have budget lines for such events.

As possible venues for the GA, the EC members suggested the Netherlands, Sweden, Luxembourg, Germany, and Austria. Søs Nissen also suggested contacting Open Society Institute for funds, whereas Nassera Dutour suggested contacting American donors who are active in the region. Michel Tubiana reminded the EC members that, in order not to exclude the Israeli members from the GA, it should take place in the North.

As for the theme of the seminar, Michel Tubiana suggested sending an email to the EC members not present to inform them of the idea for the seminar and inviting them to come up with other ideas as well. 2-3 EC members should be appointed in order to start reflecting on the seminar, and the EC should discuss the different documents (Political report, Activity report, Financial report, Work program, draft resolution etc.) presented during the GA at the EC meeting on 24-26 October 2014. Søs Nissen volunteered to take part in the reflection group on the seminar. In relation to the documents for the GA, Marc Schade-Poulsen noted that a mid-term evaluation should be prepared for the GA as the Strategy runs from 2012-18.

Marc Schade-Poulsen also invited the EC members to consider whether they will present their candidacy for the next EC elections during the GA, also to look into whether the continuity of the work of the EC would be ensured. In order to have real elections, the EMHRN should make sure to have enough candidates, also female candidates, he said. Michel Tubiana agreed saying that each EC member should know by the EC meeting on 24-26 October 2014 whether s/he will run for the EC again.

As for the Statutes, Michel Tubiana thought that the EC members should suggest amendments to the EMHRN members in relation to the recruitment of staff, membership (the EC to have the power to accept members and annul passive memberships), and the set-up of a conflict resolution committee elected by the GA to settle possible conflicts within the EMHRN. Michel Tubiana noted that the deadline for the members to present any amendments to the Statutes is 45 days prior to the GA. Marc Schade-Poulsen mentioned that the Secretariat had not received a single amendment to the Statutes at the GA in 2008 where the Statutes were modified the last time. He suggested including the issue of sub-granting in the Statutes as the EMHRN is currently not allowed to do sub-granting which is now a requirement of the EU. Søs Nissen however thought that the fact that the EMHRN is not able to give grants to any of its members gives the Network credibility, the Network working for all members and not just some of them.

Ayachi Hammami mentioned that the Statutes state that when new applicant organisations' membership of the EMHRN is approved, the representatives from these organisations can run for the EC elections. He thought that these newly approved members should be members for a least one term before presenting their candidature for the EC elections. Michel Tubiana explained the reason behind this rule, i.e. if these members were not allowed to present a candidate for the elections during their first GA; they would have to wait for the next GA in three years. Marc Schade-Poulsen added that this rule of allowing new members to present their candidature was made to ensure that the Network has elections with as many candidates as possible.

Søs Nissen asked how the EC members could approach passive members of the Working groups. Marc Schade-Poulsen noted that when the Network launches a call for participants to the Working groups following the GA, the By-laws for the Working groups are distributed as well in which some rules are outlined

#### Decisions:

- The General Assembly will take place on 12-14 June 2015
- The EC members should discuss the documents to be presented at the GA at their meeting on 24-26 October 2014
- Michel Tubiana will submit the Statutes with suggested amendments (including on the recruitment of staff, membership, conflict committee, and sub-granting) prior to the EC meeting on 24-26 October 2014 in order for them to be discussed at this meeting

#### Documents:

##### 9.1 General Assembly time schedule (*for information*)



## 10. The rights of migrants

*Moderator: Søs Nissen*

Catherine Wihtol de Wenden informed the EC members of the current migration situation, presenting the *10.2 Maps in relation to migration*. She noted that there were 252 million migrants at the international level in 2013. Both the South and North equally receive migrants from the South which is a new tendency. This also means that there are relatively fewer migrants in the North today than compared to 100 years ago.

Migration today has become a globalized issue as all regions and countries of the world are affected by migration. In general, North America receive migration flows from Central and Latin America, and Latin America receives migrants from within Latin America itself, while Europe (in particular the countries in the South of Europe) receives migrants from the South of the Mediterranean. As for the migration North-South, countries like Spain receive many migrants from Latin America given the same language as well as from Germany and the United Kingdom. A country like Greece receives migrants from Albania and many Eastern European countries.

Catherine Wihtol de Wenden explained that the categories of countries related to migration include the country of origin, transit country, and the host country of migrants. Some countries are at the same time the country of origin, transit and host country, an example of this being Morocco.

The categories of migrants include for instance the

- economic migrants
- the environmentally displaced persons (South-South migration, due to for instance dust storms in the least developed countries)
- the stateless people (for instance in Africa)
- the internal migrants (for instance in China where workers move from rural areas to the industrial areas)

Women constitute 48% of the migrants. Due to the diversification of the migrants, there are a lot of difficulties to take into account from a legal and human rights point of view. She also noted that the rate of death while trying to migrate is high.

Historically, Europe did not consider itself as a destination for permanent migration and it was thought that the migrants would return home one day. It also took the European countries more than 10 years to ratify the international conventions on migrant workers, the fear being that the migrants would take the jobs of the unemployed workers which was however proven wrong. Catherine Wihtol de Wenden mentioned that there are 22 systems of free movement in the world that could be activated and allow the movement of people for labour purposes for instance. An international governance of migration could also be envisaged, but some countries, including the US, have said clearly that they do not want this governance, and the EU is also reluctant to the idea. In 2013, the EU's response following the death of 366 migrants off the coast of Lampedusa on 3 October 2013 was to reinforce Frontex and the legislation and conventions are not being adapted to the new realities in terms of migration. In the future, migration will however take such proportions that the right to mobility will be a central topic. While waiting for better rights for the migrants, the already existing systems should be activated, she said.

Ayachi Hammami asked which role the international organisations on migration like the International Organisation for Migration (IOM) have played. Catherine Wihtol de Wenden explained that the IOM has played a significant role in particular in the aftermath of the Second World War, and after the collapse of the Berlin wall and the unification of the East and West Germany, where this organization had taken care of the re-settlement of the Germans. The IOM seems to be the most experienced organization to tackle the issue of migration although it is not really binding to all countries.

Marc Schade-Poulsen said that everybody has the right to leave his/her country but not the right to enter all countries and settle down. Catherine Wihtol de Wenden thought that, as first step, it would be important to work on the right to enter – before, as a second step, discussing the duration of the stay. She noted that many decisions at the international level impacts directly and almost in a forced way the migration or movement of people; an example of this being the development of the coffee sector in Vietnam which has influenced the same sector in Latin America, meaning that the Latin American coffee workers can no longer

compete with the Vietnamese workers. These decisions could be regulated at the international level as they have a direct impact on migration.

Marc Schade-Poulsen noted that the EMHRN calls for the right to freedom of movement. Before, many people travelled to Europe without any problems, however the problems started when the visa procedures were introduced. He asked Catherine Wihtol de Wenden what she would ask from the decision makers in order to convince the governments in Europe to allow everybody to enter their countries. She replied that she would ask them to abolish visas for some categories of people, for instance elderly people, tourists and students, as the visas block many things and affect the economy. She furthermore explained that it was proven by many studies that the more the migrants have freedom of movement, the more they move and the less they settle.

Marc Schade-Poulsen suggested that a lot of mechanisms should be in place before opening up the borders. Catherine Wihtol de Wenden said that Europe opened its borders for the highly skilled persons in 2005 as they do not constitute a security treat in the eyes of Europe. She was of the opinion that Europe should open its borders even more, in particular as Europe is in need of highly skilled persons.

Isaías Barreñada said that migration is often linked to security and looked upon as a risk to the national identity, and he asked Catherine Wihtol de Wenden to elaborate on this issue. She explained that until the 1980-90s, migration was considered to be linked to the labour market but this perception changed after the ETA attacks, September 11 etc. However, Catherine Wihtol de Wenden was not of the opinion that the issue of migration should be linked to terrorism and criminality as it only adds fuel to the fire to imagine an external enemy.

Marc Schade-Poulsen also noted that there is a debate on salaries and the social cohesion in Europe that should be taken into consideration. Catherine Wihtol de Wenden said that there had been a strong debate in the North (where there are more social democratic countries) on the implication of migration on the well fare system. She noted that no matter which measures are taken, the borders cannot be controlled 100% and migration will take place. The message to be conveyed is that there is a need for more solidarity. It would be a treat to the security of Europe if the young populations in the third countries are unemployed, live in undemocratic systems and are imprisoned behind closed borders, she said.

Michel Tubiana ended the discussion by saying that in France, a migrant would have to prove that s/he has worked for a certain number of years in France in order to be regularized which does not seem logic as they did not work in a 'regular' way. According to him, Europe is living in a state of denial while enforcing its discourse on the migration issue, talking about the invasion of migrants and foreigners.

#### Documents:

10.1 The rights of migrants (*for information*)

10.2 Maps in relation to migration (4 maps in total) (*for information*)

## **11. Miscellaneous**

*Moderator: Michel Tubiana*

a. *Next EC meeting*

#### Decision:

- The next EC meeting on 24-26 October 2014 will take place in Paris.