



European Network Against Racism
Réseau européen contre le racisme
Europäisches Netz gegen Rassismus

Memorandum to the Polish, Danish and Cypriot Trio of Presidencies of the European Union

Building an equal Europe for all

1 July 2011 – 31 December 2012

The European Network against Racism (ENAR) is a network of some 700 NGOs working to combat racism in all EU Member States. ENAR is determined to fight racism, racial discrimination, xenophobia and related intolerance, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national and European initiatives.

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ENAR's Four-Point Call for Action to the Polish, Danish and Cypriot Trio of Presidencies

1. Execute negotiations on the Multiannual Financial Framework

- ✓ Allocate funds for programmes that foster equality and protection of fundamental rights as a crucial competence of the EU
- ✓ Respond to global and demographic changes by allocating funding for problem-solving activities, such as awareness raising trainings about individual rights, research on extreme right, violence and hate crimes, or for activities that (1) better ensure jurisprudence in cases of discrimination and (2) foster effective integration of ethnic minority people and migrants as a two way process.

2. Fulfil the EU commitment toward equality

- ✓ Enforce full compliance with the existing Equality Directives in all member states
- ✓ Ensure equality mainstreaming as provided under Art.10 TFEU
- ✓ Pressure member states to adopt the proposed Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation
- ✓ Use indicators and quantifiable target headlines to monitor progress in collecting and reporting on statistical data to ensure sustainable inclusive growth and equality in the employment, education, and health sectors

3. Address social challenges and contribute toward social inclusion

- ✓ Ensure full and effective application of the EU 2020 Strategy to secure sustainable long-term growth, high employment, foster education and training, and contribute in eradicating social exclusion, poverty, and disadvantages paramount among certain populations, such as the Roma
- ✓ Establish a common progressive EU approach to migration and asylum that helps build a Europe free from racism by promoting a positive approach to migration and protecting and fulfilling the fundamental rights for all
- ✓ Use the opportunity of the 2012 European Year for Active Ageing and Solidarity between Generations to design and implement policies to protect vulnerable groups suffering from isolation, exclusion and poverty
- ✓ Promote actions aimed at improving the health and healthcare of all EU residents and implement the EU Health Strategy, focusing on much needed health improvements to target the elderly, migrants, and other disadvantaged populations

4. Fulfil commitments to ensure the equal protection of rights for all in Europe

- ✓ Ensure rapid accession of the EU to the European Convention of Human Rights and seek to strengthen and guarantee the rights contained in the European Union's Charter of Fundamental Rights
- ✓ Emphasise fundamental rights, placing the human being at the core, and promoting equality, anti-discrimination, and social cohesion
- ✓ Reconcile discrimination and the violation of fundamental rights in policies and practices that violate the free movement of EU citizens, i.e. as abounds in cases of ethnic profiling

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Introduction

The European Network Against Racism (ENAR) welcomes the Polish, Danish and Cypriot Trio of Presidencies of the Council of the European Union. Despite current challenges emphasising the need to respond to financial deficits and austerity measures in member states, the Trio of Presidencies nonetheless has the responsibility of strengthening the European Union's resolve and commitment toward countering discrimination and xenophobia, fostering equality and inclusion, and ensuring the protection of fundamental rights in the social, economic, political, and legal arenas. The role of the Trio of Presidencies in this realm is of particular importance since vulnerable populations have increasingly been confronted with hostility, marginalization, and the brunt of the economic downturn, as they tend to suffer the most from economic exclusion and restrictive social provisions.

While it is impossible in just a few pages to address all the issues ENAR would like the Trio of Presidencies in the next eighteen months to address in response to these fears and emerging social trends, four main foci are addressed in this paper: first, the Multiannual Financial Framework; second, equality and anti-discrimination legislation; third, strategies toward an inclusive Europe; and fourth, the Stockholm Programme. ENAR thus encourages the Trio of Presidencies to strengthen the unity of the member states by fostering greater solidarity among the residents of the European Union, openly countering exclusionary trends and heightened fears regarding depreciating monetary values and the precariousness of individual well-being by instead emphasising measures to combat racism and xenophobia, promoting inclusive migration and integration policies, and protecting the fundamental rights for all, including vulnerable populations.

1. Multiannual Financial Framework

ENAR welcomes the intended negotiations of the Trio of Presidencies regarding the Multiannual Financial Framework and further requests that in ensuring the adoption of this Framework the Trio incorporates the values, treaty obligations, and priorities of the EU.

ENAR therefore calls on the Trio of Presidencies to ensure that:

- The overall Framework reflects the new competencies of the Lisbon Treaty (including the Charter of Fundamental Rights and horizontal and social equality clauses).
- Allocate funds for programmes that foster equality and fundamental rights in response to the global and demographic changes.
- Allocate funding for problem-solving activities, such as awareness raising trainings about individual rights, research on extreme right, violence and hate crimes, or for activities that (1) better ensure jurisprudence in cases of discrimination and (2) foster effective integration of ethnic minority people and migrants as a two way process.
- Prioritize social inclusion in the Multi-Annual Financial Framework and in funding EU policies from 2014 onwards, since it is one of the three priorities of the EU 2020 Strategy.

Since policy is made through the allocation of funding activities, the Trio of Presidencies could push these priorities and similar aims forward in member states to promote active citizenship, equality, and the protection of fundamental human rights. By placing the focus in funding on equality and human rights instead of concentrating primarily on security and border controls, the Trio of Presidencies could position itself in a very important role to promote the EU values they claim to respect. In turn, they could benefit from the positive outcome of promoting a positive approach to migration, since an increase in equality commonly leads to greater security. ENAR further encourages the Trio of Presidencies to set the terms of conditionality in negotiations on the Multi-Annual Financial Framework in order to be eligible and qualify for programmes and funding. This conditionality should be embedded in the evidence of ensuring equality and imposing sanctions in cases of discrimination. Funding should not go towards programmes that serve to discriminate or result in further segregating and marginalising disadvantaged groups.

2. Equality and anti-discrimination legislation

Ensure compliance with existing equality legislation Progress was made in the European anti-discrimination landscape with the implementation of the Race Equality and Employment Equality Directives (2000/43 and 2000/78). The Equality Directives provide an important minimum level of protection. Nonetheless, gaps in ensuring protection against discrimination continue to be evident in the overall legal framework since the quality of transposition and implementation of protection varies in most member states.

ENAR encourages the Trio of Presidencies to:

- demand from the Commission a strengthened monitoring of the implementation of existing Equality Directives and lack thereof;
- allot funding for researchers to analyse the ongoing hurdles in ensuring protection against discrimination and racism;
- urge the member states to follow through with full compliance on the existing Equality Directives;
- and pressure member states to adhere to their commitments and duties to ensure the enforcement of equality legislation.

Address the pressing issue of the horizontal anti-discrimination directive

Existing legislation has not sufficed to protect against discrimination in all areas. Multiple discrimination and discrimination on grounds of religion and belief outside employment as well as on the basis of sexual orientation and gender identity have been increasingly evident. The European Commission's proposal for a Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation has been viewed as vital to further protect victims of discrimination and emit a clear message of condemning intolerance. The horizontal Directive aims to establish a uniform minimum level of protection against discrimination for everyone within the EU beyond the labour market, irrespective of religion or belief, disability, age or sexual orientation. Despite a clear need for this, there is a deadlock blocking the implementation of this Directive.

ENAR therefore calls on the Trio of Presidencies to:

- address the importance of this issue, ensure the adoption of this Directive, and take a decisive stance towards equality by combating institutionalised discrimination;
- pressure those member states currently blocking the Directive to relent and go forth with the adoption of this much needed legislation;
- convince member states in close negotiations of the need to implement this Directive by exposing the myths related to the reasons identified in blocking the passage of this legislation;
- encourage continued negotiations to address aspects of the Directive deemed by some member states as the most problematic in order to resolve specific issues and particular items of discontent.

The EU needs to show consistency in its principles and to urgently address existing gaps in current equality legislation. Adopting the horizontal Directive should be the next step in this process. As such, ENAR urges the Trio of Presidencies to work on transforming the political will of those involved so that progress in this realm can be achieved.

3. Strategies towards an inclusive Europe

Efforts to combat social exclusion and poverty remain important issues in the next term and should remain on top of the political agenda. In pursuit of the aims set forth in the Europe 2020 Strategy, which seeks to promote a more cohesive European society, increase employment and strengthen the social market economy, among other aims, the Trio of Presidencies will need to ensure the monitoring and success of reaching the Headline Targets, set by the European Council, and further encourage that the targets set in the National Reform Programmes be met. As such, ENAR encourages the Trio of Presidencies to develop a clear vision of what, how, and by when the EU promises to deliver on these aims. Reflecting the values of diversity, equality and non-discrimination as crosscutting issues, ENAR recommends the Trio to take this aim very seriously in the course of their term.

Meet the headline targets set in the EU 2020 Strategy

Recognising the general trend across Europe currently - with austerity measures and cuts in social protection for the most vulnerable - a focus on developing options to achieve economic and social mobility for the most marginalized should contribute to alleviate the ever-widening division between rich and poor permeating the current social reality. ENAR believes a new social vision is needed to advance the well-being and protection of basic rights of all people, including ethnic minorities and migrants living in Europe.

By implementing the EU 2020 Strategy's flagship initiative to promote "New Skills and Jobs" in the member states, the Trio of Presidencies can contribute to combat the growing inequalities, structural discrimination, and erosion of fundamental social rights relative to unequal labour market incorporation. Learning from the mistakes of the Lisbon Strategy, member states have set quantifiable national targets as part of the EU 2020 Strategy by which to measure growth and development and assess the success of their actions seeking to promote social inclusion, integration, and social coherence and to counter structural inequalities and discrimination, particularly in the fields of employment, education, health, housing and communication infrastructures.

ENAR calls on the Trio of Presidencies to:

- consider interventions that combat racism and discrimination and enable opportunities for those most disadvantaged to escape poverty and social exclusion by ensuring social and sustainable development;
- encourage national governments to set specific targets and monitor the inclusion of disadvantaged and more vulnerable groups, necessary for ensuring long-term sustainable inclusion and meeting the aims of the framework of the 2020 European Employment Strategy;
- ensure that European institutions and member states fully implement and enforce existing international labour law such as, for example, the ILO conventions.
- ensure adequate reporting on discrimination in employment and actions, necessary for enhancing the labour market incorporation of vulnerable groups in the member states;
- ensure that inclusive growth-related actions and the mainstreaming of equality and non-discrimination in the National Reform Programmes are taken as seriously as purely economic issues during the European Semester;
- instrumentalise poverty mapping in member states to target specific areas of concern;
- make active inclusion a binding priority, i.e., take action against institutions that fail to promote equal opportunity and social inclusion.

The application and monitoring of target-settings as a tool for demonstrating commitment to tackling unequal access to the labour market, housing, health, education, social and economic mobility options, among other factors that enhance social inclusion, are greatly needed.

Protect disadvantaged groups

ENAR's annual Shadow Reports on racism in Europe highlight the situation in each member state of a variety of disadvantaged population groups, including, for instance: asylum seekers and refugees; vulnerable migrant communities (including undocumented workers); those migrating or attempting to migrate through family reunification schemes; seasonal workers; the Roma, Traveller and Sinti communities; diverse Muslim communities; among other targeted populations, such as people of African descent.

Increasing focus on research and policy, with findings linking disadvantaged and marginalised communities with poverty and lower social standards, need to be further examined to raise awareness on these issues and to develop remedies. Here, for instance, focus on the impact of exclusion relative to restricted legal status and/or research on multiple discrimination would further be helpful in exposing myths related to disadvantaged groups.

ENAR urges the Trio of Presidencies and member states to consider the role of institutional discrimination in resultantly marginalizing certain groups and devising more inclusive and

sustainable strategies in response, for instance by meeting the European target to reduce poverty, foster labour market incorporation, and improve educational and training options. There should be a clear understanding and recognition that ethnic minorities and migrants are at a more serious risk of suffering from social exclusion. Victimisation, however, should be avoided, and poverty should not be seen as an ethnic problem.

ENAR encourages the Trio of Presidencies to:

- incorporate minorities and disadvantaged groups when reforming structures in the member states to impose strategies for smart, sustainable and inclusive growth;
- ensure that the Social OMC instrument will remain a strong instrument to enhance social inclusion for minorities and migrants;
- monitor that equality and non-discrimination are prioritised in implementing the Flagship Initiatives, and that the specific needs of vulnerable groups are taken into account (e.g. not only the Roma, but also women, migrants, and ethnic minorities suffering from unemployment, underemployment, poverty, and/or social exclusion);
- implement the Flagship on Poverty, foster the development of the European Platform Against Poverty, and carry out an annual convention on these concerns;
- foster awareness raising activities relative to the situation of disadvantaged ethnic and religious minorities and migrants, both to promote their economic and social incorporation as well as to raise their own motivation and willingness to participate actively in a society that acts to exclude them.

Promote the social and economic inclusion of the Roma

ENAR praises the European Union's recent efforts to raise attention to the particular situation of minority groups such as the Roma, which is one of the most discriminated population groups in Europe. ENAR also encourages a reformation of the European Platform for Roma Inclusion as it seeks to stimulate cooperation and provide analytical support relative to this marginalized group to member states. In addition, one of the key challenges for the trio of Presidencies in the next term will be to ensure efficient implementation of the EU Framework for National Roma Integration Strategies through national strategies. While social and economic inclusion is important, the strategies drafted by member states should also include fundamental rights and anti-discrimination measures. The Council should take an active role in monitoring and peer-reviewing the ensuing strategies.

ENAR expects the National Strategies to respect, as a minimum, the following principles:

Relative to strategy processes:

1. the strategies should be developed through transparent processes and ensure an active participation of civil society, Roma communities, and local authorities seeking broad consensus of these stakeholders.

Relative to strategy content:

2. set definitions with ambitious, targeted and realistic goals within a defined timeline;
3. use the ten Common Basic Principles on Roma Inclusion as a baseline;
4. adhere to a human-rights approach, including in particular gender equality, non-discrimination, anti-Gypsyism, and promote a positive approach to Roma inclusion and desegregation;
5. incorporate policy measures beyond the minimum areas outlined in the Framework as relevant to the national context (for example, address the lack of identity documents, migration-related concerns, etc.).

Despite this recent activity on Roma, continued effort in promoting the integration of marginalised groups will need to be carried out in the future. Building on the success of the Roma strategy, the Trio of Presidencies could benefit by considering the value of developing similar strategies relative to other marginalised groups, for example, people of African descent.

Foster integration and inclusion

The integration of migrants is a key response to the challenges and opportunities facing diverse societies. ENAR urges ongoing discussion on the topic of integration in order to connect the broader policies on social inclusion and anti-discrimination. It is important that EU integration policies not only focus on new migrants, but also on the social inclusion of all migrants and minorities, irrespective of when and from where they arrived in the EU.

Mutual integration must be promoted: all actors must engage with the issue, not only the migrant population. Greater focus therefore needs to be attributed to the debate to date, which although it has been informed by a definition of integration as a two-way process, in reality, however, the articulation of integration tends to focus on the obligations of migrants adapting to the norms and expectations of the host society.

Improvement in the development of integration policies that guarantee the rights of migrants must therefore transpire throughout the EU. The European Integration Forum has helped in making the voice of migrants more audible in this debate by broadening knowledge and exchange of experience among civil society actors. These efforts should be continuous and not

restricted to one-off meetings. Reconsideration on the role of funding schemes for integration and anti-discrimination activities may further aid in reaching measurable outcomes.

With solidarity and responsibility at the core of the EU, ENAR therefore calls on the Trio of Presidencies to:

- monitor the impact of integration policies and the analysis of data sets to assess whether a two-way integration process is truly being practiced in the member states;
- ensure the implementation of institutional targets and indicators to address factors that prevent unequal access to the labour market, as well as options for wage increases, promotions, obtaining retirement pensions, social security, and other resources necessary for securing one's well-being and achieving social mobility;
- improve and consolidate the number of data sources used to provide a better understanding of the situation of migrants and ethnic and religious minorities;
- contribute to establishing a potentially wider range of comparable monitoring indicators and targets that are reflective of the EU Common Basic Principles on integration and can be disaggregated on migration-related grounds or which directly capture migration-related dimensions;
- reaffirm the importance of anti-discrimination, necessary for achieving the two-way approach toward integration;
- articulate policies that provide an opportunity to respond to needs arising in a structured and coordinated manner.

Overall, the EU needs a vision of hope in which diversity is an asset for the European common future. This can best be achieved by challenging the underlying perceptions and assumptions surrounding migration, which are increasingly enhanced by the negative discourse promoted by politicians, policy makers and the media. Migrants need to be perceived as rich contributors to receiving societies, both socially and culturally. An approach framed by respecting human rights and recognizing the positive nature of diversity in Europe needs to be upheld.

Reach equality in education and training

In defining the new priority for the second cycle of "Education and Training 2020" (2012-2014), it is important that the Trio of Presidencies ensure that education is re-created and newly prioritised to equip all EU citizens with the education and skills needed for the 21st century labour market. ENAR takes this goal one step further by encouraging the Trio to widen the scope to incorporate all residents of the EU, so that social mobility may be achieved for all, not just EU citizens. Making schools and training facilities more accessible to ethnic and religious minorities, including migrants is essential for meeting the aims of the EU 2020 strategy. Considering the objective of full employment and more inclusive labour markets as a cornerstone of the EU 2020 Strategy, more effort in fostering educational immersion and certifying individuals at all levels, ranging from pre-school to vocational training, on through higher education and university, needs to ensue. Efforts to foster language competencies, increase skills and qualifications, and ease the process of recognizing non-formal degrees should be encouraged in order to incorporate the knowledge of all actors. Programme funding allotted

in this arena would be conducive to driving and supporting the elimination of racial discrimination, promoting inclusion and diversity in education and training systems, and in enhancing the educational attainment of ethnic minority and migrant pupils across Europe.

ENAR proposes the incorporation of the following four key principles to underpin all actions related to education and training:

- education should be central in addressing the challenge of social cohesion and promoting solidarity and non-discrimination in a more diverse Europe;
- education and training systems must instil values of respect, diversity and challenge prejudices;
- educational and training systems must themselves be free of discrimination at all levels and ensure access to quality education for all in order to adequately address underachievement, early school dropouts, and educational disadvantages;
- partnership must be promoted between formal and non-formal education and training systems and civil society to address issues with assessing and recognizing existing skills and qualifications, including “soft skills”.

ENAR further welcomes the pending work on a Council Recommendation to increase opportunities for non-formal and informal learning and to strengthen provisions for the recognition and validation of such learning efforts. By promoting and adopting a transparent mechanism for assessing, certifying and recognizing skills, including prior qualifications, degrees, experience, and “soft skills”, irrespective of the countries in which these qualifications were attained and whether acquired formally or informally, a focus in fostering formal and non-formal learning both within the EU as well as outside the EU would benefit all. This would contribute toward easing employability and mobility and correspond to the aims of the Trio of Presidencies in promoting economic and social recovery by improving and widening education and training.

ENAR welcomes an extension in some form of the Lifelong Learning Programme, which is particularly important for individuals unable to pursue the customary first education path. Placing a focus on learning, mobility and language competence seems to target those most marginalized in society. In emphasizing language competencies, the implication is that individuals will be supported to learn host society languages. In designing a benchmark on lifelong learning and mobility, ENAR encourages the necessity of a two-way integration process, which means that country of origin language competencies should be valued as much as the host society language in addition to at least one other language, such as English. Furthermore, ENAR welcomes comparisons on problems and strengths relative to education and training as part of the European Qualifications Framework as long as disaggregated data is collected and analysed.

Modernizing universities and fostering programmes and procedures to not only attract students but also to encourage their completion of higher education is important as successful educational immersion tends to improve labour market incorporation as well. Since inequality is clearly evident in accessing higher education, ENAR recommends that equality in higher

education be the focus for the period 2012-2015, the priorities for which can be discussed at the Ministerial Conference on the Bologna Process planned to be held in April 2012. In addition, ongoing research should guide future modernization schemes.

ENAR welcomes the fact that the Trio presidency intends to promote the subject of education for democratic citizenship and will consider how education can contribute to promoting and advancing the concepts of democracy, justice, equality, citizenship and respect for civil and human rights as well as achieving equitable access to education. ENAR further suggests emphasis on teacher trainings, intercultural competence, revising curricula, among other factors.

The 2012 European Year for Active Ageing and Solidarity between Generations

From 2012 onwards, the European working-age population will start to shrink while the 60+ age groups will increase by about two million people a year, also including significant numbers of ethnic minority populations from a diversity of backgrounds. ENAR strongly believes that if the 2012 European Year is to effectively raise awareness, identify and disseminate good practices, and contribute to fostering active ageing and solidarity between generations, it must design and implement inclusive policies that incorporate the needs of the elderly relative to employment, health care, and other social realms. The problems and needs of elderly populations, with a particular focus on those with migrant backgrounds, diverse ethnic origins, and minority groups need to be put forward. In order to address the link between discrimination and exclusion, particular focus should be placed on protecting vulnerable elderly populations suffering from isolation, exclusion and poverty. In particular, policies must also incorporate the special situation of elderly migrants, refugees/asylum-seekers and Roma, Travellers and Sinti. Inclusive and sustainable growth includes the integration and involvement of all seniors.

ENAR calls on the Trio of Presidencies to include the following priorities for the 2012 Year:

- address multiple discrimination (age-ethnicity);
- campaign to change public perceptions about the contribution and productivity of older people, including ethnic minority and migrant elders;
- combat exclusion by providing clear and easy-to-understand information about the opportunities available to older people in their community, especially hard to reach ethnic minority and migrant elders' communities;
- address the high risk of old-age poverty among ethnic minorities working in self-employment;
- tackle persistent health inequalities, including between different ethnic groups;
- implement programmes to address the low levels of saving and pensions, especially among ethnic minorities and migrants, and other forms of financial exclusion;
- provide culturally and religiously appropriate health services;
- promote positive examples of intergenerational solidarity in diverse societies and within ethnic communities.

ENAR calls on the Trio of Presidencies to take account of the following elements:

- There needs to be a reduction in health gaps between vulnerable groups and the majority population. For instance, the life expectancy of certain disadvantaged populations, like the Roma, is ten years less in some countries than for the majority population.
- The emotional impact of having to endure discrimination and exclusion are known to cause mental health problems, which in turn result in physical health ailments, both of which impair individuals from working and achieving social mobility. As such, efforts to combat discrimination should coincide with aims to instil a coherent Health Strategy.
- Healthcare treatment needs to be made available to everyone including asylum seekers, refugees, and migrants in order to meet the aim for seniors to work longer, since health ailments need to be prevented before they occur, and before they impair an individual's health and ability to work.
- Invest in collecting reliable best practice examples from other countries that focus on ensuring holistic health and healthcare treatment for everyone in order to mitigate timely, expensive, and quick fix solutions that only address existing health gaps on the surface rather than at the source.

4. Implementing the Stockholm Programme

The Stockholm Programme incorporates the priorities of action for the European Union in the areas of justice, freedom and security during the period 2010-14. The aim of this action plan seeks to set current priorities as well as to prepare for future challenges both at European and global level. ENAR looks forward to working with the Trio of Presidencies on these issues in the upcoming months and reminds the Trio that a first step in this regard is the professed will to combat racist and xenophobic attitudes and practices.

With the aim of providing a secure Europe in which fundamental rights and freedoms of citizens are respected, the Trio of Presidencies is encouraged to face head-on the ongoing challenges relative to meeting the aims of the Stockholm Programme and matters of Justice and Home Affairs. ENAR welcomes the intentions of the Trio of Presidencies in its first overarching priority in Justice and Home Affairs matters to ensure coherence in the action plans set forth within the Stockholm Programme, i.e. to combat all forms of discrimination, racism, xenophobia and homophobia; provide measures that ensure the protection of fundamental rights; protect the rights of the child and vulnerable groups, including victims of crime and terrorism; and empower European citizens, in particular as regards the right to free movement and civic participation.

Strengthen a Europe free from racism and xenophobia

The foundation on which anti-discrimination vigilance thrives is through effective legal protection for all and as such, ENAR again appeals to the Trio of Presidencies to be active in combating racism and xenophobia, and in promoting equality. To achieve this, the Presidencies should make full use of the incorporation of the equality mainstreaming clause in the Lisbon Treaty (Article 10 TFEU) and include anti-racism mainstreaming in policy making. Meanwhile, ENAR anxiously awaits the European Commission's Communication on fighting racism and xenophobia as well as the Trio's response. ENAR encourages the Trio of Presidency to be conscious of its exemplary role to battle the polemic of actors, who have been using political rhetoric to propagate claims of economic decline and heighten fears - in the name of security - in an attempt to legitimise and shape exclusionary practices and policy. As racism and right-wing populist movements have increasingly been gaining resonance, it will be critical for the Trio to set the foundation on which social inclusion, equality, and sustainable policies can be developed and to emit a clear message in opposition to racism and xenophobia.

ENAR further urges the Trio of presidencies to:

- increase efforts to combat racism and xenophobia throughout the European Union, i.e. through police cooperation, exchange of good practice, awareness raising trainings for civil society and government actors, and through greater coherence regarding jurisprudence (both in civil and criminal cases);
- set an example by systematically condemning racism, xenophobia, and any form of violence - attacks, murders or brutality - by groups or even states;
- ensure that progress is made on this issue and that appropriate action is taken to address policy gaps and explore ways for a better use of existing instruments;
- respond to serious concerns that the current approach pays insufficient attention to the potential for actions taken in this area and undermines the vision of a Europe free from racism;
- create a platform on which political dialogue and stakeholder engagement can contribute in moving the non-discrimination and equality agenda forward.

Ensure protection of fundamental rights for all

With increasing focus throughout Europe on financial concerns and restrictive security measures, ENAR encourages the Trio of Presidencies to set a precedent by ensuring a Europe of rights and of solidarity and a Europe that is accessible in a globalized world. While the agenda has already been set to guide the way forward in transforming the political priorities established by the Stockholm Programme, ENAR encourages a re-evaluation of policies and mechanisms intending to promote justice and freedom for all. ENAR reminds the Trio in particular of its aim to act in the spirit of solidarity, coherence and complementarity. Overall, ENAR reminds the responsibility of the EU and the Trio of Presidencies to remain inundated of their responsibility to ensure humanitarian protection.

ENAR therefore calls on the Trio of Presidencies to:

- apply a rights-based approach that is consistent with European values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights;
- guarantee the full exercise of the rights contained in the EU's Charter of Fundamental Rights for all people. As stated in the Stockholm programme, "the Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of citizens of the Union";
- confer the fundamental rights and freedoms as set out in the EU Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms not just on paper but also in practice;
- protect the fundamental rights of each individual, acting as the foundation and framework of all future areas of Justice and Home Affairs activities;
- prioritize mainstreaming protection of fundamental rights across all policy areas and carry out fundamental rights impact assessments, connecting this with racist crime, anti-Semitism, xenophobia, human trafficking, cybercrime and exploitation of children and women.

The commitment of the EU to ratify the UN Convention on the rights of people with disabilities sets an important precedent that can be followed for other International standards, such as the UN Convention on the Elimination of All forms of Racial Discrimination and the UN Convention on the Elimination of Discrimination against Women, the Convention on the Rights of Migrant Workers and other international human rights conventions. This possibility should be further explored in the development of the future EU Justice and Home Affairs priorities as a core action enabling a human rights based approach to the EU's work in this and other areas.

Foster a positive approach to migration

As set out in the European Pact on Immigration and Asylum, ongoing effort is needed to ensure the comprehensiveness and flexibility in the European Union migration policy. To this effect, ENAR first raises attention to the paradox set forth in the Stockholm Programme, which aims to protect Europe and its citizens by securing its borders and restricting access, while at the same time promises to pursue a dynamic and comprehensive immigration policy that seeks to promote the integration and the rights of migrants and fulfil the needs of the EU countries' labour markets. Migration is commonly seen as a threat, or at best, as a purely economic solution - as a utilitarian solution to labour market shortages and demographic changes related to an ageing society - and as such, the focus is predominantly on border control, control of 'illegal' immigration and return policies. This, however, is in contradiction with an approach that values the mutual benefits gleaned by host communities and migrants, and that respects migrants as individuals with rights to be valued and protected. As such, ENAR warns of the need to be consistent and fair, to respect the fundamental rights of all and not just citizens of the EU, and to follow through on efforts to implement coherence in policy.

ENAR further encourages the Trio of Presidencies to address the deteriorating humanitarian situation impacting incoming migrants from Libya, Tunisia, Egypt, and other Northern African countries. In creating sustainable strategies, the Trio must be cognizant of both its ethical duty and its international human rights obligations to protect the human rights of the individuals in need on EU territory. ENAR proposes taking steps to alter the mainstream's negative perception of migration and asylum to instead foster a positive approach.

ENAR calls on the Trio of Presidencies to contribute to depicting immigration and asylum in positive terms, fostering positive values, conceptions, and principles about migrants and asylum seekers, and simultaneously acting to combat racism and xenophobia. To achieve this, the Trio is called on to:

- promote the protection of rights of vulnerable groups and persons belonging to minorities;
- focus on the long-term needs of both member states and migrant populations and not just on the short-term economic interests of the EU member states;
- recognise the economic, social and cultural importance and contribution of migrants to European society, whether "highly skilled" or not;
- prioritize the will to strengthen and guarantee the protection of fundamental rights for migrants residing in the EU;
- encourage the development of common immigration policies and the use of the Common European Asylum System as part of the Justice and Home Affairs work to promote the positive approach towards migration;
- treat and speak about migrants respectfully, as human beings, and not as mere economic units.

Protect the rights of asylum seekers, refugees and migrants

Considering the objective to create a coherent and comprehensive framework for better sharing responsibility for asylum seekers and beneficiaries of international protection across the EU, ENAR stresses the significance of protecting the human rights of asylum seekers and others in need of protection. ENAR reminds the Trio of Presidencies that asylum seekers and refugees are human beings in need, who should not be perceived as mere “burdens” and problems, but rather deserve to be ensured protection of their fundamental human rights. The focus should not just be on security and control measures, rather there is a vital need to strengthen dialogue and partnerships with migrants, civil society and government actors. Ongoing public awareness-raising activities should ensue.

ENAR therefore calls on the Trio of Presidencies to:

- ensure that international asylum law is observed, and the rights of asylum seekers are respected in the framework of shared responsibility for asylum-seekers;
- apply caution when collating knowledge from non-EU countries for policy-makers so that data is not misused to further estrange migrants or those in need of humanitarian protection from accessing the EU territory;
- ensure that the recently launched European Asylum Support Office involve civil society actors and contribute towards guaranteeing transparency and disseminating knowledge.

Protect the rights of vulnerable groups, including children, victims of crime, and terrorism

The Directive establishing a single application procedure for a single residence and work permit and a common set of rights for third-country workers legally residing in a Member State has the potential to fill the rights gap. However, ENAR is concerned that the priority given to immigration control in bringing forward proposals on regular and irregular migration distorts the framework. Employment and broader socio-economic rights should be provided equally to every member of European society, without any artificial division based on legal status.

The proposal for Seasonal Workers Directive is the first EU legislation dealing with those deemed “less skilled” and particularly vulnerable. While this legislation is significant for its progressive nature to focus on less skilled migrants, this specific Directive takes into account the specific circumstances related to seasonal work as a form of temporary employment. It should complement the rights obtained from the Single Permit Directive and ensure that seasonal workers coming to Europe enjoy the same rights as EU citizens.

ENAR therefore calls on the Trio of Presidencies to:

- ensure the implementation of monitoring instruments, which also ensure effective data protection (i.e. in regard to ethnic profiling) and that combat terrorism;
- lead by example and execute consistently fair and non-discriminatory policies that respect the human dignity of all;
- exercise caution in linking overstayers with terrorism and serious crime with efforts to reduce illegal immigration as proposed in the Entry/Exit System (EES);
- safeguard family rights and ensure their protection by the European Convention on Human Rights and the Charter of the Fundamental Rights of the European Union;
- ensure the rights of the family and family reunification schemes, rather than fostering policy that acts to divide core family units;
- ensure that member states do not use integration policies as a means for legitimising and practising restrictive immigration policies (i.e. limiting the number of legal entries and residence permits by compulsory tests abroad and language requirements or probationary citizenship models, and limiting immigrants' access to fundamental rights such as the right to family life).

Empower European citizens, in particular as regards the right to free movement and civic participation

A number of policy objectives have been broached in order to broaden the traditional migration agenda by including topics relevant for recognizing the benefits of migration. This approach can be operationalised by involving certain actors to increase the knowledge base, expand the articulation of the benefits of migration, and determine how to better involve migrant groups, research institutes, media and other non-state actors in empowerment activities. ENAR suggests the Trio use research and data collection as an opportunity to highlight the positive dimensions and benefits of migration in migration policies. There is a need to contribute to the integration of migrants by enabling and promoting their full involvement in life and participation in activities of host societies without discriminating and by respecting their rights and human dignity.

Moreover, ENAR warns against imposing border controls which target “riskier groups of travellers” as it discriminates based on national origin and encourages ethnic profiling, which ENAR believes needs to be circumvented due to its racist nature.

ENAR encourages the Trio to strive to set in motion the realization of the following issues in the next term:

- avoid differentiating legal rights based on nationality and perceived "usefulness" of individuals, as proposed in policies on automated border control. Disregarding the fundamental rights of those deemed less worthy is discriminatory and against the aims of the EU's claim to value diversity and promote equality;
- reconcile discrimination and the violation of fundamental rights in policies and practices that violate the free movement of EU citizens. Ethnic profiling has been identified as one of the main barriers targeting ethnic and religious minorities in Europe;
- give serious consideration to actions needed to ensure free movement rights to third country nationals in exercising competencies on legal migration;
- encourage politicians, policy makers, and the media to reflect the language and terminology used in political discourse so as not to perpetuate negative depictions of migrants (e.g. human beings cannot be 'illegal' and language must recognise this) and impose sanctions in cases of language misuse and political rhetoric;
- increase representation of ethnic minorities and people with a migrant background in civil servant jobs, the media, and other public positions;
- work to raise awareness regarding the significance of anti-discrimination and equality;
- develop a platform to exchange experience and knowledge with civil society experts, researchers, practitioners, and legal bodies to assist in understanding and better using existing legal and financial instruments to counter racism and xenophobia in the future;
- condemn, curb, and sanction racist hate crime and foster an atmosphere that respects and values diversity;
- increase awareness on protecting victims of racist crimes;
- foster awareness raising activities on the rights of individual in criminal proceedings;
- grant minimum standards on the rights, support and protection of victims of crime.

Conclusions

In conclusion, ENAR welcomes again the Trio of Presidencies and reminds them of the importance of combating discrimination, racism and xenophobia in the next term, which should be prioritized in negotiations on the Multiannual Financial Framework, carrying out the aims set forth in the EU 2020 Strategy, ensuring an inclusive Europe for all, and implementing the Stockholm Programme. Ensuring the adoption of and full compliance with equality and anti-discrimination legislation is likewise vital for the coming term.

The Trio of Presidencies is especially encouraged to foster social inclusion, which is necessary for the future growth and development of the European Union, as well as to ensure the protection of the fundamental human rights of all EU residents. A holistic approach is vital to respond to the challenges of creating a fairer Europe where equality is a reality and the rights of all are fully recognised, respected and fulfilled without discrimination. Negotiations on the Multiannual Financial Framework should incorporate these aims that foster social inclusion activities and counter racism and xenophobia.

With the transition from the Lisbon Strategy to the new Europe 2020 strategy, the goal has been set to improve the previous non-binding character evident in the Lisbon Strategy. With the aim to achieve smart, sustainable and inclusive growth with clear headline targets, structural changes are expected to be implemented at the national level. This includes a number of important reforms to ensure long-term growth, high employment, and inclusive labour market participation, strategies to counter poverty, improve educational access and higher learning, foster active ageing and solidarity between generations, improve health and healthcare treatment and access, and improve the social and economic well-being of EU citizens and disadvantaged groups, such as the Roma, among other areas of focus. Overall, it is imperative that the Trio of Presidencies ensure protection of fundamental rights for all, protect the rights of vulnerable groups, empower European residents, promote civic participation and contribute to fostering a positive approach to migration. ENAR cannot emphasise enough the important role of the Trio of Presidencies in possessing the necessary leadership to mainstream this vision when setting the framework on the multiple issues mentioned in this document.