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European Union and the Need to Stand up for the Universality of Human Rights in the Context of Migration

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Abstract: Europe, embodied by the European construction, was always seen as the land of unity, the land where people are equal and their fundamental rights are guaranteed and protected. After two world wars when it has been proven that human life and human dignity could be at someone's discretion, the European leaders, hand in hand with all the leaders of the world, inspired from the Universal Declaration of Human Rights, stood for universality of human rights making them a corner stone for Europe. But the last years, from this new century, marked by severe economic and social crisis, than the starting of the Syrian war, demonstrated that there are still many gaps that have to be fulfilled and the European project, actually, the European Union, is weaker and weaker, the distance between citizens and their leaders grows, and a strong crisis of authority is going on. Much more, the migration than began after the Syrian war proved that human rights are not yet so well defended as the European and non European citizens believed and a lot of measures and strategies have to be the main preoccupation for all the institutional and policies of the EU. Thus, this article deals with the main provisions of the European Agenda for Migration and the way the leaders succeeded, more or less, to apply it in order that universality of human rights to be respected and put it in the center of their politics.

Keywords: citizen; migration; rights; freedoms; hatred; asylum

1. European Union as a Construct for Peace and Freedom. What we Celebrate at the End of this Year?

Ironically, the end of this year mark two important date for the mankind and its rights. Firstly, as usual, on the 10th of December, we have to celebrate the International Human Rights Day, but taking into account all the events that took place during this year, it seems that we have no reasons for applauses but rather for remembering and meditation on hatred and intolerance. As the Director of EU Agency for Fundamental Rights (FRA), Michael O'Flaherty declared "*More and more, we are seeing a crisis of values, a crisis of fundamental rights,*" and added "*Many of the most vulnerable people in our societies are finding themselves the target of hatred that is a far cry from the rights set out in the Universal Declaration. We all have a duty to stem this erosion of the humane values that form the cornerstone of European society.*"²

Throughout the history of humanity the possibility of migration was a savior solution for hundreds, thousands of men and women. They were looking for a new place where to find a new homeland because of wars and political instability or simply to find a better job or a more beautiful place to live. Migration is also a respond to demographic trends and labour market gaps in the EU. So, migration, in

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the same time represent a courageous expression of the individual's will to overcome adversity.¹ The United Nations tries to play a catalyst role in this field and thus appears another important day that we have to mark that is the International Migrants Day, on the 18th of December. It's not a happened that for this year the campaign proposed by the United Nation Secretary General is: Together for Migration!² International Organization for Migration is annually held on December 18 to recognize the efforts, contributions, and rights of migrants worldwide.³ It is mean to celebrate the positive contributions that migrants make to our societies, to recognize and honour their struggles and the challenges they face, and also to remember those who died this year trying to reach a better life.⁴

The EU Agency for Fundamental Rights underline the message that the International Migrant Day has to be the moment when we should remember our obligation to defend Europe as a continent of rights, freedoms and respect that provides safety for people in need of protection. In the same spirit, the Agency calls for respect and inclusion, an inclusive society are the precondition for integration which in turn is needed for EU societies and economies to grow and flourish⁵.

2. Migration and the Power of Integration

Protecting fundamental rights is important to empower migrants and thereby provide them with the tools to lead economically productive lives that are to the advantage of everyone in the EU. Strengthening the EU as an area of strong fundamental rights protection will ensure that the EU continues to remain an attractive region for high skilled workers as well as for essential services, and a space of freedom, security and justice for all.⁶

As we can see in the latest years, migration is increasing around the globe and as a consequence societies are and will continue to become more diverse and multi-ethnic. Refugees and migrants go through long and difficult journeys to get to the European Union, where they dream and want to build a new future.

Migration is both an opportunity and a challenge for the EU. The medium to long term priorities consist of developing structural actions that look beyond crises and emergencies and help EU Member States to better manage all aspects of migration.

What is important to underline is that most of the migrant people are looking for legal pathway to establish in a EU country and want to work according to their knowledge, legally. Unfortunately, many narratives focus only on some certain of migration, aspects that impact society in many ways, generating a variety of responses such as hatred, xenophobia, etc. It has been reported a growing intolerance and hostility towards migrants and asylum seekers. Also, hate crime incidents range from everyday harassment to attacks, violence, and even murder.

Therefore, the duty of the European leaders is to protect those in need and to elaborate a clear common policy by creating the ability to bring together European and national efforts to address migration.

¹ <http://www.un.org/en/events/migrantsday>.

² <http://www.unric.org/en/latest-un-buzz/30414-international-migrants-day-together-for-migration>.

³ <https://www.timeanddate.com/holidays/un/international-migrants-day>.

⁴ <http://www.unric.org/en/latest-un-buzz/30414-international-migrants-day-together-for-migration>.

⁵ <http://fra.europa.eu/en/news/2015/international-migrants-day-fra-calls-respect-and-inclusion>.

⁶ Background FRC 2014 on <http://fra.europa.eu/en/node/11114>.

3. An European Agenda on Migration- Short Considerations

Jean Claude Juncker, presented, in Malta, on the 23rd of April 2014, a plan for immigration, consisted of five points, in which he called for more solidarity in the European Union's migration policy. This plan was part of the campaign of Juncker for his position of the new president of the Commission and included an appointed a commissioner with special responsibility for migration to work on a new policy of migration and later based on this proposal, in the European Council statement made on the 23rd of April 2015, the member states committed to taking rapid action to save lives and to step up EU action in the field of migration. After a couple of days, the European Parliament adopted a Resolution and at the 13th of May 2015 the European Commission elaborate a European Agenda on Migration, a comprehensive approach for the improving of managing of migration in all its aspects. (COM (2015) 240)

As it is shown in the Introduction of the Agenda, no member state can effectively address migration alone, so it is need a new and more European approach. For success, this requires using all policies and tools and all actors: member states, EU institutions, international organizations, civil society, and local authorities.¹

After the Introduction follows the first part, "Immediate action", that responds to the need of swift action in response to the human tragedy in the whole of the Mediterranean.

The Agenda is built upon four pillars to manage migration better:

1. Reducing the incentives for irregular migration: the focus is on addressing the root causes behind irregular migration in non-EU countries, dismantling smuggling and trafficking networks and defining actions for the better application of return policies;
2. Saving lives and securing the external borders: this involves better management of the external border, in particular through solidarity towards those Member States that are located at the external borders, and improving the efficiency of border crossings;
3. Strengthening the common asylum policy: with the increases in the flows of asylum seekers, the EU's asylum policies need to be based on solidarity towards those needing international protection as well as among the EU Member States, whose full application of the common rules must be ensured through systematic monitoring;
4. Developing a new policy on legal migration: in view of the future demographic challenges the EU is facing, the new policy needs to focus on attracting workers that the EU economy needs, particularly by facilitating entry and the recognition of qualifications.²

This structure created the possibility to send a clear message to citizens that migration can be better managed collectively by all EU actors.

The next part named "Moving Beyond", it is considered that EU has to address to all the issues regarding migration in an effective and sustainable manner in the longer term because European cooperation needs to go further. That's why, the Commission will launch parallel reflections on some areas: the completion of the Common European Asylum System; a shared management of the European border; a new model of legal migration.

In applying the provisions of Agenda on Migration, EU has both short, and long term priorities.

¹ Introduction to European Agenda on Migration, COM(2015) 240 final, Brussels, 13.5.2015 (www.eu-lex.eu).

² http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm.

Thus, the EU aims at taking immediate action to prevent further losses of migrants' lives at sea by providing additional funding to Frontex joint search and rescue operations, to the safe and legal resettlement of people to Europe, to the Regional Protection and Development Programmes and to the most affected Member States located at the EU's external borders.

In addition, the EU aims to strengthen the role of Europol as an intelligence hub for dismantling criminal networks and intends to launch Common Security and Defence Policy (CSDP) operations in the Mediterranean to capture and dismantle boats. The EU will also activate the emergency system provided in the Treaties so that asylum seekers may be relocated in a more solidary manner, as well as establish a pilot multi-purpose centre in Niger, in cooperation with the International Organization for Migration and the UN Refugee Agency.

An altogether new concept, the Hotspot, will allow EASO, Frontex and Europol to work on the ground in affected EU Member States to swiftly identify, register and fingerprint arriving migrants and to assist in investigating and dismantling migrant smuggling networks.

The positive part is that the European Commission reports some progress on applying the Agenda. For instance, the Commission is reporting on progress made in the implementation of the EU-Turkey Statement and on the EU's relocation and resettlement schemes. The Commission also adopted a fourth Recommendation today that takes stock of the progress achieved by Greece to put in place a fully functioning asylum system and sets out a process for the gradual resumption of Dublin transfers to Greece.¹

In this respect, the commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos declared: "Both Italy and Greece have made herculean efforts in recent months in managing the refugee crisis. The fact that today we close the infringement cases on the fingerprinting and registration of migrants is proof of that. This November was a record month for relocation with over 1,400 persons transferred, and Member States must build on this progress by further intensifying and sustaining their efforts. Our aim is to relocate all those in Italy and Greece who are eligible for relocation within the next year. These efforts, together with a lasting reduction in arrivals from Turkey thanks to the EU-Turkey Statement, are necessary building blocks for a gradual return to the Dublin system for Greece."²

In the same time, FRA in order to address some of these challenges makes a number of suggestions. These include: improving information flows about procedures and the status of applications to ease tensions among migrants as well as providing translations and child-friendly information; free and greater access to legal counsel; better protection for children such as prioritising the claims of unaccompanied children, vetting staff, individual risk assessments and sufficient resources for child guardians; qualified staff who are trained how to work with children, to identify victims of trafficking and gender-based violence; and avoiding excessive use of detention for migrants who will be returned.

The EU's current Dublin rules determine which Member State is responsible to examine applications for international protection. However, applying these rules can take up to 11 months, leading to bottlenecks and leaving applicants, particularly children, in challenging circumstances.

¹ IP/16/4281: Commission reports on progress made under the European Agenda on Migration.

² IP/16/4281: Commission reports on progress made under the European Agenda on Migration.

4. Conclusions

As we showed during the present study, migration is one of the political priorities of the Juncker Commission. In his speech delivered on the 14th of September 2016, “State of the Union Address”, at the European Parliament, he declared: *“When it comes to managing the refugee crisis, we have started to see solidarity. I am convinced much more solidarity is needed. But I also know that solidarity must be given voluntarily. It must come from the heart. It cannot be forced.”*

And to conclude, we think that the words of Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship, are very relevant for this moment:

*“The European Border and Coast Guard is a symbol for the European Union. A symbol of a Europe that is able to **deliver, united**. We are now better equipped than before to face the migration and security challenges.”¹*

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