FUNDAMENTAL RIGHTS FORUM: INCLUSION WORKING GROUPS

SUB-THEMES/ FOCUS	21-06 RIGHTS BASED GOVERNANCE	22-06 EMPOWERING RIGHTS HOLDERS	23-06 FUNDAMENTAL RIGHTS COMPLIANT SUSTAINABLE GROWTH
REDUCING INEQUALITIES	WG 1: Inclusion and fundamental rights: addressing gaps in equality law and in its implementation (I+R)	WG 4: Social inclusion in the context of the EU 2020: what is missing? (I+D)	WG 7: What can progressive realisation of economic, social and cultural rights mean in the EU, in the context of a future European Pillar of Social Rights? (I+R)
FOSTERING PARTICIPATION AS FUNDAMENTAL RIGHT	WG 2: Political and societal participation in the EU: young people, LGBTI persons, people with ethnic minority or migrant background and people with disabilities.	WG 5: The role of education in promoting inclusive societies: what works? (I+R)	WG 8: The role of employers' associations in combating severe forms of labour exploitation
PROMOTING DIVERSITY	WG 3: Assessing the progress in social inclusion from fundamental rights perspective: are we on the right track? (I+R)	WG 6: Empowering rights holders: the contribution professional groups, in improving rights fulfilment (I+D+R)	WG 9: How can business contribute to more socially cohesive societies in the EU (R+I)

Explanatory Notes: The workshop covers two or more sub-issues: Inclusion (I), the Digital Age (D), Refugee protection (R), WG H – High level panel. All working groups will be held in am and pm slots.

DAY I: RIGHTS-BASED GOVERNANCE

WG1: Inclusion and fundamental rights: addressing gaps in equality law and in its implementation

Workshop objective:

The EU is committed to countering discrimination and promoting equal treatment, as evidenced in the employment, gender and racial equality directives. To help advance gender equality, the European Commission further proposed for the EU to ratify the Council of Europe Convention on combating violence against women and domestic violence.

The working group will reflect on the necessity to fully implement anti-discrimination legislation and on tools available to promote equality and non-discrimination. In doing so, attention will be paid to how best to raise awareness about the importance of countering discrimination on all grounds. The working group will thereby consider how the full implementation of equality legislation can contribute to protecting fundamental rights in the area of non-discrimination.

Guiding questions:

1. What are the key challenges in fully implementing anti-discrimination legislation, and how can these challenges be tackled?
2. What tools are available to promote equality and non-discrimination?
3. How can awareness best be raised about the importance of countering discrimination on all grounds?

Background:

The EU's equality directives offer comprehensive protection against discrimination on the grounds of sex and racial or ethnic origin; discrimination on the grounds of religion or belief, disability, age or sexual orientation are prohibited in the areas of employment, occupation and vocational training. Under EU law, national equality bodies are responsible for promoting equal treatment in the areas of racial or ethnic equality and gender equality.

Many Member States have established bodies that deal with discrimination on other grounds, such as sexual orientation, disability, age and religion or belief. Adopting the proposed Equal Treatment Directive would ensure that the EU and its Member States are able to offer comprehensive protection against discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation on an equal footing.

FRA evidence indicates that the legal obligation and resulting efforts to raise public awareness of anti-discrimination legislation have not been enough for the legislation to realise its full potential. Relevant bodies and organisations should be assisted in intensifying awareness-raising activities in that respect, including, equality bodies, civil society organisations, trade unions, employers and other relevant professional groups.

WG 2: Political and societal participation in the EU: young people, people with an ethnic minority or migration background, LGBTI people and people with disabilities.

Workshop objective:

Being able to participate in the political and social life of our communities is at the core of what it means to live in an inclusive society. Nevertheless, many people – EU and non-EU nationals alike – face considerable barriers to participation, leaving them without a voice in key policy debates affecting their daily lives.

This workshop will raise awareness of practical issues, and of existing tools and best practices to foster political and societal participation in the EU. The discussions will particularly focus on younger people, people from an ethnic minority or migration background, LGBTI people and people with disabilities. Participants will discuss drivers and barriers to participation and ways to increase the involvement of EU and non-EU nationals in social and political life, especially at the local level.

Guiding questions:

- What are the main drivers and barriers preventing people from participating in the political and social lives of their communities on an equal basis with others?
- What existing initiatives and different actors (political parties, parliaments, electoral authorities) are helping to increase political and societal participation at the local level?
- What more is needed to enable full political and societal participation of EU and non-EU nationals?

Background:

Political and social participation as a key enabler for achieving inclusive societies is a theme that cuts across FRA's research. However, FRA evidence shows that despite improvements in fostering equal opportunities for political and social participation, significant obstacles remain. These range from legal barriers, to a lack of targeted policies and implementation gaps.

In terms of law and policy measures, FRA's research on societal and political participation of migrants and their descendants indicates that only six EU Member States have ratified the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (1992). However,[1] 20 have adopted similar national provisions allowing non-EU citizens to vote in, at a minimum, local elections. Nevertheless, FRA evidence indicates that most national migrant integration policies do not include measures encouraging and promoting participation of migrants and their descendants in social and public life, nor have measures targeting subsequent generations of people of migrant descent.

From an implementation perspective, FRA's research on the political participation of people with disabilities shows that standards to enhance the accessibility of the electoral process are often not reflected in the situation on the ground nor do they reach all people with disabilities. For example, guidelines for making polling stations more accessible often focus on people with physical

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[1] three of them with limitations to the scope (CZ & IT: only to freedom of assembly and association) or the area of application (NL: limited only to municipalities level)

impairments, and lack initiatives reflecting the accessibility needs of others with sensory, intellectual or psychosocial impairments.

FRA research in the area of fundamental rights of LGBTI people painted a bleak picture. It showed that almost half of the respondents said they had been discriminated against in various areas of life, preventing them from participating meaningfully in society. In their daily lives, many said that they are not open about being LGBT with their family and a majority avoid holding hands with their same-sex partner for fear of victimisation. The research also revealed how trans people suffer regular victimisation, living difficult lives on the fringes of society.

WG 3: Assessing the progress in social inclusion at national, regional and local level from fundamental rights perspective: are we on the right track?

Workshop objective:

The workshop will review the evolution of the understanding of social inclusion in the EU context. It will address the implications of the UN Convention on the Rights of Persons with Disabilities and of the Council Recommendation on effective Roma integration measures in the Member States from 2013. Using examples of specific groups at risk of social exclusion (such as Roma, migrant populations, LGBTI people and people with disabilities), the workshop will explore how 'social inclusion' and 'multidimensional poverty' indicators overlap and complement each other. Participants will discuss how such indicators can be fine-tuned to better capture social inclusion from the fundamental rights perspective. In this context data challenges will be also discussed. For example, how can relevant and robust data for populating these indicators be generated and what is the role the national, regional and local stakeholders in that regard. The workshop will conclude by exploring the links between social inclusion monitoring, the related UN Sustainable Development Goals and the European pillar of social rights.

Guiding questions:

- What is social inclusion? Is it just lack of exclusion or is more than that?
- What are the links between social inclusion and equity, equality, and social cohesion? What is the added value of bringing the 'fundamental rights perspective' to these concepts?
- Do we have the right tools and the relevant data to capture the progress in social inclusion of specific groups at risk (such as Roma, ethnic minorities, migrants and refugee crisis, people with disabilities, gender)?
- Who should be doing what and at which level of government for robust monitoring of social inclusion progress?

Background:

Social inclusion is a multi-faceted concept that has evolved over time. It is related to (but goes well beyond) social security, equity or reducing income inequality. Thus it is prone to various interpretations, depending on the specific focus given to its components in a particular policy context.

In 2004, the European Commission defined social inclusion as 'a process which ensures that those at risk of poverty and social exclusion gain the opportunities and resources necessary to participate fully in economic, social and cultural life and to enjoy a standard of living and well-being that is considered normal in the society in which they live. It ensures that they have greater participation in decision-making which affects their lives and greater access to their fundamental rights'.

Social inclusion also aims at securing opportunities for both EU and non-EU citizens to participate in social and economic life. Looking at opportunities to participate for those outside mainstream society is crucial for inclusive societies. As FRA data shows, groups like the Roma, LGBTI people, people from a migrant background or people with disabilities often face structural barriers to exercising their fundamental rights and experience discrimination. Thus actively promoting and achieving social inclusion requires an understanding of the root causes of social exclusion, such as discrimination, failure in accountability of the state and its institutions, and structural inefficiencies, which should

then be addressed. This can be, for example, through targeted action such as the EU Framework for National Roma Integration Strategies. The fundamental rights-based approach is an important policy tool in that regard. Normatively based on international human rights standards and operationally directed to promoting and protecting human rights, it is also a natural link between EU 'social inclusion' and other development agenda (like, for example, the UN Sustainable Development Goals).

DAY II: EMPOWERING RIGHTS HOLDERS

WG 4: Social inclusion in the context of the Europe 2020 strategy: what is missing?

Workshop objective:
The Europe 2020 strategy commits the EU to fostering social inclusion through, for example, reducing the number of people in or at risk of poverty and social exclusion by at least 20 million. The workshop will discuss existing initiatives and practices to foster social inclusion to identify how what works best could be transferred in other settings. In doing so, the working group will clarify the fundamental rights dimension and links that exist between the Europe 2020 strategy, the European Semester, the European Structural and Investment Funds, and the European Pillar of Social Rights. Tackling child poverty and the gender dimension of poverty will be used as case studies in this working group.

Guiding questions:
1. How can the Europe 2020 strategy, the European Semester, the European Structural and Investment Funds, and the European Pillar of Social Rights best be combined to ensure they have a tangible effect on fostering social inclusion?
2. What needs to be done to enable EU institutions and Member States to prevent the effects of the economic and financial crisis from impacting negatively on social inclusion?
3. What measures and level of political commitment are needed to address child poverty and the gender dimension of poverty in the EU?

Background:
If the EU is to succeed in reducing the number of people in or at risk of poverty and social exclusion by 20 million, policy actors at all levels need to ensure coherence in implementing economic, fiscal, social and employment policies they have at their disposal to promote social inclusion. This means that for measures to address inequalities to have tangible effects, implementation will need to involve relevant actors from EU institutions and bodies, Member States and civil society organisations. It will also need to include those who stand to be most affected by the measures.

Eurostat data show that the share of children at risk of poverty or social exclusion rose slightly from 27.5% to 27.8% between the time the Europe 2020 strategy was launched in 2010 and 2014. This was partly due to the effects of the economic and financial crisis. Despite high rates of child poverty, the European Semester has, until now, only partially addressed the situation of children. This led the European Parliament and civil society organisations to identify deficiencies in the scope and content of the European Semester. The European Parliament therefore called on the European Commission to

make reduction of child poverty and social exclusion visible and explicit at all stages of the European Semester and to add an explicit child poverty target in the Europe 2020 strategy.

Eurostat data show that 25.4% of women in 2013 were at risk of poverty or social exclusion across the EU compared with 23.6% of men. Already in 2011, the European Parliament recognised "that 'the feminisation of poverty' means that women have a higher incidence of poverty than men, that their poverty is more severe than that of men and that poverty among women is on the increase". According to Eurostat, the population groups most vulnerable to poverty and social exclusion are women, children, young people, people living in single-parent households, lower educated people and migrants.

WG 5: The role of education in promoting inclusive societies: what works?

Workshop objective:

This workshop aims to share experiences on how to enable free, equitable and quality education for all children, to combat social exclusion and discrimination and to create a school environment that appreciates cultural diversity and respect. It will be examined from the perspective of teachers, parents, public authorities (local, regional and national level) and young people themselves. The workshop shall provide the opportunity to present and discuss new initiatives and tools to facilitate the integration of children of diverse backgrounds, including children with disabilities and LGBTI children/youths. Preventing youth marginalisation and alienation will also be discussed. The workshop will follow-up some of the conclusions of the Commission's first Annual Colloquium on Fundamental Rights (2015). The discussions will address measures taken at European, national and local level in the context of the objectives of the Paris Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination in education.

Guiding questions:
1. How can schools, teachers and educators best ensure that all children participate equally in schools and are respected in their diversity?
2. What promising practices for migrant integration, and against social exclusion and discrimination in education can be shared?
3. What kind of training and support tools is needed for teachers and educators to: overcome their own prejudices; interact constructively with children from diverse backgrounds; develop creative ways to address sensitive topics; strengthen children's and young people's ability to think critically; and foster a culture of tolerance and respect amongst the children?
4. How can youth outreach initiatives enhance collaborative, community-based approaches, breaking stereotypes and developing counter-narratives to help teachers deal with the marginalisation and alienation of young people? How can digital tools help in this regard?

Background:
Education, youth participation, intercultural dialogue and grassroots sports have a key role to play in strengthening the cohesion of European societies and in preventing radicalisation by transmitting universal values, fostering social integration, enhancing intercultural understanding and the sense of belonging to a community. Education can help equip young people with the social, cultural and civic competences, which are necessary to foster positive interaction, understanding and respect among individuals from diverse backgrounds. The need for this was underpinned by, for example, the results

of the EU LGBT survey which revealed widespread bullying of LGBT people at schools in all EU Member States. Educational professionals in the EU are aware of discrimination and prejudice on the grounds of sexual orientation and gender identity in educational settings, ranging from verbal abuse to severe bullying.

Enhancing access to good quality education for all by combating inequalities on all grounds in educational systems contributes to social inclusion and social mobility. It can also contribute to enhancing critical thinking and media literacy, which is necessary to develop resistance to all forms of indoctrination. Youth work, sport and cultural activities are particularly effective in reaching out to the most disadvantaged young people, hence bridging the gap with the mainstream society. The European Commission's first Annual Colloquium on Fundamental rights, concluded that education has a crucial role in preventing discrimination and hatred. Participants highlighted that schools offer a unique opportunity to transmit the values of tolerance and respect, since they reach out to all children from an early age. Teachers should therefore be better equipped to address diversity in the classroom.

Preliminary analysis of national education policies and programmes in FRA's project on social inclusion and migrant participation in society shows that only few education systems make intercultural education a dedicated subject. It also found that the appreciation of cultural diversity in national curricula is nearly absent, access to mother tongue tuition is rare and bilingual education is not widespread. The level and type of support concerning initial reception and ongoing language courses varies widely. Half of the countries provide evidence of school segregation. It is also interesting to note, that only few countries have explicit outreach policies for immigrant parents and to specifically address the integration challenges of second generation children whose parents are immigrants, a group that seems to be particularly at risk of radicalisation.

WG 6: Empowering rights holders: the role of professional groups' in improving rights fulfilment

Workshop objective:
This workshop aims to discuss with diverse professional groups how they can contribute to improving 'rights fulfilment'. It is aimed at teachers, police officers, judges, lawyers, prosecutors, health professionals, psychologists and social workers, and also journalists. These groups can play an important role as they are in daily, direct contact with individuals whose rights need to be protected.

It will seek to explore how to increase professionals' awareness of their role in protecting or promoting rights, e.g. including a human rights agenda to professional associations' work, training, codes of conduct. This could include using professional associations as multipliers for raising rights awareness and enhancing intersectional cooperation among different professional groups. Examples of rights-related work by particular groups will be shared. The workshop will also showcase examples of promising practices (e.g. on child-friendly justice).

Guiding questions:
- Which specific initiatives could professional groups promote with their associates to ensure that citizens are able to exercise their fundamental rights? (training, code of conduct, guidelines on 'what to do')

- What type of specific support would professional groups require from FRA?
- How could 'good practices' best be shared among different professional groups in a spirit of multidisciplinary cooperation

Background:

Professional groups can play an important role in empowering rights holders as they are in direct contact day-to-day with individuals whose rights need to be protected. For as Eleanor Roosevelt famously said: "*Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world*."

During a meeting of FRA stakeholders ranging from EU bodies and international organisations such as the Council of Europe and the UN to civil society and national rights bodies and Member States, it was decided to organise this workshop. It will draw on relevant FRA work including its fundamental rights-based training manual for police trainers, its report on child friendly justice and child protection systems, its joined-up governance toolkit and its pilot Complaints, Legal Assistance and Rights Information Tool, Clarity.

DAY III: FUNDAMENTAL RIGHTS COMPLIANT SUSTAINABLE GROWTH

WG 7: What can progressive realisation of economic, social and cultural rights mean in the EU, in the context of a future European Pillar of Social Rights? (University of Economics and Business and Professor Manfred Nowak)

Workshop objective:

This workshop aims at examining what the realisation of economic, social and cultural rights means in the EU context. Discussions will focus on how a future European Pillar of Social Rights could be designed to further put into practice the social rights enshrined in the EU's Fundamental Rights Charter. It will also look at specific EU economic policies, in light of the obligations of Member States to achieve the progressive realisation of economic, social and cultural rights. The discussions will be framed by the public consultation on a future European Pillar of Social Rights, which aims to take stock and identify gaps in the EU social *acquis* to take account of today's work environment and set out a common reference framework to guide national policies. The workshop outcomes will be communicated to the EU Presidencies and to the High Level Expert Group in summer 2016 and should feed into the wider consultation for the European Commission's White Paper, scheduled for spring 2017.

Guiding questions:

- What should the EU's relationship be to the European Social Charter (and possible EU accession), specific international human rights principles and relevant human right benchmarks, as well provisions in Council of Europe standards that fall within the scope of EU competence?
- How could the European Pillar of Social Rights add a more operational dimension to the solid social "acquis", rooted in the early days of the European Economic Community, which is reflected in the social rights of the Treaties, including the EU's Fundamental Rights Charter?
- What are the implications of specific economic policies on social rights?
- How can policy makers balance economic efficiency and social sustainability (equity, solidarity) in fields that are directly regulated by human rights obligations, such as the rights to social security, health, education and water?
- What are the best practices and how can existing standards be made use of, such as the UN's rights standards and its Sustainable Development Goals,
- Background:

Both the International Covenant on Economic, Social and Cultural Rights (CESCR) and the European Social Charter (ESC) were adopted during the 1960s. This was a time when there was a post-World War II consensus about the need to establish and consolidate the model of a social welfare state. According to the CESCR, over 160 States parties, including all EU member States, are required to take steps to fully realise the economic, social and cultural rights in the Convenant. The UN Committee on Economic, Social and Cultural Rights interprets this as forbidding deliberate retrogressive measures;

in fact, States are under an internationally binding legal obligation to gradually improve and enlarge the conditions for the enjoyment of the rights to health, education, food, water, housing, social security and other human rights as recognised in the Covenant. The European Commission is also under a legal obligation under both its EU Charter of Fundamental Rights and the Treaty on the Functioning of the EU to promote a high level of employment, education, training and healthcare, to guarantee adequate social protection and to fight against social exclusion in all EU actions.

WG 8: The role of employers' associations in combating severe forms of labour exploitation

Workshop objective:

This workshop aims to highlight the social responsibility of employers' associations in combating severe forms of labour exploitation and to raise awareness of their potentially significant role in preventing such exploitation.

Guiding questions:

1. What role do employers' associations play currently – at EU and Member State level – in counteracting severe exploitation of workers?
2. How could employers' associations improve their role in combating severe labour exploitation?
3. What are particularly sensitive areas of economy, in terms both of economic sectors and of vulnerable groups of workers?

Background:

The Employer Sanctions Directive obliges Member States to criminalise certain forms of exploitation of migrant workers in an irregular situation of residence. Some EU Member States extend the protection of fair and just working conditions beyond their obligations under the Employer Sanctions Directive. Still workers moving within or migrating to the EU risk being severely exploited.

To counter this, employers' associations have an important role in preventing exploitation, in raising standards, and in preventing social dumping. There is also a need to raise awareness of legal obligations as well as of the risk factors that contribute to exploitation such as interventions that increase workers' dependency on employers. Employers also need to be mindful of their responsbilities. For example, they should bear the costs of employment services, not the workers. They should also provide clear contracts and information on rights to workers. For this, cooperation with trade unions is key. Care must also be taken to ensure subcontracting does not lead to exploitation. The workshop will also look at certification as a means of preventing labour exploitation. Best practices on combating exploitation will also be explored and shared among participants, drawing on work by FRA and others.

WG 9: How can business contribute to more socially cohesive societies in the EU

Workshop objectives

This workshop explores ways to promote responsible business conduct regarding human rights and diversity issues. Two perspectives on businesses are included: legal compliance with requirements such as non-discrimination and contributions to policy goals such as inclusive societies or inclusive growth (e.g. Europe 2020 – EU's growth strategy). Panellists cover various perspectives, from legal and policy developments for business and human rights, concrete practices by companies, and visionary thinking on businesses, disability, and technology in relation to human rights. The workshop will identify three easily transferrable best practices for how businesses can contribute to more socially cohesive societies in the EU.

Guiding questions

- What are key incentives and challenges for business to ensure respect for human rights and promote diversity?
- What are the applicable legal and policy frameworks, and in what directions are they developing?
- What tools and best practices are available, in the EU and beyond, that can facilitate business to be more human rights and diversity-oriented?
- How can entrepreneurship be encouraged among marginalised groups?

Background:

Business activities impact greatly on peoples' lives. Businesses are increasingly being viewed as duty bearers with human rights responsibilities and as having a key role in facilitating development and wider policy goals. As a result, the search for a more formalised responsibility to respect human rights naturally flows. The United Nations, the OECD, the Council of Europe, the EU and its Member States are all adopting or updating guidelines and action plans on business and human rights. There is also a UN initiative aiming at an international treaty.

Due to legal compliance requirements for businesses, but also in response to market pressures and societal expectations, there are strong incentives for greater attention to human rights and diversity. The benefits that diversity at the workplace brings to business are already well-known. A wide range of initiatives and good practices to manage diversity at the workplace by businesses already exists and the 'Diversity movement' is rapidly expanding across the EU, including Diversity Charters in so far more than half of the EU Member States. Corporate Social Responsibility is one prominent concept, encouraging businesses to engage with society. The idea that businesses have to conduct human rights due diligence is at the heart of the UN Guiding Principles on Business and Human rights. A related one is the UN Global Compact, committing participating companies to 10 principles for more responsible businesses, including aligning strategies with the Sustainable Development Goals, adopted in 2015.

FRA, for its part, has carried out related research into severe forms of labour exploitation and the 'freedom to conduct a business', one of the rights in the Charter of Fundamental Rights of the EU.

FUNDAMENTAL RIGHTS FORUM: REFUGEE PROTECTION WORKING GROUPS

SUB-THEMES/ FOCUS	21-06 RIGHTS BASED GOVERNANCE	22-06 EMPOWERING RIGHTS HOLDERS	23-06 FUNDAMENTAL RIGHTS COMPLIANT SUSTAINABLE GROWTH
PROTECTING THE RIGHT TO ASYLUM	WG 10: Human rights at the heart of the EU asylum policy framework (R+I)	WG 13: Local communities and migration Hot Spots: Taking a fundamental rights perspective (R+D)	WG 16: The business case for better migrant integration that can contribute to Europe's growth (I+R)
	WG 11: Protecting children on the move (R+I)	WG 14: Integration of refugees: the role of local authorities and business; learning from civil society (I+R)	WG 17: How can digital tools enhance asylum and refugee protection (R+D)
COMBATTING SMUGGLING AND TRAFFICKING	WG 12: Legal entry channels to the EU for those who need of international protection (I+R)	**OUTSIDE THEMATIC STREAM** WG 15 HRA: Human Rights Ambassadors forum – envoys of change and hope WG 26: Human Rights in Film (I+R+D)	WG 18: Victims of trafficking as rights holders: the role of local authorities (I+R)

Explanatory Notes: The workshop covers two or more sub-issues: Inclusion (I), the Digital Age (D), Refugee protection (R). All working groups will be held in am and pm slots.

DAY I: RIGHTS-BASED GOVERNANCE

WG 10: Human rights at the heart of the EU asylum policy framework.

Workshop objective:

The workshop aims at discussing and developing recommendations for a future EU asylum policy based on human rights.

Guiding questions:

- How can we ensure that the EU is developing policies that effectively address the current refugee situation?
- What could an EU-level solution to the refugee crisis be?
- Should there be an EU common asylum applications office?

Background:

European countries are confronted with rising numbers of people in need of international protection, as a result of developments beyond the EU's borders. These high numbers of refugees will constitute the 'new reality' for the foreseeable future. This is having a wide-ranging impact on society. Irrespective of the number of people seeking protection, EU Member States are obliged to act in conformity with obligations deriving from international human rights and refugee law.

The existing 'Common European Asylum System' cannot deal adequately with the 'new reality'. As a result, people in need of international protection are suffering. Politicians, and experts, are demanding a solution at EU level.

Within the EU it was only at a comparatively late stage that refugee policy issues became subject to integration efforts. The first harmonisation phase of common asylum law between 2000 and 2007 laid important foundations but was unable to resolve central challenges. If there is actually to be a unitary asylum standard in the EU, it is not only the Member States who have obligations to fulfil; vital coordination work needs to be done, especially by the European Commission and the European Asylum Support Office, as well as FRA. Seminal court rulings in the last few years have helped to frame guidelines in more precise terms, and have shown that there is as yet no coherent application of Common European Asylum System standards. The revision of the common asylum regulations, and the various precedent-setting decisions of the highest European courts have laid the foundations for a European system of protection. Further efforts at harmonisation are needed in order to find joint EU solutions to the challenges associated with rising refugee numbers.

WG 11: Protecting children on the move

Workshop objective:

The workshop seeks to address child protection gaps in the current refugee and migrant crisis. The workshop will focus on how to overcome these gaps, amongst others by exploring how the obligation for respect for the rights of the child and relevant child protection safeguards when developing and implementing asylum and migration law and policies in the EU and the Member States can be met, in line with the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights. The workshop will cover the situation of children at external-internal borders, in transit and destination countries, all within the context of the current migration situation in the EU.

Guiding questions:

- What are the frequent challenges for Member States in ensuring respect for rights of the child and child protection in line with their obligations under EU and international law?

- What measures could be implemented by Member States and the EU, to overcome these challenges? What best practices can be shared in ensuring respect for the rights of the child and child protection safeguards in the current migrant and refugee crisis?

- What is the role of (local) NGOs in child protection and how can they better be supported by MS and the EU? How can we ensure that child safeguarding policies are in place for these activities?

- How can we ensure effective coordination and monitoring among actors operating on the ground (state authorities, EU agencies, local and international NGOs) in order to maximise effectiveness and optimise child protection?

Background:

The rights of children in migration – regardless of whether they are alone or with their families – are constantly violated. Along the migration route, they are continuously exposed to risks such as violence also in reception/transit centres, physical and/or sexual abuse, exploitation and trafficking for the purpose of sexual or other exploitation, they go missing or become separated from their families.[2] Many of them have already been affected by war and violence. Either alone or with their families they are often fleeing persecution and seek protection away from war zones, bringing with them traumatised experiences and need specialised support.

The number of children, both unaccompanied or separated or travelling with their parents, arriving in the EU has risen exponentially. According to UN's Refugee Agency over one million refugees and migrants arrived by sea to Europe in 2015; In 2015, of the 1.015.718 people who arrived by sea, 31%

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[2]   See   compilation   of   data   and   media   reports   http://ec.europa.eu/justice/fundamental-rights/files/rights_child/20151210_data_children_in_migration.pdf

were children, 19% women and 50% men).[3] Trends indicate that the number of children among sea arrivals is increasing, from 16% in June 2015 to 34% in January 2016. In the first quarter of 2016 about 150.000 persons arrived in Greece by sea, and more than 38 % were children.[4]

The European Commission communication on migration of 10 February 2016 stated that work on a comprehensive approach for the protection of children throughout the migration chain is underway.[5] Annex 6 of that Communication gives an insight into current EU actions relating to child protection along the migration route, guardianship for unaccompanied children, and the right to education for migrant children inside and outside the EU.[6]

FRA is systematically collecting data on the current situation in the EU, focusing on the Member States that are mostly affected by refugee and migration flows. [7]A number of child protection system gaps are identified in the Member States of entry, transit and destination that required urgent action by the EU and its Member States. These include areas such as: screening procedures; identification and registration of children, also those who are unaccompanied children; referral mechanisms to specialised services for children and families; guardianship; adequate reception conditions meeting key standards and safeguards for children; shortages of qualified child protection staff. At the same time national child protection systems – as well as healthcare and education systems, are overwhelmed. National, regional and local authorities are also struggling to respond to the needs of children and fulfil their obligations to offer adequate protection and support to children and their families.

Workshop participants will discuss risks faced by children at borders and during the first phase of reception as well as challenges in regard to integration and inclusion, taking stock of the most recent situation analysis as well as promising practices.
In regard to first reception, the workshop will focus in particular on measures to ensure adequate reception conditions for children and families; security and safety measures to prevent violence and abuse in first reception; measures to prevent child disappearances and minimise risk of trafficking. In regard to integration, the focus will be on how to strengthen child protection systems to address, in the long term, the rights and needs of children in the context of migration and support their integration, looking in particular into education and health.

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[3] http://data.unhcr.org/mediterranean/download.php?id=490

[4] see UNHCR data as of 17 of March at http://data.unhcr.org/mediterranean/country.php?id=83
[5] http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf
[6] http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_annex_06_en.pdf
[7] Reports form UNICEF, UNHCR, IOM, OHCHR, the International Committee of the Red Cross, and Save the Children are also pointing out child protection systems gaps.

WG 12: Legal entry channels to the EU for those who need of international protection.

Workshop objective:

This workshop aims at providing fundamental rights perspectives on the creation of legal and safe entry channels for people in need of international protection to reach the EU. It will particularly look at assessing the impact of greater use of family reunification, humanitarian visas and mobility schemes.

Guiding questions:

- What can be done to ensure that refugees who are at risk in the host country safely reach the EU without resorting to smugglers?
- What are the legal, practical, administrative and procedural obstacles to family reunification? How can family unity at arrival be ensured?
- Could labour migration schemes be creatively applied to offer legal ways for people in need of protection to reach the EU?

Background:

In the absence of alternatives, many people in need of protection resort to smuggling networks to reach safety or join their families, putting their lives and their physical integrity at risk. Increasing the availability of legal avenues to reach the EU would allow at least some of those refugees who do not enjoy effective protection in the country where they are staying to reach safety without risking abuse and exploitation en route. Legal ways to reach the EU, such as resettlement or humanitarian admission programmes allow those refugees who are most in need of protection to be targeted. These include victims of torture, single heads of households or women and children at risk.

Building on the priorities announced by the European Commission in March 2016,[8] the workshop will seek to encourage an exchange of views on how to make legal entry to the EU a viable alternative to resorting to smugglers. The workshop will primarily discuss resettlement and humanitarian admission, and family reunification. It will also explore how regular mobility schemes for students, researchers and workers could be used for refugees.

In March 2014, FRA put forward 'a manual of options' for EU Member States to consider in order to develop more legal and safe pathways that would reduce the need for people in need of international protection to resort to smuggling network to seek safety.

In the morning, the focus would be primarily on humanitarian admission and resettlement. In the afternoon, it will be on family reunification and other mobility schemes.

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[8] Commission Communication on the implementation of EU Agenda on Migration to be adopted on 2 March 2016

DAY II: EMPOWERING RIGHTS HOLDERS

WG 13: Local communities and migration hotpots: Taking a fundamental rights perspective.

Workshop objective:
This workshop aims at analysing the impact of the refugee situation on local communities with a special focus on hotspots.

Guiding questions:
- How do local communities play a crucial role in dignified reception?
- How do hotspots impact on the economy and social services of the host community?
- How foster community relationships between the host community and new arrivals be fostered?
- How can tensions between refugees and the host community be prevented?

Background:
In the light of the recent migratory flows, the European Commission established hotspots to provide operational support to national authorities in frontline Member States which have to face the challenges of significant numbers of new arrivals. The mechanism foresees the establishment of Migration Support Teams consisting of EU Agencies such as Frontex, EASO, Europol and Eurojust experts, working closely with national authorities. Teams have been to Italy and Greece. Most hotspots are on islands, some of which are relatively small.

In order for this measure to become fully functioning, attention should be paid to certain aspects regarding the co-existence of people arriving in need of international protection and the local people. This includes avoiding prolonged stays of migrants in initial reception facilities, ensuring the best interest of the child, especially when they are not equipped for longer stays. In particular, the issue of a possible increased demand on natural resources, education, health facilities, social services and employment for refugees must be adequately addressed.

From the moment of arrival, refugees compete with the local people for scarce resources, such as land, water, housing, food and medical services, particularly on smaller islands. The unhampered access to services for refugees should be secured in a way that avoids tension from the side of the local population. The demonstrations in the island of Kos are examples of the difficulties that may arise. On the other hand, refugees can bring assets to the hosting area by promoting investments on infrastructure, for example.

Local communities are the first contact for new arrivals and they play a crucial role in creating the basis for long-lasting inclusion in EU societies. Therefore, the measures taken for the dignified reception of asylum seekers should be accompanied by significant support for the communities where they are located.

WG 14: Integration of migrants and in particular of refugees: the role of local authorities and business; learning from civil society.

Workshop objective:

This workshop aims at discussing examples of how local authorities, civil society and business can foster effective short term and long term integration models from a human rights perspective. The workshop will also map promising practices of cooperation and will look into ways and means for exchanging and accumulating expertise at different levels. In addition, it will explore the obstacles and the special facilities that help or hinder such cooperation.

Guiding questions:

- Do NGOs and civil society organisations share their accumulated expertise with governmental organisations?
    - If yes, how? Could promising practices be mapped?
    - If not, why not? What are the obstacles?
- How can receiving communities accommodate the needs of newly-arrived asylum seekers/refugees?
- How can cooperation between the local authorities, business sector and civil society be encouraged?
- How can community relationships between the host community and new arrivals be fostered?
- How can tensions between refugees and the host community be prevented?

Background:

Integration is a long-term and multi-faceted process. It includes respect for diversity and the EU's basic values, such as human rights, democracy and the rule of law. The European Agenda on Migration acknowledges that migration policy will succeed only if it is underpinned by effective integration policies. Although integration is mostly a Member State competence, the EU can support Member States efforts through a series of measures and in particular through funding. In that respect, for the new programming period (2014-20), at least 20% of European Structural Funds resources will contribute to social inclusion. The Funds can support targeted initiatives to improve language and professional skills, improve access to services, promote access to the labour market, inclusive education, foster intercultural exchanges and promote awareness campaigns targeting both host communities and migrants. In addition, other EU funds can support actions for integrating migrants such as the Asylum, Migration and Integration Fund, the European Regional Development Fund (for infrastructure mostly), and ERASMUS+ for education-related issues. The European Commission is working on reinforcing its support to Member States, NGOs and civil society organisations active in this field and will adopt an action plan on integrating third country nationals in the spring 2016.

Today's refugee crisis shows that without the impressive and tireless efforts of thousands of NGOs and civil society (organisations as well as volunteers) all over Europe it would be impossible to handle the variety of challenges that EU Member States are facing with regard to the dignified reception and fulfilment of the rights of asylum seekers and refugees. In many cases they were the only ones to deliver the emergency assistance and support that state organisations should have been delivering. NGOs and civil society (organisations as well as volunteers) help in local community development, provide education, healthcare, develop innovative ideas, advocate, protest, mobilise public support, carry out

legal, scientific, technical, and policy analysis, provide services, shape, implement, monitor, and enforce national and international commitments, and change institutions and norms.

In addition, local authorities in many EU Member States have being continuously developing and implementing policies and measures related to reception and the long-term integration of migrants, particularly refugees for years. Some of these practices have been referred to as promising and used as the knowledge base for future initiatives.

The integration of migrants and their descendants is one of the thematic areas of FRA's work. FRA aims to provide evidence-based advice to EU institutions, and to national and regional/local policy makers in the area of social inclusion and immigrant integration through developing and populating the Immigrant Integration and Social Inclusion indicators that FRA is developing. Results from FRA's second EU-wide minorities and discrimination survey will be used for populating some of these indicators.

The working group will look into different aspects of migrant integration and how civil society, local authorities, and business cooperate in fostering integration. It will touch upon different areas and dimensions of integration such as basic values and principles (democracy, rule of law, non-discrimination, gender equality and non-violence etc.), education and employment, health and housing. A special focus will be put on measures and policies targeting unaccompanied children and young adults. Attention will also be given to how to support integration policies with actions and initiatives targeted at fostering social inclusion and a diverse and tolerant environment in host societies, in particular by raising awareness on the positive impact of migration, fostering exchanges between communities through intercultural and interreligious dialogue, and fighting discrimination, racism and xenophobia.

Another aspect to be discussed will be how local authorities, NGO, and civil society organisations cooperate with national authorities. While national authorities are mainly responsible for the structural setting, it is often the local level that implements the policies and has to step in when there are structural problems. The workshop will also explore how business sectors are involved in ensuring the rights of asylum seekers and refugees in the EU and how cooperation can be fostered with local authorities and NGOs.

WG 15 Roundtable: Human Rights Ambassadors – envoys of change and hope

Background

The European Union (EU) is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Internally the EU protects fundamental rights through guarantees in national constitutions and at the EU level through the EU Charter of Fundamental Rights. Externally the EU promotes human rights worldwide through a mix of special mechanisms, policy, trade or cooperation agreements, human rights dialogues and support for human rights defenders. Human rights are at the heart of EU relations with other countries or regions. All these aspects of the EU approach to human rights are set out in the new EU Action Plan on Human Rights and Democracy, adopted by the Council on 20 July 2015. They include areas and policies as diverse as trade and investment, security, development, general aid, neighbourhood, crisis management, humanitarian aid, migration and asylum, cyberspace and defence.

The effectiveness of the EU's ability to project its values externally depends on a combination of factors. Some relate to the mix of competences related to human rights policy at the national and EU level. Others relate to the coherence between its internal and external human rights policies, the EU's own internal human rights record and ongoing debates around the universality and legitimacy of human rights norms by some countries outside the EU.

This Roundtable will bring together those at the forefront of international policy on human rights in Member States. This includes the human rights ambassadors and those responsible for human rights policy, and others. Discussions will focus on the challenges faced both at the national and European level on human rights. They will look at how action within the EU (at the national and European level) impacts on the EU's ability to project its values outside the region, what this means for human rights globally and how the actions of human rights ambassadors at the national level can enhance national policies and EU-level action on human rights.

What are Human Rights Ambassadors?

Some Member States have established human rights 'ambassadors' to ensure consistency and coherence to their human rights approach. Their specific tasks may vary from State to State, but common areas of responsibility exist. These include: being the contact point for all issues relating to human rights policy; examining ways to strengthen human rights policy in the international arena (e.g. EU, Council of Europe, OSCE and UN); shaping human rights policy in external relations; engaging with civil society and national human rights mechanisms; and liaising with national parliaments on human rights issues.

Points for discussion:

- Identify key challenges and opportunities to the implementation of effective human rights policies globally

- Identify examples of (in)coherence in internal/external human rights policies

- Identify the impact of the human rights record of the EU (and its Member States) on its ability to project its values globally – for example the treatment of refugees, issues of racism and intolerance

- Identify ways forward for a more effective human rights policy – including improving internal and external coherence through substantial as well as procedural measures

- Identify the role of human rights ambassadors in supporting EU human rights approaches

WG 26: Human Rights in Film

Workshop Objective:

The workshop aims at exploring the power of film as a medium for raising awareness of human rights with different audiences, learning for and about human rights and addressing human rights emergencies. The workshop will be attended by the winners of the Fundamental Rights Forum's connect.reflect.act award, Vienna schools' pupils, who have taken part in the Forum's human rights school competition on human rights in the city of Vienna on three themes of the Forum: inclusion, refugee protection and the digital age. The workshop will provide an opportunity for a meeting point between a variety of film industry, human rights professionals, teachers and students and others to engage in an interactive debate.

Background:

FOR A 1000 LIVES: BE HUMAN is an appeal from European Filmmakers and Other Film Professionals to national governments and the EU to take immediate action to place the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (…) in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail, at the core of their asylum politics.

The Fundamental Rights Forum, in partnership with the School authority and the office of the Commissioner for Human Rights of the city of Vienna have organised in the context of the Fundamental Rights Forum a human rights competition on three themes of the Forum: inclusion, refugee protection and the digital age. Videos, drawings, collage has been produced by students 6-19, attending schools in Vienna.

DAY III: FUNDAMENTAL RIGHTS COMPLIANT SUSTAINABLE GROWTH

WG 16: The business case for better refugee and migrant integration that can contribute to Europe's growth.

Objective:

This workshop aims at exploring the interlinkages between and opportunities for migrant integration and the economy, with view on the role of business. For all immigrants, access to decent employment and engaging in business activities is very closely linked to the realisation of many fundamental rights. The workshop will address the private sector's engagement with migrants in general, and refugees in particular, and the private sector can contribute to the successful integration and the enjoyment of rights. Furthermore, it will explore to what extent efforts are needed to ensure that obstacles are removed for refugees to set up business themselves.

Guiding questions:

- What are the main fundamental rights challenges for migrants and refugees when settling down in an EU country?
- Why should private businesses be interested and invest in supporting migrants and refugees?
- How can the exploitation of migrants' and refugees' vulnerable situations by businesses be avoided?
- How can the private sector actively contribute to ensuring migrants' and refugees' fundamental rights are realised?
- How could businesses support the fast labour market integration of refugees?
- How can refugees be supported in setting up businesses?

Background:

The long-term economic impact of large-scale refugee inflows to the European Union is not easy to predict. Most likely the economy of the main destination countries will benefit in the short term. However, the long-term impact depends on the successful labour market integration of refugees.[9] Access to employment for refugees and all other migrants is closely linked to a number of fundamental rights, such as slavery and forced labour[10], freedom to choose an occupation and right to engage in

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[9] See for instance: Aiyar et al. (2016): The Refugee Surge in Europe: Economic Challenges. IMF Staff Discussion Note, available here: https://www.imf.org/external/pubs/ft/sdn/2016/sdn1602.pdf.

[10] FRA (2015): Severe labour exploitation: workers moving within or into the European Union, available here: http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union.

work, the freedom to conduct a business[11], non-discrimination,[12] and fair and just working conditions. For all immigrants, decent employment and steady income is also important for accessing and enjoying rights. Member States often include economic resource requirements for access to family reunification, long-term residence status and national citizenship.

The role of the private sector has been less often focused on, despite its crucial role in terms recruitment and employment practices, and the treatment of migrant workers. This is particularly important since businesses sometimes exploit migrants in vulnerable situations, particularly low skilled migrants. Businesses do not only need to make sure migrants are lawfully treated as workers. Proactive engagement with migrants should be of direct interest to companies because of the positive impact through improved productivity and increased competitiveness. In addition, successful migrant integration with the needed support of businesses has the potential to positively impact on economic growth. Finally, the principles of corporate social responsibility[13] are of major importance for the private sector to systematically address issues related to refugee integration.

One other avenue to ensure decent employment for migrants is allowing migrants to become self-employed and set up their own businesses. Migrants often face discrimination, when accessing employment, which is one reason for a high rate of migrant entrepreneurship in the OECD.[14] Due to several obstacles for migrants to engage in entrepreneurial activities, such as access to finance, businesses can provide support in this area as well.

WG 17: How can digital tools enhance asylum and refugee protection?

Objective:

This workshop aims at exploring how digital tools could enhance refugee protection. It will examine how asylum judges could use new media, e-evidence, to enhance protection for asylum seekers, particularly as country of origin information. It will also examine the other side of the coin, expectations on the asylum seekers to provide increasing amounts of e-evidence to support their claim for protection. As children are frequent social media users, the workshop will also explore if and how they may be particularly impacted by the use of e-evidence. It will look at how civil society organisations and others could optimise the use of new media for reporting human rights abuses. Through new media Member States may also inform about access to asylum procedures, and new media may provide untapped possibilities to reach out to unaccompanied children.

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[11] FRA (2015): Freedom to conduct a business: exploring the dimensions of a fundamental right, available here: http://fra.europa.eu/en/publication/2015/freedom-conduct-business-exploring-dimensions-fundamental-right.
[12] FRA (2011): Migrants, minorities and employment - Exclusion and discrimination in the 27 Member States of the European Union (Update 2003-2008), available here: http://fra.europa.eu/en/publication/2011/migrants-minorities-and-employment-exclusion-and-discrimination-27-member-states and FRA (2008): EU-MIDIS Main Results Report, available here: http://fra.europa.eu/en/publication/2012/eu-midis-main-results-report.
[13] http://ec.europa.eu/growth/industry/corporate-social-responsibility/index_en.htm
[14] OECD (2011): International Migration Outlook 2011.

Guiding questions:

- What is the impact of social media postings on asylum decisions? Are children particularly impacted, as frequent users of social media?
- Can authorities consider internet information with unclear sources during asylum procedures? How can the quality of e-evidence be enhanced?
- How can the use of internet and social media to report on the human rights situations in various countries be optimised? How can the reliability and authenticity of information and sources be ensured?
- How can the risks for cyber surveillance of human rights activists be limited?
- How could Member State authorities resort to social media for providing protection-relevant information, such as access to asylum procedures, particularly targeting unaccompanied children?

Background:

The abundance of information that the digital age provides should make it easier, and not more difficult, to correctly decide asylum claims. This is not necessarily the case. Authorities may be reluctant to consider electronic evidence (e-evidence) unless certain quality conditions are met. In other situations, applicants may be expected to provide information to support the asylum claim which they are not in a position to provide. Moreover, the assessment of such information by the authorities requires certain skills. It may also be that previous social media activities of the asylum applicant may be used by the authorities as evidence for refusing asylum claims. In other cases the applicant's social media activities may precisely be the reason for the asylum claim but the authenticity and reliability are in doubt.

New media could increasingly be used for reporting human rights abuses, provided the reliability and authenticity of the data is ensured, and authors are protected from state sponsored-surveillance activities.

To provide information on asylum procedures and enhance protection, Member States may also use new media. Children easily access and use of social media and possibilities for reaching out to in particular unaccompanied children through all possibilities the internet provide may not yet be fully explored.

WG 18: Victims of trafficking as rights holders: the role of local authorities

Organised by:

EU Strategy for the Danube Region Priority Area 10 (Institutional Capacity building and cooperation) Urban Platform Danube Region and Danube Local Actors Platform Regional Implementation Initiative Human Rights Office of the City of Vienna

with the participation of EU Strategy for the Danube Region Priority Area 11 (Combatting organised crime and police cooperation), Council of Danube Cities and Regions

Workshop objective:

This workshop aims at raising awareness on the dimension of victims of trafficking as rights holders and focusing on access to and realisation of these rights. The Directive grants a series of important rights to trafficking victims. The EU Anti-Trafficking Strategy accordingly stresses the importance of clear and consistent information for victims and front-line officials likely to come into contact with them. This includes information on rights relating to assistance and healthcare, residence permits, labour rights, access to justice and to a lawyer, and the possibilities of claiming compensation.

In 2013, as envisaged in the Strategy, the Commission published a document on the EU rights of trafficking victims, available on the EU anti-trafficking website in all official EU languages. It provides a practical overview of victims' rights, ranging from (emergency) assistance and healthcare to labour rights, access to justice and to a lawyer, and access to compensation, based on the EU Charter of Fundamental Rights, EU directives (such as in particular Directive 2011/36/EU and Directive 2012/29/EU), relevant framework decisions and the jurisprudence of the European Court of Justice and the European Court of Human Rights. Additional references to the rights of the child have been included at the end of each chapter. The overview contributes to the upholding of victims' rights by helping Member State authorities deliver the information, assistance and protection that they need and deserve. It is addressed to victims and practitioners, and to Member States so that they can develop similar approaches to THB victims' rights at national level.

The workshop will examine how this dimension is implemented in practice and promote exchange of practices across the EU. The role of local authorities as service providers guaranteeing access and realisation of these rights is essential and will thus be also examined.

Guiding questions:

•	How are victims accessing and realising their rights as per EU law?

•	What is the role of local authorities?

•	How are NGOs participating in cooperation schemes for provision of services?

Background:

Trafficking in human beings (THB) is a severe violation of fundamental rights, explicitly prohibited by Article 5 of the European Union's Charter of Fundamental Rights. It is also a serious form of organised crime, driven by very high profits and high demand for the services of its victims. It affects women and men, girls and boys, from within the EU and from non-EU countries, causing profound and often life-long harm.

To address this phenomenon, the European Commission adopted the **EU Strategy towards the eradication of trafficking in human beings 2012-16**.[15] This **mid-term report** takes stock of how the EU Strategy has been implemented, from early 2012 to the third quarter of 2014. The report includes work carried out through cooperation between EU institutions, agencies and bodies, Member States,[16] civil society organisations and the private sector. It covers action taken within the EU and in cooperation with non-EU countries of origin, transit and destination.

Over the three years 2010-2012, 30,146 victims were registered in the EU.[2] The EU's approach to trafficking begins from a gender and human rights perspective and focuses on prevention, prosecution of criminals and protection of victims. This is reflected in the Directive on trafficking in human beings and the EU Strategy towards the Eradication of Trafficking in Human Beings. This includes support for victims, information measures and adequate services. The provision of victim support services to victims of crime is fundamental to achieving justice for victims and ensuring victims can claim their rights.

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[15] Communication on *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* (COM(2012) 286 final).

[16] The Member States were consulted via Council Working Group GENVAL on the basis of an informal questionnaire prepared by the Commission.

[2] The Eurostat Statistical working paper Trafficking in human beings from 2015 contains statistics on trafficking in human beings for the years 2010, 2011 and 2012. It includes statistical data from all 28 EU Member States and the following EU Candidate and EFTA/EEA countries: Montenegro, Norway, Serbia, Switzerland and Turkey.

FUNDAMENTAL RIGHTS FORUM: THE DIGITAL AGE WORKING GROUPS

SUB-THEMES/ FOCUS	21/06 RIGHTS BASED GOVERNANCE	22/06 EMPOWERING RIGHTS HOLDERS	23/06 RIGHTS COMPLIANT, INCLUSIVE, SUSTAINABLE GROWTH
RESPECTING FREEDOM OF EXPRESSION, PRIVACY AND SECURITY	WG 19: The right to freedom of expression and the right to privacy in a context of increased security in Europe: Challenges and promising practices (D+I)	WG 22: Freedom of expression, hate speech and anonymity online (incl. cyberbullying) (D+I+R)	WG 25: The role and responsibility of business in respecting privacy in a context of increased security in Europe: Challenges and promising practices (I+D)
IMPROVING RIGHTS BASED INTERNET GOVERNANCE	WG 20: Effective human rights protection online: from internet bills of rights to more detailed legislation and better enforcement (I+D)	WG 23: E-government: Human rights challenges and opportunities (I+D)	WG 26: FREE SPACE
RESPECTING RIGHTS IN DATA DRIVEN SOCIETIES	WG 21: Protecting and promoting privacy and personal data protection in our data-driven societies (D+I)	WG 24: E-health: improving rights fulfilment through innovation (I+D)	WG 27: Respecting privacy rights in the commercial use of personal data (D)

Explanatory Notes: The workshop covers two or more sub-issues: Inclusion (I), the Digital Age (D), Refugee protection, WG H – High level panel. All working groups will be held in am and pm slots.

DAY 1: RIGHTS BASED GOVERNANCE

WG 19: The right to freedom of expression and the right to privacy in a context of increased security concerns in Europe: Challenges and promising practices

Workshop objective:

This workshop will explore the impact of security measures on privacy and freedom of expression. Law enforcement and intelligence laws and policies as well as measures to counter terrorism will help frame the discussions. References will be made to case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) when applying the European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights. The workshop will feed into FRA's current and future work on surveillance and safeguarding fundamental rights. Participants will also share examples of promising practices for others to use.

Guiding questions:

1. Security, freedom of expression and privacy: a balancing act?
2. What has been the impact of enhanced security measures on the right to freedom of expression and privacy?
3. How can law makers and regulators safeguard key fundamental rights while preserving the security of individuals?

Background:

Currently, governments are dealing with a heightened level of security by increasing the collection and analysis of personal data, following violent attacks in Europe and other parts of the world. This applies equally to law enforcement authorities and national intelligence services. The 2015 European Agenda on Security and the Internal Security Strategy have paved the way for enhancing the exchange of data and the better use of the EU's large-scale databases and other communications platforms. These include the (future) EU's Passengers Name Records Directive, the 'Smart borders' package, the Schengen Information System (SIS II), Europol's European Counter Terrorism centre and its Internet Referral Unit. Moreover, enhanced cooperation between national intelligence and law enforcement services is being discussed in terms of data exchange. The impact of these measures on privacy and freedom of expression can be significant, particularly given the urgency with which they are being adopted.

On the part of data processing by intelligence services, FRA's recent research has shown that Members States' laws do not provide clear and effective safeguards for protecting private life and the personal data of individuals. As a result there is a clear need for effective oversight systems. FRA research also mentions the impact on freedom of expression, such as the protection of journalistic sources or whistleblowing measures.

The EU has also finalised reforming its data protection rules. They aim to boost the individual's rights while allowing unhampered exchange of data between national law enforcement authorities. In addition, the re-negotiated EU-US Umbrella Agreement will pave the way for the exchange of law enforcement data while protecting personal data. However, several judgments from the CJEU have demonstrated the importance attached to having a high level of privacy and data protection in the

EU. ECtHR judgments on secret surveillance measures have also highlighted the impact of such measures on freedom of expression and privacy. Accommodating freedom of expression and privacy, while maintaining security, raises many questions that need to be further discussed. Those measures should also be seen in the general context of implementing the Digital Single Market strategy as well as the political agreement on reforming the EU data protection rules, the recent adoption of the Network and Information Security Directive and the revision of the e-privacy Directive.

WG 20: Effective human rights protection online: from internet bills of rights to more detailed legislation and better enforcement

Workshop objective:

This workshop examines the state of play in the EU regarding the development of an effective framework for protecting fundamental rights online. In addition, it addresses practical issues relating to enforcement. Issues relevant to children and the internet, including their age-specific needs and rights, are also explored. The discussion will focus on how core rights guaranteed by the EU Charter of Fundamental Rights, such as under the titles dignity, freedom and equality, can be enforced on the internet and in the digital world. An overview of relevant global and national initiatives will also be presented.

Guiding questions:

1. How can fundamental rights be effectively enforced on the internet?
2. Are new rights and laws needed to guarantee equal and unhampered access to the internet, or should existing rights be better adapted and contextualised?
3. What are the main challenges in defining and enforcing common rules for using the internet while upholding fundamental rights?
4. Are there any specific rights that should be further defined to properly enforce children's rights?

Background:

The internet plays an increasingly significant role in the everyday lives of individuals across the EU. It has made possible new forms of interaction between individuals, public administrations, businesses and – most recently – physical environments and objects.

In this ever-evolving context, effective fundamental rights protection is vital to ensure a sustainable, democratic, pluralistic and participatory society. The core values of the EU Charter of Fundamental Rights – dignity, freedom, equality, solidarity, individual's rights and justice – must apply equally to the internet.

The Council of Europe and the European Commission are leading policy discussions on these issues at the European level. The Council of Europe has a number of relevant instruments in place. The United Nations has also pursued pertinent initiatives, and interesting developments are taking place at national level. Overall, a variety of steps are being taken and envisaged. Some are based on existing conventions, while others include new recommendations on human rights for internet users, and national internet bills of rights

These developments feed into the ongoing debate on internet governance globally. According to the Council of Europe, the most relevant rights include non-discrimination in relation to accessing the internet; freedom of expression and information and freedom of association and assembly, as well as participation online; the right to privacy and personal data protection; the right to education and literacy; the protection of children and young people; and the right to effective remedies and redress.[17]

WG 21: Protecting and promoting privacy in our data-driven societies

Workshop objective:

This workshop will explore the fundamental rights implications of protecting and promoting privacy and data in our data-driven societies, as enshrined in articles 7 and 8 of the EU Charter of Fundamental Rights. It aims at raising awareness of the recent reforms of the EU's data protection rules and will provide a platform for exchanging ideas and opportunities for applying good practices. The workshop will also feed into FRA's current and future work on data protection and new technologies.

Guiding questions:

1. What are the risks to privacy and personal data protection that are arising from new technological paradigms, such as the Internet of Things and Big Data?
2. How will risk assessment and compliance work in practice under the EU's new General Data Protection Regulation?
3. How can regulators best serve their mission and motivate compliance?
4. Should, and can, ethics inform the debate on privacy and the implementation of data protection rules? What practical steps should we propose?

Background (include reference to existing FRA research):

We are in the middle of a major transformation in our society. Data, and personal data, is the new oil but needs protecting. Economy, science, public administrations, the way individuals communicate and build relations with each other, all produce, and need, vast amounts of data to offer personalised services and products.

Big data and the Internet of Things are the new paradigms based on interacting systems, for example drones, autonomous vehicles and wearable cameras. These systems alongside other sources, such as social networks, online platforms and databases, produce a huge amount of data which when combined and then processed by big data analytics can lead to unprecedented inference and produce new knowledge. These technologies provide numerous opportunities for society. At the same time it poses questions. For example, how will the data-driven society remain a society of values? How can ethical principles be best upheld in the digital age? And how can technology impact on people's expectations of dignity and privacy?

The EU has committed to a high level of data protection, as demonstrated by case law of the Court of Justice of the EU and the new data protection rules. These rules will apply from 2018 to all data controllers and processors established in the EU or those that provide services to individuals residing in the EU. In these two years regulators and data controllers should clarify how the Regulation should work in practice, especially regarding thoroughly assessing privacy risks and ensuring compliance with the rules. Non-bureaucratic, creative, innovation-friendly solutions which respect and promote human dignity and consider the risks for individuals and society at large will therefore be needed.

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[17] This list of rights is based on the Council of Europe online *Guide to human rights for internet users*, http://www.coe.int/en/web/internet-users-rights/guide

DAY 2: EMPOWERING RIGHTS HOLDERS

WG 22: Freedom of expression, hate speech and anonymity online (incl. cyberbullying)

Workshop objective:

This workshop aims to help develop a concept of autonomous and responsible use of the internet. It will raise awareness of the many forms of racist and xenophobic hate speech online as well as hate speech towards people with disabilities or different genders for example. It will also cover the denial or distortion of historical crimes through online media.

Guiding questions:

1. How can online freedom of speech be protected while ensuring accountability for hate speech increases?

2. How can internet users be empowered to challenge discrimination?

3. What actually works (and what does not) in preventing and combatting hate speech online?

Background:

Hate speech, particularly online, incites violence and hatred. It is increasingly worrying and now constitutes the main source of hate incidents. For example, 75% of Jewish respondents to a FRA survey consider antisemitism online to be a problem, while another 73% believe it has increased over the last five years. This includes antisemitic comments made in discussion forums and on social networking sites. It is also the type of antisemitic harassment most likely to be repeated.

It was also singled out as a cause for concern during the EU's first Annual Colloquium on Fundamental Rights in Brussels, October 2015, entitled 'Joining forces against antisemitic and anti-Muslim hatred in the EU'. Participants underlined the importance of stepping up action to prosecute online hate speech, and to cooperate with IT / online companies and the media. This will help combat illegal hate speech and promote counter-narratives from civil society. The discussions during the workshop should lead to a number of suggested actions points including : empowering local level actors to build a culture of tolerance and respect, in particular through education; fighting hate speech by working with IT companies, civil society and the media; ensuring hate crime laws and new EU rules on protecting the rights of victims of crime and improving the recording and data collection of hate crime incidents are implemented; and promoting diversity, and enforcing and strengthening non-discrimination rules.

WG 23: E-government: Human rights challenges and opportunities

Workshop objective:

This workshop will focus on eGovernment as a way to achieve better inclusion and participation of EU citizens in civil and social life. Stemming from the Digital Single Market strategy, many initiatives have been consolidated in recent times in order to provide EU citizens with equal and unhampered access to public services. In this regard, the focus will be on defining and using digital identities in the context

of the e-signature regulation (eIDAS). Concepts such as net neutrality and accessibility, and the impact on protecting fundamental rights will also be covered.

Guiding questions:
1. Is eGovernment actually fostering inclusion and participation of the European citizens in civil and social life?
2. How can we ensure that European citizens have equal and unrestricted access to information on the internet?
3. What are the fundamental rights implications of the use of digital identities in Europe?
4. Are problems like tracking, profiling, discrimination, accessibility and misrepresentation, properly addressed in the current legislative framework and in the relevant operational practices?
5. What is the state of play on network neutrality in EU?

Background:
Initiatives developed within the EU's Digital Single Market strategy have given rise to a plethora of new services and opportunities for citizens, fostering their participation in civil society. Following the implementation of the EU's eIDAS regulation, digital identities have spread and eGovernment services are having a greater outreach. However, problems may arise such as tracking, profiling, discrimination and the misrepresentation of identities. This could potentially harm fundamental rights.

In order to achieve the full inclusion of European citizens in such processes, it's crucial that equal access to the internet is granted and without restrictions. Net neutrality, the principle whereby internet access providers must treat internet traffic equally, must therefore be considered. Currently, an increasing number of mobile internet access providers are discriminating between online services based on the cost of accessing such services. However, following the adoption of a related EU Regulation in 2015, the EU is currently defining implementation guidelines that should provide clarity for providers and users alike.

Another important element included in the Europe 2020 strategy is internet accessibility for people with disabilities, older people and others. Inaccessible websites deprive citizens of an essential means of delivering and accessing information and services. They form a barrier to inclusion, as acknowledged in the European Commission's 2015 proposal for a European Accessibility Act and the 2012 proposal for a Directive on the accessibility of public sector bodies' websites.

WG 24: eHealth: improving rights fulfilment through innovation'

Workshop objective:
This workshop aims at looking into different forms of eHealth, such as telemedicine, telecare and mobile health. It will explore how technological developments have improved patients' experience of healthcare and, ultimately, the right to health. As eHealth services usually involve processing sensitive information, such as the patient's health data, the workshop will also examine the privacy and data protection challenges associated with new eHealth technologies.

Guiding questions:
1. What are the data protection and privacy challenges arising from the use of eHealth?

2. Are patients' right to privacy and data protection fully respected and their data adequately secured?
3. Which are the most successful eHealth services and how do they improve the quality of life of patients, including older people and people with disabilities? Are such services cost-effective?

Background:

Telemedicine refers to healthcare services delivered remotely via telecommunications. They include teleconsultations, telemonitoring, telediagnosis, prescriptions provided remotely via telephone, or mobile health apps. These systems usually encourage self-care e.g. self-measurement of blood pressure or blood sugar levels, thus reducing the need for hospitalisation and costs. Health-related apps are a fast growing sector in the healthcare system. However, the way organisations manage the data collected still remains unclear and it is often not clearly explained how health apps collect, disclose and use personal data.

Telecare is the provision of healthcare services aimed at transferring parts of the care process from hospitals to the patient's home, enabling patients to remain independent. It allows a coordinated system between health and social care. There is evidence of the benefits of telecare for older people, people with disabilities and their carers.

eHealth solutions also include all those services facilitating access to health information, for instance access to online medical records by patients.

In 2012, the European Commission published the 'eHealth Action Plan 2012-2020 - Innovative healthcare for the 21st century'. It encourages EU Member States to apply Information and Communication Technologies to their healthcare systems.

DAY 3: FUNDAMENTAL RIGHTS COMPLIANT SUSTAINABLE GROWTH

WG 25: The role and responsibility of business in respecting privacy in a context of increased security in Europe: promising practices and further actions

Workshop objective:

This workshop will explore how the business sector deals with legal obligations in the context of national security. It will examine how business balances such obligations with the need to uphold the fundamental rights, in particular respect for personal and family life, as well as the right to data protection. Transparency about requests from governments to access personal data is increasingly being raised in ongoing policy debates on national security measures. The aim of the panel is to discuss practical issues together with representatives from the private sector who have recently taken relevant initiatives in this field.

Guiding questions:

1. What is the business sector's responsibility to safeguard users and customers rights while governments impose obligations to retain and/or provide access to data and IT systems?
2. What challenges are the private sector facing?

Background:

In the framework of current and future legislation on national security, the private sector is often obliged to retain users' data and provide access upon authorised request. The recent Passenger Name Records Directive as well as national laws on access to communications data are just some examples. As a result, private companies have increasingly been faced with situations in which they are expected to comply with conflicting legal obligations.

In policy debates aimed at finding a balance between these contrasting needs, regulators, such as national Data Protection Authorities, or private companies have often endorsed users' rights to data protection and respect of personal and family life. They have done so by encouraging the use of encrypted communication and by publishing so-called transparency reports on access to requests from national intelligence services and/or law enforcement authorities. Such measures are believed to empower the user, protect proprietary IT systems and maintain the necessary checks in a democratic society.

Another aspect which needs to be discussed is to what extent service providers of email services, which are not telecommunication companies, are subject to Member States telecommunications laws since they provide functionally equivalent services. If this is the case, they too may be subject to the same considerations as telecommunication companies.

[For the initiative taken by companies, such as Google, Facebook, Twitter to publish transparency reports see https://www.google.com/transparencyreport/ https://govtrequests.facebook.com/ https://transparency.twitter.com/]

WG 27: Respecting privacy rights in the commercial use of personal data

Workshop objective:

This workshop will explore how the business sector can contribute to a sustainable data driven-economy. It will look at how business can grow and innovate while still promoting fundamental rights and values based on dignity and non-discrimination. In reference to promoting and protecting privacy and personal data, as enshrined in articles 7 and 8 of the EU's Charter of Fundamental Rights, the workshop will aim at raising awareness about the EU's recently-released Data Protection rules and provide a platform for exchanging ideas and opportunities for good business practices. It will also feed into FRA's current and future work on data protection and new technologies.

Guiding questions:

1. How can current data protection rules support innovation and protection of privacy at the same time?
2. How can the business sector contribute to the sustainable use of personal data in the data-driven economy while minimising potential privacy risks?
3. How can business demonstrate to be accountable?
4. What are the challenges and opportunities business in the field of the Internet of Things and Big Data face when implementing these rules?
5. Which current technological tools and developments are needed to implement parental consent in online services?

Background:

Technological developments, such as the Internet of Things and Big Data, are at the heart of the data-driven economy. They boost innovation and create vast opportunities for growth according to the EU Digital Single Market Strategy. Digital services become personalised; this very often requires the collection and further processing of personal data. Similarly, scientific research benefits from the use of big data to establish correlations. The high level of personal data protection in the EU, and the other fundamental values with respect to dignity and non-discrimination, requires business to implement practices in compliance with these rules. Compliance, flexibility, creativity and respect for the individual are pivotal for sustainable growth. By early 2018, the data-driven economy should have implemented the main aspects of the new data protection rules. These include: purpose limitation and data minimisation; informed consent; privacy by design and by default; and individual's rights, such as the right to data portability and the right to be forgotten. All these require technical and organisational solutions, including the continuous monitoring of risks due to technological developments.

Children protection is a particular area that needs responsible data handling by the business sector. The new Data Protection rules covers parental consent, for children aged between 13 to 16 years. Similarly, the EU Strategy for a Better Internet for Children, as adopted by the Commission in 2012, covers the creation of a safe environment for children through age-appropriate privacy settings and wider use of parental controls. This Strategy brings together the Commission, Member States and a self-regulating private sector which should all contribute to the Strategy's objectives.