



**MAWG meeting
Cairo – 19-21 October 2007**

Friday 19 October 2007

11.00 – 13.00:

Meeting of the steering committee (only for the steering committee's members)

- All members of the steering committee, except ACSUR, were present

AENEAS project:

- Members were informed about the state of play of the project
- No specific questions were raised
- Members gave the approval to receiving the co-funding from the Ford Foundation
- EEDDA requested that, for the future, an internal discussion be held at the level of the EMHRN in order to agree on rules as to sources of funding

Follow-up on UNHCR project:

- SWERA raised questions about the state of play of reports conducted under the former UNHCR project
- It was agreed the project coordinator would try to "recycle" these studies, as much as possible

14.00 – 16.00:

MAWG meeting: tour de table

- Morocco (OMDH, AMDH, EA, ADFM):

The Moroccan authorities and the UNHCR finally signed a cooperation agreement in July 2007. This agreement should hopefully allow UNHCR to implement more easily its mandate in Morocco.

A cooperation agreement was signed between OMDH and the UNHCR. Under this agreement, a legal assistance centre will be opened in Rabat and in Oujda. A copy of the cooperation convention was given to the coordinator.

Participants briefly reminded the situation of refugees (+/- 650 persons) and migrants (between 10 000 and 30 000) in Morocco. They underlined the fact that, despite the recognition by the Moroccan authorities of the UNHCR, UNHCR card-holders still have no right to residency permits and thus suffer from many violations of their rights, including the right to work. As for migrants, nothing is being done in order to assist them, except by some NGOs (Caritas, Attac, etc). Some of the participants raised their concerns about a rise of racism and xenophobia against migrants in Morocco.

Moroccan participants also raised their concerns on the agreement between Spain and Morocco concerning the readmission of unaccompanied children, insisting on the fact there were little guarantees that these children would be well handled once returned in Morocco. "The problem is not that there is a will to violate the rights of these children. The problem is that there is no real strategy as to how to handle these children and what to do with them once they arrive to Morocco" stressed one of the participants.

- France (LDH, CRLDHT): French participants raised their concerns concerning the draft new law on immigration. More specifically, they underlined the fact the draft law foresees language

tests for migrants wishing to enter in France, without giving the necessary safeguards that these test would not in practice act as discriminatory measures. Moreover, from their perspective, there were many doubts this obligation would effectively result in a good learning of French by candidates to migration, notably because of the very short duration it foresees for the language courses. Many other concerns were raised (financial allocation, possible discrimination against handicaps and retired persons, obligation for the hosting family to follow a training session on “education of children”, difficulties for family reunification, etc)

- Italy (CIR): Italian participants published a report on rescue operations in the Mediterranean Sea. This report was very critical to the Maltese action. It notably gave examples of the difficulties faced by migrants and asylum seekers rescued at high seas, but also by the fishermen saving them. The report was presented in the European Parliament.
- Non Muslim Iraqi refugees (Hein/CIR): Christopher Hein, Director of the CIR participated in a mission on the situation of non-Muslim Iraqi refugees. The mission wanted to verify to what extent non-Muslim Iraqi refugees, who by definition do not function following the “tribes” culture, face even greater difficulties when leaving Iraq.
- Italy – Tunisia/Case of the Tunisian fishermen (CIR, LDH, LTDH, ...): An update was given to all members on the status of the case of the Tunisian fishermen arrested after saving a group of migrants and asylum seekers who drifted in high seas.
- Italy – Algeria - France (CIR): Maria De Donato explained she was alerted by a French local organisation about possible cases of disappearance of unaccompanied Algerian children trying to migrate to Italy. She was however not able to find any evidence confirming these allegations.
- Lebanon (PHRO): Lebanese participant gave an overview of the situation of Palestinian refugees in Lebanon. It more specifically highlighted the effects of the Nahr el Bared crisis.
- Cyprus (KISE): Cypriot participant made a presentation of the situation of migrants and refugees in Cyprus. He raised his concerns about the present policy of the Cypriot authorities which is not at all favourable to refugees and asylum seekers.
- SWERA: Swedish participant informed all members about their intention of possibly launching a project financed by SIDA, on refugee assistance in the Mediterranean region. They encouraged all organisations from the region that would be interested by such project, to contact them.

Chairperson: Hafidha Chékir

16.15 – 19.30:

State of play of project

- Members were informed about the state of evolution of the ANENEAS project as well as of the different procedures undertaken with the European Commission
- A short presentation on the use of the blog specially created (under construction: www.mawgeng.unblog.fr) was given, in order to allow the members to get familiarised with it.
- Concerning the blog, Tunisian members asked that the coordinator continues to send documents by e-mail, as access to websites can sometimes prove to be difficult for them.
- No other special comments were received. Members insisted however that the studies need to be launched quickly as we are already behind the schedule for the implementation of the project.
- The terms of reference for the study on violence against migrant women (VAMW) were approved.

- A group composed of Nouzha Lamrani, Hafidha Chérif, Maria de Donato and Marc Schade-Poulsen, was identified, in order to select the researchers and follow up on the study on VAMW.

Launch of a Network for the protection of the rights of migrants and refugees¹

- Members discussed over the exploratory document they received;
- Members agreed the name of such network could be “Migrants and Refugees Alert Network”;
- It was made clear to all members the purpose was not to create a new structure nor an NGO, but rather to see how to be more efficient, using existing synergies, to act on emblematic individual cases;
- Some members stressed the fact that we should ideally set up an “Observatory on migration” that would be in charge of studying the migratory phenomenon. All agreed however that this is not feasible, at least for the time being. Unlike an “Observatory”, the Alert Network would be a “non-structure” and would concentrate on specific cases, focusing its actions on the access to an asylum procedure as well as on the fate of those expelled;
- It was stressed that the geographical scope of action needed to be clearly defined;
- Many insisted on the fact the circulation of information would be the corner stone of such Network;
- All members insisted that the MAWG must remain the core group of such Network and that the EMHRN would have a leading role. Few did feel that most of the work could be done at the sole level of the MAWG. Many however agreed that the work could not be done solely within the MAWG and the EMHRN (as they don’t have sufficient capacities to efficiently act on the whole region) and that it was of capital importance to get more organisations on board.
- It was requested that, when identifying potential participants to such Network, women organisations also be invited to join in;
- Many insisted that the actions of such Network should not limit itself to simply circulate information. It should be more proactive, mobilising – when possible – political and legal instruments in order to act on the emblematic cases;
- It was however stressed that this would, in parallel, need that the EMHRN continues its efforts to provide adequate trainings, especially to Southern civil society who are not necessarily always familiar with instruments related to migration and asylum issues;

Chairperson: Nouzha Lamrani

Saturday 20 October 2007

9.00 – 11.00:

Overview of debates to come at EU level and role of the European parliament

Speakers:

EP perspective: Claire Genta, European Parliament

Civil society perspective: Catherine Teule, LDH

- Claire Genta made a presentation of the different “packages” (legal migration, illegal migration and asylum) and explained the history and latest developments for each of these packages
- She explained the different financial instruments the European Commission can use to support the different measures taken in the field of migration, border management and asylum;
- She explained the role and power of each of the European Institutions, while insisting on the role of the European Parliaments and explaining the different interlocutors in the EP;
- Mrs. Genta then highlighted the different major files that are on the agenda of the European Union (green book on asylum, directive on return, etc), while explaining the major challenges the EU institutions are facing for each of these files and the margin of manoeuvre the EP has;
- Then she went through the different main policy instruments (readmission agreement, detention centres, integration measures, Dublin II, etc) being implemented, while trying to present the positions of the different political group within the EP, on each of them;

¹ At the end of the meeting, all MAWG participants agreed on a set of recommendations presented in Annex I

- Catherine Teule insisted on the political dimension of such policies, and on their impact on the right of migrants, refugees and asylum seekers;
- She first underlined the positive aspects of some of the policies being implemented;
- She further completed Claire Genta's presentation, highlighting some of the instruments being implemented (blue card, readmission agreements, standard procedures on asylum, etc);
- For each of these instruments, she underlined the positive aspects, but also stressed her concerns regarding the possible impact they might have on the rights of migrants or on refugees;
- She then presented, with a critical approach, the different philosophies the EU is presently promoting (burden sharing, etc); The Dublin II regulation, and its impact, was given special attention;
- She further presented some of the most worrying elements of the directive on return

The presentations were followed by a Q&A session, with the participants. Many questions were raised. Members insisted that civil society from the South (transit and origin countries) should be more involved in the consultations and discussions on the different texts. They encouraged the EMHRN to seek to better inform them on such matters.

Readmission agreements, the effects of the Dublin regulation as well as access to asylum procedures were identified as possible subjects for future discussions.

Chairperson: Tarek ben Hiba

11.15 – 13.30:

Euromed ministerial conference on migration

- The position paper of the EMHRN, published in the perspective of the Euromed Ministerial Conference on Migration, was presented to the MAWG members;
- The coordinators then shared the different information he had collected concerning the positions of the different Member states participating in the conference, underlining his concerns as to the fact the "rights dimension" was almost absent from the preparatory documents and that the presence of the UNHCR, as well as that of civil society organisations, was not foreseen by the presidency. He further underlined the fact the "asylum" dimension was totally absent from the discussions.
- All members welcomed the position paper
- They all insisted it should be available in FR, EN and AR
- They discussed about the feasibility of organising a public event in Portugal

Decisions taken:

- All members agreed that they would circulate the EMHRN position paper;
- They also agreed that, at the minimum they would all issue a press release or a letter requesting for the participation of civil society organisations to the conference; Such press release or letter would be sent in a coordinated manner, ideally on the same day; If possible, members who can afford to do so would organise a press conference. Ideally, all press conferences would be organised on the same day, at the same moment;
- The EMHRN to send out a letter asking for the participations of civil society organisations; It would try to organise a press conference in Portugal or at least ask for a meeting with the Portuguese ambassador in Brussels;
- The EMHRN would try to have its position paper presented during an official meeting in the European Parliament;
- Furthermore, the EMHRN would continue its lobbying efforts in order to convince the Political groups to schedule a debate in Plenary (Strasbourg), in the perspective of the Ministerial Conference;

- If all these demarches remain with no effect, on the eve of the conference, the EMHRN would publish a press release regretting the fact civil society organisations have been kept aside from the Conference.
- The members further agreed that they would receive an e-mail from the coordinator giving them a timetable for action, in order to allow them to act in a coordinated way².

Chairperson: Catherine Teule

15.00 – 18.00:

Public session: Exchange of views on migration and asylum in Egypt

Speakers:

Overview of the situation of refugees and asylum seekers in Egypt (including the situation of Palestinian, Sudanese and Iraqi refugees)

Mrs. Barbara Harrell-Bond, FMRSP/American University of Cairo

Projection of a film on the situation of Sudanese asylum seekers (young gangs)

Follow-up to the death of 29 Sudanese migrants in Cairo (December 2005)

Ashraf Milad, Lawyer

Migration of asylum seekers to Israel: causes and consequences

Mohammed Bayoumi Fayed, Lawyer

Role and activities of the UNHCR

Khaled Fansa, UNHCR, Cairo

Migration flows in Egypt

Ossama El Ghazouly, Egyptian Center for Migration Studies

Several other local organisations were invited to attend. The meeting was a success. Speakers described the situation of migrants and refugees in Egypt and denounced the many violations of their rights as well as the different practices by Egyptian authorities. Special attention was given to the case of the (at least) 27 Sudanese killed by police officers in December 2005 as well as to the several cases of killings of migrants and refugees, by Egyptian police forces, at the Israeli borders, in August 2007

Chairperson: Marc Schade-Poulsen

Sunday 21 October 2007

9.30– 12.30:

Training session: rights of migrants

Speaker:

Serge Slama, University Evry-Val-d'Essonne

- Mr. Slama gave a presentation of the different instruments procuring rights to migrants, at the international level (United nations), at the European level (Council of Europe) as well as on the level of the European Union. He further insisted on the role of the ECHR, in the field of the protection of the rights of migrants. A discussion with the members was then held on the different rights enshrined in the ECHR. The discussion further went-on on the fact that not all rights were absolute and that the state could thus put limitations to the access of migrants to such rights.
- Finally, Mr. Slama underlined that despite the fact the ECHR only takes on cases, as a last resort, after all national means have been exhausted, there existed a possibility of ceasing the

² A copy of the « action plan » proposed to the MAWG members is in Annex II

Court, for urgent cases – for example when migrants are being expelled – under rule n° 39 of the ECHR. In such cases, the ECHR examines the case, as an urgency matter. This possibility was successfully used by a group of lawyers in 2005, in order to stop the deportation of migrants from Italy (Lampedusa) to Italy.

Chairperson: Maira De Donato

12.30 – 13.30:

Evaluation of the meeting

An evaluation form was distributed. The evaluation aimed at collecting the participants' impressions both on the implementation of the AENEAS project as well as on the Cairo meeting itself.

Most comments were positive. All participants judged the meeting to be useful and successful. A more detailed analysis of the evaluation is provided in Annex III.

Chairperson: Marc Schade-Poulsen

Annex I

Joint recommendations adopted by the MAWG members
Concerning the setting up of a Migrants and Refugees Alert Network

Cairo, 21/10/07

Following the presentation of the exploratory document related to the launching of an Alert Network for the Protection of Refugees and migrants, the members agreed on the following conclusions:

- There is a general agreement in order to set up a non-structure, which needs to be flexible and should avoid duplicating existing activities
- It was suggested the Network be called "Migrants and Refugees Alert Network"
- It was suggested participation to such Network be opened to women organisations and migrants' organisations
- A meeting should be convened by end of 2008, with all interested participants, in order to agree on the functioning modalities
- In the mean time, the Coordinator and Executive Director try to establish a list of potential members
- The MAWG shall be the core group/nucleus of such Network
- Action will be focused on emblematic cases. Circulation of information will be guaranteed between all members, on all subjects of common interest, falling with the mandate of such Network

Annex II

Proposed "action plan" for coordinated action of MAWG

members in the perspective of the Euromed Ministerial Conference on Migration

Algarve
18-19 November 2007

Propositions of actions :

- 5 November: EMHRN: Send joint letter EMHRN-FIDH-Euromed Platform-(Possibly Migreurop) to the Presidency, cc to European Commission and other member states (including Egypt and Morocco).
- 5-7 November: MAWG members: Every organisation sends an open letter to the Portuguese presidency in order to ask for the presence of civil society organisations in the Ministerial conference.
- 5 November: Eva Norstroem: Presentation of the EMHRN position paper during the meeting of the Subcommittee on Human Rights of the European Parliament.
- 12 November: EMHRN: Send short letter to the members of the European Parliament, on the eve of their debate in plenary on the ministerial conference, in order to underline the absence of the “protection of rights”, “asylum” and “civil society” perspective and regretting the lack of transparency of the whole process. The aim of the letter/Email is to encourage the MEPs raise these points during the debate.
- 13 November: Debate in plenary of the EP
- 15 November: EMHRN & MAWG members: every organisation publishes its own press release, in its own language, in its country, with the different elements it wants to raise. Ideally, all press releases would insist on the dimension “protection of rights” and lack of transparency and consultation of civil society.
- 16 or 17 November (??): EMHRN: organise an event in Portugal, a public conference (not necessarily a press conference) where EMHRN, FIDH, Migreurop and a Portuguese partner (which one?) – Such activity would need a translation of our text into Portuguese, at least of the summary of the EMHRN text. There is also the budgetary question (interpretation during the meeting, etc etc).

Annex III

Summary of results of evaluation of the meeting
by the MAWG members

NB: 13 members answered the questionnaire.

Implementation of the project:

- All participants to the evaluation judged the evolution of the project to be satisfactory (11) or very satisfactory (2).

Many explained they could feel a difference as to the content and “intensity” of meetings since the last two meeting. Some underlined a better involvement of the participants during the meetings as well as an increase in the “quality” of exchanges between the members

- Most (9) participants felt however the WG should not meet more than twice a year. Few (4) thought the MAWG should meet more often.

Most replies underlined that meeting more often would generate important time constraints on the members.

- Many (8) participants felt the project was very useful to their work within their organisation. The others (5) felt it was useful.

Some of the comments received indicate the reason behind these answers is that the meeting allowed them to learn more about the issue. Others underlined they can use the material produced for advocacy activities.

- Among the expectations expressed by the participants the following ones were listed: Need of information about migration and asylum issues in the region (4); need of debates on the content (1); Need for training (3); Solidarity activities/advocacy actions (4)

No clear indication was given as to what extent these expectations were or not satisfied.

- Many (6) participants indicated that the working group contributed enormously to their knowledge of migration and asylum situation in the Euromed region. Some fewer (5) felt it contributed a lot. 2 were neutral.

- Most of them (8) indicated the WG contributed a lot to increase the efficiency of their activities at the national level. 5 were neutral. As to efficiency at the regional level, few (2) indicated it contributed greatly. Most of them (7) indicated it contributed a lot. One participant remained neutral and 2 felt it did not really contribute to their efficiency at the regional level.

Some arguments indicated that it was the increase of knowledge that allows them to be more efficient at local level or regional level. Others underlined the fact there was still not enough exchanges between the members outside the WG meetings, and that the efficiency could be increased. Others explained they only undertook actions at local level, which explains – from their perspective – why the WG has no effect on their action on the regional level.

Little indications were however received as to the reason of the answers received.

- The degree of exchange of information between the members, beyond the WG meeting was mainly (8) judged to be insufficient. 3 participants remained neutral. 1 felt it was very good. Another one felt it was good.

- As for the degree of exchanges between the members during the meetings, 5 remained neutral. One judged it to be insufficient. 3 felt it was very good and 3 others felt it was good.

Cairo meeting:

- The majority (10) of participants felt the meeting was satisfactory. 3 felt it was very satisfactory.

- Concerning the Genta training, most participants (9) felt it was useful. 3 persons remained neutral. One person felt it was very useful.

When interrogated to know if the training session contributed to increase their knowledge of the subject, 6 remained neutral, 5 felt it contributed a lot. One felt it greatly contributed. While one other judged it had not really contribute.

Many comments regretted there was no visual support for the training session. Some underlined the trainer was sometimes a bit blurred. Others felt the discussion should have lasted for a longer time.

- Concerning the Teule training, 8 participants indicated it was very useful. 5 indicated it was useful. As to know if it did contribute to increase their knowledge on the subject, 5 remained neutral, 5 felt it had contributed a lot. 2 felt it had greatly contributed.

Here also, some participants regretted there was no visual support and wished there had been more time available for discussions.

- Concerning the Slama training, 7 members felt it was useful. 4 said it was very useful. 1 remained neutral and 1 felt it was not really useful. As to the extent to which it increased their knowledge of the subject, 6 felt it contributed a lot. 5 remained neutral. One felt it greatly contributed and one indicated it had not really increased their knowledge.

Comments underlined the good knowledge Mr. Slama had of the subject as well as his capacity to adopt a language accessible to all. Many regretted however there was not enough time for discussions. Others wished there had been a visual support.

- Concerning the public session, all participants indicated they believe a public session should be organised at each WG meeting. Almost all (12) participants indicated the public session was very useful. One indicated it was useful. 9 indicated it had contributed a lot to increase their knowledge of the subject. The 4 others indicated it had greatly done so.

Comments received underlined the quality of the presentations, from local actors, with first hand information.

- Concerning the discussion on the Ministerial Conference, Most (7) participants indicated it was very useful, while the remaining participants (6) indicated it was useful.

6 indicated it had contributed a lot to increase their knowledge on the subject. 5 felt it had greatly contributed to do so. 2 remained neutral.

- Concerning the discussion on the launching of an Alert Network, 7 indicated it was very useful. 5 indicated it was useful and one remained neutral.

Many encouraged the EMHRN to further explore the idea, while stressing it will not be an easy task. Some felt however more time should have been given to the discussions. Others felt the discussion – although useful – did not allow for any firm conclusions and had the impression more in depth discussions were necessary.