



Ad-Hoc Query on state authorities representing migrants' rights

Requested by SK EMN NCP on 9th April 2014

Compilation produced on 22nd May 2014

Responses from Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (24 in Total)

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1. Background Information

Slovak Republic is currently preparing a nation-wide strategy which aims to create a comprehensive system of protection and promotion of human rights in the Slovak Republic. The Government's Council of the Slovak Republic for Human Rights, National Minorities and Gender Equity is a body responsible for the preparation of this document. The Council is a permanent expert, coordinating and consultative body of the Government of the Slovak Republic and it consists of the following standing committees: Committee for National Minorities and Ethnic Groups; Committee for Seniors; Committee for Persons with Disabilities; Committee on Gender Equality; Committee for Children and Youth; Committee on Research, Education and Training in Human Rights and Development Education; Committee on the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance; and Committee on the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex people. Members of the Council and its committees are representatives of ministries, public authorities and public organizations, as well as distinguished experts from universities and third sector representatives.

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The Committee which would specifically cover migrants' rights has not been established. However, a special ad hoc working group was set up in order to prepare the chapter "migrants' rights" within the National Strategy for Protection and Promotion of Human Rights in the Slovak Republic. Due to this fact, representatives of the working group are interested in the following:

1. Is there in your Member State any public authority (ministry, council, standing committee) which represents migrants' rights specifically?
2. If yes,
 - a. What is the position of this authority within the formal administrative structure of your Member State?
 - b. What is the scope of its assigned competences?
 - c. Was the establishment of this authority influenced by the number of migrants in your Member State?
 - d. Are representatives of migrants' communities members of this authority? If yes, how are they selected?

We would appreciate your response by **May 9, 2014**.

2. Responses¹






		Wider Dissemination?²	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1. Yes, the Federal Migration Centre (<i>Federal Centre for the Analysis of Migration Flows, the Protection of the Basic Rights of Foreigners and the Fight Against Human Trafficking</i>) has the task to ensure the fundamental rights of foreigners. 2. a. Until March 2014 the Centre for Equal Opportunities and Opposition to Racism (CEOOR) – an independent public service - was responsible for this task of ensuring fundamental rights of foreigners. The CEOOR was also a NHRI type B (National Human Rights Institution). In March 2014 the CEOOR was split up in the Interfederal Centre for Equal Opportunities and Opposition

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."




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			<p>against Racism and the Federal Migration Centre. The split was needed because the Federal Government, the Regions and the Communities signed a cooperation agreement to transform the CEOOR from a federal institution into an “interfederal” institution combating all forms of discrimination. The Centre therefore had its remit in the fight against discrimination extended to cover the competences of the Regions and Communities in addition to federal competences.</p> <p>The former CEOOR competences relating to the analysis of migration, the fundamental rights of foreigners and the fight against human trafficking was assigned to a separate, federal institution: the Federal Migration Centre.</p> <p>The federal members of the steering board of the interfederal centre are appointed by the federal Parliament. By Royal Decree, these members are appointed to form the steering board of the Federal Migration Centre. The Federal Migration Centre has a duty to report to the Prime Minister who informs the Federal Parliament.</p> <p>b. The Federal Migration Centre works to ensure that the fundamental rights of foreigners are respected, through field observations particularly within closed centres and by carefully following the complex legislation that regulates this issue. The Centre also provides first line support to persons who wish to receive information on their fundamental rights or residency status. Through an ongoing dialogue with the authorities (local, regional and federal) and other competent public services, the Centre works to ensure that these rights are respected within all areas affecting the status of foreigners: international protection, territorial access, residency, the right to live within a family, access to work and to a career, access to nationality, issues relating to detention and deportation, etc. The Centre provides observations and recommendations to public authorities and civil society on these issues in the clearest, most dynamic way possible</p> <p>c. No, it was influenced by the political will to observe and analyse the migration flows and to strengthen the migration policy with full respect of the fundamental rights of foreigners.</p> <p>d. No</p>
	Bulgaria	Yes	1.No 2.Not applicable
	Cyprus	Yes	
	Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Denmark	Yes	
	Estonia	Yes	<p>1. No, there is no separate public authority that represents migrants' rights. Migrants are expected to make use of the mainstream tools represent and defend their rights – e.g.</p> <ul style="list-style-type: none"> - they can make use of state legal aid service (advocate appointed by the Estonian Bar Association will represent and provide counselling to the person participating in legal proceedings (criminal proceedings, misdemeanour proceedings, civil

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			<p>proceedings, administrative court proceedings, administrative proceedings, enforcement proceedings).</p> <ul style="list-style-type: none"> - they can turn to the Chancellor of Justice (combines the function of the general body of petition and the guardian of constitutionality, functions as the national preventive mechanism for ill-treatment³), - they can turn to Equal Treatment Commissioner (an independent and impartial expert who acts independently, monitors compliance with the requirements of the Equal Treatment Act)⁴ <p>2. N/A.</p>
	Finland	Yes	<p>1. Yes, the (Office of the) Ombudsman for Minorities. www.ofm.fi</p> <p>2 a) It is an independent authority, which is organizationally located in the administrative branch of the Ministry of the Interior.</p> <p>b) The Ombudsman targets its services at immigrants, foreigners living in Finland, and other ethnic minorities in Finland such as the Roma and Saami people. The remit of the Ombudsman covers only measures against discrimination based on ethnic origin or foreign nationality; it does not, however, cover measures against discrimination based on factors other than ethnic origin or foreign nationality, promotion of rights or the related advisory services. Other types of discrimination cases instigated through the Office of the Ombudsman are referred to another authority as necessary.</p> <p>The Ombudsman also acts as the national rapporteur on trafficking in human beings.</p> <p>More information: http://www.ofm.fi/en/tasks_and_duties</p> <p>c) Not the number of migrants as such, it was the FI tradition of an Ombudsman (common practice in other areas of governance), the principle of non-discrimination and the respect for the rule of law, that led to the creation of a separate ombudsman. The predecessor to the Ombudsman for Minorities (established in 2001) was called the Ombudsman for Foreigners (established in 1991). In 2001, the duties and tasks were of the Ombudsman were broadened to include all minorities.</p> <p>d) Representatives of migrants' communities are included in the Advisory Board for Minority Issues. The Advisory Board for Minority Issues provides assistance to the Ombudsman for Minorities in issues relating to the prevention, combating and monitoring of ethnic discrimination and in fostering cooperation between authorities. More information: http://www.ofm.fi/en/ombudsman_for_minorities/the_advisory_board_for_minority_issues</p>
	France	Yes	<p>1. No</p> <p>2. N/A</p>
	Germany	Yes	<p>1. In accordance with § 92, section 1, German Residence Act, the German Government appoints a Representative (male/female) for Migration, Refugees and Integration. Currently this is Ms. Aydan Özoguz (SPD, ie. German Social Democratic Party).</p>

³ For more information please see <http://oiguskantsler.ee/en/>

⁴ For more information please see <http://www.svv.ee/index.php?t=2>




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			<p>2a. According to § 94, section 1, German Residence Act, the Representative is involved in legislative proposals on a Federal level as well as in other issues concerning her area of responsibility. She can present proposals to the German Federal Government and submit opinions. The German Federal Ministries support the Representative during the course of her duties.</p> <p>2b. The Representative supports the German Federal Government in the further development of the integration policy and the promotion of the living together of foreigners and German nationals. Inter alia, her work includes the promotion of the integration of migrants and the counteraction of xenophobia and the unequal treatment of foreigners, the assistance of foreigners to have their issues taken into consideration appropriately, giving information about the legal possibilities of naturalization, creating appropriate conditions to make it possible that foreigners and German nationals can live well together and ensuring that the rights of free movement of EU-citizens living in Germany are protected. A further task of the Representative for Integration is to inform the public about her work. Every two years she reports to the German Parliament about the situation of the foreigners in Germany. The German Residence Act provides for a close cooperation between the Representative for Integration and the German Federal States and communities and the other Member States of the European Union.</p> <p>2c. –</p> <p>2d. The Advisory Council of the Representatives for Integration has existed since January 2011 and advises and supports the Representative for Integration. It provides impulses for the integration in Germany. The council consists of the chairperson (Representative for Integration, Ms. Özoguz), up to 32 appointed members and three permanent guests. Among the appointed members there are ten self-organisation bodies of migrants, representatives of statutory central associations, of foundations, the German Federal Office for Labour, of employers and unions, of sports, non-statutory welfare organisations and of churches and religious associations. Moreover, the world of science and research should be represented. Individual dignitaries can also be appointed. The status of permanent guest is given to the chairperson of the German Committee on Internal Affairs of the German Parliament, the chairperson of the Ministerial Conference for Integration as well as a representative of the German Federal Ministry of the Interior. An office for the council has been established in the staff mission of the Representative for Integration. It is acting by a majority of two thirds of its attending members. Official statements of the advisory council are issued by its chairperson, Ms Özoguz.</p>
	Greece	Yes	
	Hungary	Yes	No. In Hungary, there is no concrete public/state authority that represents migrant's rights specifically. Migrants have access to legal assistance provided by the state authorities (e.g. Office of Public Administration and Justice) according to the general rules applied in case of Hungarian citizens.
	Ireland	Yes	
	Italy	Yes	1. YES 2.A.B – The Immigration Consolidated Act established the <i>Committee for the Coordination and Monitoring of Immigration Regulation</i> , chaired by the President or Vice-President of the Council of Ministers or by a delegated Minister. The Committee consists of the Ministers

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			<p>concerned by the topics that are dealt with in each meeting, and a Representative designated by the Conference of the Regions and of the Autonomous Provinces (Article 2 bis). The Committee is supported by a <i>Technical Work Group</i> within the Ministry of the Interior, which consists of the Ministry of the Interior, the representatives of the other Ministries and three experts designated by the Conference of the State and of Towns and Local Autonomies. It is responsible for analysing and assessing immigration issues and proposing indications to support domestic policies. The Ministry of the Interior has a <i>Department for Civil Liberties and Immigration</i> and a <i>Department of Public Security</i>. For activities related to migrants' entry, stay and integration, the Department for Civil Liberties makes use of the <i>Central Directorate for Immigration and Asylum Policies</i>, the <i>Central Directorate of Civil Services for Immigration and Asylum</i>, the <i>Central Directorate for Civil Rights, Citizenship and Minorities</i>, and the <i>Immigration Single Desk</i>. Each Prefecture has one Immigration Single Desk, which is responsible for the procedures on the hiring of foreign workers, family reunions and the Application of the Integration Agreement. The Department for Civil Liberties and Immigration also has a <i>National Committee for the Right to Asylum</i>, with a role of policy setting and coordination of the Local Committees for the recognition of the refugee status and international protection. The Department of Public Security has a <i>Central Directorate of Immigration and Border Police</i>, which is responsible for controlling and fighting illegal immigration and handling the issues connected with the irregular presence of foreign citizens on domestic territory.</p> <p>2C – YES 2D - NO</p>
	Latvia	Yes	<ol style="list-style-type: none"> 1. No 2. NA
	Lithuania	Yes	<ol style="list-style-type: none"> 1. No. 2. N.A.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. Luxembourg has established the National Council for Foreigners (CNE), which is an advisory body in charge of studying issues relating to foreigners and their integration (See Chapter IV, Section I of the Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg). 2. <ol style="list-style-type: none"> a. The CNE has institutional links with the Luxembourgish Reception and Integration Office (OLAI), and the Ministry of Family, Integration and the Greater Region Members' term of office has been increased from 3 to 5 years. The Minister for Family and Integration and the director of the OLAI can attend the council's meetings. The President and Vice-President of the National Council for Foreigners are elected by majority rule. Their terms are renewable. CNE's meetings are not open to the public. The relations of the Council and the government and other public authorities are held through the Ministry of Family or the Director of the OLAI. An employee of the OLAI assures the secretariat. b. The CNE is an advisory body in charge of studying issues relating to foreigners and their integration. It acts either on its own initiative or at the Government's request. It submits to the Government an annual report on the integration of foreigners in Luxembourg.

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			<p>The CNE has established various committees and divisions to help carry out its mission:</p> <ul style="list-style-type: none"> ➤ the commission for cross-border workers ➤ the commission for employment and social affairs ➤ the commission for the committee on advisory bodies for foreigners ➤ the commission for refugees ➤ the commission for equality of chances and diversity ➤ the commission for education <p>c. Yes. The number of representatives of EU Member States citizens is set at 15 and 7 for the number of representatives of non-EU nationals. Article 1 of the grand-ducal regulation of 15 November 2011 sets the number of representatives of the EU Member States based on the proportional importance of the different nationalities in relation with the residence population of the Grand Duchy of Luxembourg.</p> <p>d. Yes. The CNE now comprises 34 members who are representatives of foreigners, of refugees, of the Syvicol (Luxembourg inter-municipality trade union), of employers' organisations, of the main trade unions and of civil society. The number of foreigners' representatives has been increased from 15 to 22. The candidates to this election must register at the OLAI at least 8 days before the election. They are elected through direct vote. The participants to these elections are the representatives of the associations of foreigners registered at the OLAI and each one of them have 22 votes. The winner of each position is the person who obtains the majority of votes (grand-ducal regulation of 15 November 2011 fixing the modalities for electing the representatives of foreigners to the National Council for Foreigners and its distribution by nationality).</p>
	<p>Malta</p>	<p>Yes</p>	<p>The Ministry for Social Dialogue, Consumer Affairs & Civil Liberties(MSDC) is in the process of developing an Integration Strategy and in the long term, an Integration Unit is also envisaged to be established. MSDC has no unit/entity specifically dealing with Migrants' Rights.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>1. Is there in your Member State any public authority (ministry, council, standing committee) which represents migrants' rights specifically? <i>We sent you already a negative (though motivated) answer but another suggestion came up which might be of interest to you. In the Netherlands is the Institute for human rights, this is an independent institute that protects the human rights of every one in the Netherlands, so also the rights of the migrants.</i></p> <p>2. If yes,</p> <ol style="list-style-type: none"> a. What is the position of this authority within the formal administrative structure of your Member State? <i>The institute has an independent role from the Dutch government. The tasks of the Institute are laid down in law. The government has to give sufficient money to enable the Institute to fulfill these tasks.</i> b. What is the scope of its assigned competences? <i>The Institute can freely investigate violations of human rights and can give a judgement on equal treatment, which is</i>

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			<p><i>important for issues of race or nationality. Other tasks are: supervise the observing of human rights, take stands and provide information to a wide audience.</i></p> <p>c. Was the establishment of this authority influenced by the number of migrants in your Member State? <i>No.</i></p> <p>d. Are representatives of migrants' communities members of this authority? <i>No.</i></p> <p><i>Please see for more information: www.mensenrechten.nl You can choose "English" to find the information in the English language.</i></p>
	Poland	Yes	<p>1. There is no public authority which represents migrants' rights specifically. Issues related to migrants' presence within the Polish society remain in a scope of interest of various public bodies, depending on its mandate. They act mainly as human rights defenders and guarantors but also they are involved in actions aimed at promotion of migrants' rights and in awareness raising campaigns. In this context the following authorities should be mentioned: Ombudsman for Children in Poland, the Human Rights Defender, the Government Plenipotentiary for Equal Treatment. Within the Ministry of Interior there is a Department of Control, Complains and Petitions which also deals with foreigners' complains.</p> <p>2. N.A.</p>
	Portugal	Yes	No there isn't. Nevertheless the High Commissioner for Migrations, I.P (ACM, I.P.) as a public institute integrated in the indirect state administration with administrative and financial autonomy and own assets, prioritizes since its own creation the partnership with immigrant associations to provide better integration services for these. In this sense, was defined and created a recognition system of immigrant associations and both COCAI and Technical Support Office for Immigrant Associations of ACM are involved in the recognition process. Currently there are in Portugal 136 immigrant associations recognized (regional or national local level). While recognized these Immigrant Associations have the right to participate in the definition of the immigration policies as well in the regulation of immigration.
	Romania	Yes	<p>1. Is there in your Member State any public authority (ministry, council, standing committee) which represents migrants' rights specifically? No. In Romania doesn't exist a public authority (ministry, council, standing committee) which represents migrants' rights specifically.</p> <p>2. If yes,</p> <p>a. What is the position of this authority within the formal administrative structure of your Member State?</p> <p>b. What is the scope of its assigned competences?</p> <p>c. Was the establishment of this authority influenced by the number of migrants in your Member State?</p> <p>d. Are representatives of migrants' communities members of this authority? If yes, how are they selected?</p>
	Slovak Republic	Yes	<p>1. No.</p> <p>2. N.A.</p>
	Slovenia	Yes	<p>1. No. The only public authority who is dealing with migrant's rights in more general way is the Ombudsman who is obliged to publish Annual Report.</p> <p>2. N.A.</p>

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	Spain	Yes	<ol style="list-style-type: none"> 1. Yes, "Foro para la Integración Social de los Inmigrantes" ("Forum for the Social Integration of Immigrants") (www.foroinmigracion.es). 2. The Forum for the Social Integration of Immigrants is attached to the Ministry of Employment and Social Security through the General Secretariat for Immigration and Emigration. 3. The Forum for the Social Integration of Immigrants serves for the participation and integration of immigrants. Its main functions are: to promote the integration of immigrants and refugees; to gather information regarding actions related to integration; to elaborate reports including proposals for the integration of immigrants; and to issue mandatory reports referred to draft legislation that affect to the social integration of immigrants. 4. No. 5. Yes. Immigrants' associations are represented in the Forum in 10 out of 30 vowels that comprise the Forum. The designation is done through a public call of proposals.
	Sweden	Yes	<ol style="list-style-type: none"> 1. <i>Is there in your Member State any public authority (ministry, council, standing committee) which represents migrants' rights specifically?</i> <p>There is no public authority in Sweden which <u>only</u> represents migrants' rights. However, there are two public bodies that migrants can refer to with complaints, the Equality Ombudsman (DO) and the Parliamentary Ombudsmen (JO).</p> <p>The Equality Ombudsman (DO) is a government agency that seeks to combat discrimination and promote equal rights and opportunities for everyone. In pursuit of this goal, the agency is primarily concerned with ensuring compliance with the Discrimination Act. This law prohibits discrimination related to a person's sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The DO was formed on 1 January 2009 when the four previous anti-discrimination ombudsmen were merged into a single body. The Equal Opportunities Ombudsman (JämO) dealt with gender-based discrimination, the Ombudsman against Ethnic Discrimination (DO) focused on discrimination related to ethnicity, religion or other belief, the Disability Ombudsman (HO) was responsible for combating discrimination relating to disability, and the Ombudsman against Discrimination because of Sexual Orientation (HomO) monitored compliance with the rules prohibiting discrimination due to a person's sexual orientation. As far as migrants are concerned, they can report to DO when they feel discriminated against because of their ethnicity (or their sex, transgender identity or expression, religion or other belief, disability, sexual orientation or age). This is especially relevant, for example, in cases of discrimination at work, in the education system or other sectors of social life.</p> <p>The Parliamentary Ombudsmen (JO) are appointed by the Swedish Riksdag (Parliament) to ensure that public authorities and their staff comply with the laws and other statutes governing their actions. They are completely independent in their decisions. The Ombudsmen are specifically tasked with ensuring that public authorities and courts abide by the provisions of the Instrument of Government concerning impartiality and objectivity and that the public sector does not infringe on the basic freedoms and rights of the citizens. The ombudsmen's supervision includes ensuring that public authorities deal with their cases and in general carry out their tasks in accordance with existing legislation. A complaint to the Parliamentary Ombudsmen can be made by anybody who feels that he or she or someone else has been treated wrongly or unjustly by a public authority or an official employed by the civil service or local government.</p> 2. If yes, <ol style="list-style-type: none"> a. <i>What is the position of this authority within the formal administrative structure of your Member State?</i>

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			<p>As mentioned above, DO is a government agency, and JO is an independent body which reports directly to Parliament.</p> <p>b. <i>What is the scope of its assigned competences?</i> As mentioned above, DO seeks to combat discrimination and promote equal rights and opportunities for everyone. It is primarily concerned with ensuring compliance with the Discrimination Act. JO ensures that public authorities and their staff comply with the laws and other statutes governing their actions.</p> <p>c. <i>Was the establishment of this authority influenced by the number of migrants in your Member State?</i> No.</p> <p>d. <i>Are representatives of migrants' communities members of this authority? If yes, how are they selected?</i> Aiming at providing equal opportunities for everybody, DO and JO do not selected their staff on the basis of belonging, or not belonging, to any migrants' communities.</p>
	United Kingdom	Yes	<ol style="list-style-type: none"> No – the UK does not have a specific government body that deals with migrants rights. There are however various charities and non government organisations that would provide this service such as Migrants Rights and Citizens Advice Bureau. Any other provisions that migrants require such as social or legal counseling, language courses or cultural orientation is provided at the local level within different communities. N/A
	Croatia		
	Norway	Yes	<ul style="list-style-type: none"> No. The former Norwegian Contact Committee for Immigrants and the Authorities (KIM) was dismantled this year, as the Norwegian Government wants to establish other forms of dialogue with the immigrant communities. Annual conferences is one such new measure. Note that the Equality and Anti-discrimination Ombud (LDO) is responsible for enforcing The Anti-Discrimination Act, see http://www.ldo.no/no/
