

Opinion of the Committee of the Regions — The future EU policies in Justice and Home Affairs

(2014/C 271/06)

Rapporteur	Lotta Håkansson Harju (SV/PES) Member of Järfälla Municipal Council
Reference documents	An open and secure Europe: making it happen COM(2014) 154 final The EU Justice Agenda for 2020 — Strengthening Trust, Mobility and Growth within the Union COM(2014) 144 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. welcomes the Commission's aim of consolidating the progress achieved in the area of justice and home affairs through correct implementation and effective monitoring. At the same time, the Committee emphasises that consolidation could also take the form of additional legal instruments, that respect the principles of subsidiarity and proportionality, to fill gaps in the present system and enable the EU to address new global challenges in a more flexible manner;
2. stresses that a stronger focus on the EU's commitments with respect to fundamental rights must have a real impact at all levels. The EU, in line with its Charter of Fundamental Rights, must continue and further develop its work in this area in order to remain an open and safe region based on a shared respect for fundamental rights;
3. welcomes, in this respect, the fact that the Commission has developed a framework within which to tackle systemic threats to the rule of law in the Member States, since the rule of law, based as it is on the principle of equality before the law, is a prerequisite for implementation of and respect for fundamental rights in the Union ⁽¹⁾;
4. notes that the EU Charter recognises both universal fundamental rights and specific rights for EU citizens. If both these categories of rights are to become a reality for everyone, far-reaching, multi-level work will be required in which local and regional authorities play a leading, active and forward-looking role;
5. emphasises that it is in the local community that the foundations can be laid for an inclusive society that genuinely respects fundamental rights, a society that therefore also values gender equality and diversity and protects the most vulnerable. At the same time, it is at local and regional level that challenges in the area of justice and home affairs are the most tangible and have the greatest impact on individual members of the public;
6. supports the Commission's proposal to adopt new legal instruments that make life easier for people and contribute to growth, provided that they do not duplicate others, are effective and facilitate the harmonisation and simplification of the existing legislative framework as far as possible. Better lawmaking contributes to economic growth, because it makes business relations, and everyday life for the public, easier;
7. recommends that the European Commission concentrate on specific and practical proposals for legislation that would directly benefit the citizens — especially at a time of increasing economic and social problems — and would help in a very tangible way to address the difficulties they often face as a consequence of the economic crisis. These difficulties arise in particular in less developed cross-border regions where it is more difficult for people to carry out their economic and social activities.;

⁽¹⁾ **Communication from the Commission to the European Parliament and the Council — A new EU Framework to strengthen the Rule of Law** COM(2014) 158 final, 11 March 2014.

8. believes that, for the fundamental rights of all inhabitants to be upheld fully, there will have to be a concerted, explicit effort and collective shouldering of responsibility at all levels. Efforts to implement fundamental rights must be seen as a long-term, ongoing process. A consensus on how to achieve this will call for solid backing at local, regional, national and EU levels. Any lack of coordination between these levels could play into the hands of extremist, racist and xenophobic forces, jeopardising progress in the EU as a whole;

9. wishes to highlight the central role of local and regional authorities in justice and home affairs policy areas. They are ultimately responsible for implementing many aspects of existing national and EU legislation; they develop and test new policy solutions; they help people to exercise their fundamental rights and they gather the information and experience needed in order to develop these areas further. Local and regional authorities therefore have significant potential to contribute to policy development, from planning and implementation to monitoring and evaluation;

10. points out that this means that they are absolutely vital partners when it comes to shaping and implementing policies relating to justice and home affairs. The Committee therefore urges the Commission, the Parliament and the Council to explicitly recognise local authorities and regions as full partners in these policy areas and allow them to take their share of the responsibility;

11. feels that policy in the area of justice and home affairs should be coordinated with other EU policies. The Committee wishes to draw attention to the need for better coordination of questions which come within the remit of justice and home affairs, on the one hand, and the EU's economic, social and external policy, in order to bolster respect for rights in all areas and increase consistency across the board. Justice and home affairs policies must be coordinated with the economic and social policy pursued by European structural and investment funds in particular in the less developed regions, especially with regard to training and employment. The Committee also agrees with the Commission justice and home affairs policies must be incorporated into the EU's over-arching external policy so as to strengthen dialogue and cooperation with third countries and synergies with other EU policy areas ⁽²⁾;

Strengthening a rights-based Europe

12. believes that the authorities at all levels must be actively committed to protecting and promoting fundamental rights and freedoms for all. Local and regional authorities have an extra duty to raise awareness of fundamental rights because they are so close to the people of Europe;

13. emphasises that all human beings have fundamental rights and freedoms, regardless of gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. 'Vulnerable groups' such as children, undocumented migrants and asylum-seekers, etc. must always be given special attention in policy planning, implementation, monitoring and evaluation;

14. considers strategic communication about the collective responsibility of all levels for ensuring that fundamental rights are respected, protected, monitored and promoted — thus meeting international obligations — and also about the long-term benefits of admitting asylum-seekers and refugees, to be crucial if we are to stem the rising tide of extremism, racism and xenophobia in many EU Member States;

15. points out that knowing how to translate fundamental rights into practice is crucial if we are to build a European area of justice that respects and promotes fundamental rights, diversity and cooperation. The Committee therefore welcomes the web-based guide being developed by the EU Agency for Fundamental Rights as this will help public officials locally, regionally and nationally to make better protection and promotion of fundamental rights through multilevel cooperation part of their daily work ⁽³⁾. The Committee calls on the Commission to set aside additional resources to develop, update and disseminate practical tools of this kind for the benefit of officials and elected representatives at all levels;

⁽²⁾ Communication on Home Affairs: An open and secure Europe — Making it happen, COM(2014)154 final.

⁽³⁾ <http://fra.europa.eu/en/joinedup/home>.

16. in view of the central role, considerable expertise and experience of local and regional authorities emphasises the need for a forum to enable the exchange of information and best practices between local and regional authorities, civil society actors and other administrative bodies (at national, European and international level). The Committee urges the EU to facilitate this further by means of targeted measures and programmes;

17. suggests that the annual report on the EU's Charter of Fundamental Rights should include information on how local and regional authorities are implementing it. This will have an impact on areas where local and regional authorities might need to step up their efforts and strengthen communication between the various levels;

18. emphasises that fundamental rights are not just a justice and home affairs issue: they actually concern virtually all the directorates-general. In order to strengthen their impact and crosscutting nature, the Committee believes that the Commissioners responsible for Justice and Home Affairs should coordinate fundamental rights with all European Commission directorates-general;

19. suggests that the purpose of coordination should be to streamline the competences of the directorates-general so as to avoid conflicting objectives, monitor the implementation of fundamental rights, carry out rights and gender analyses, compile data, encourage Member States to ratify and implement key international and regional rights instruments, consult the various stakeholders and ensure the use of correct terminology and good communication. Coordination should be developed in close cooperation with the EU's Agency for Fundamental Rights;

20. believes that cooperation in the area of fundamental rights would be considerably easier if the rights enshrined in the Charter were also directly applicable in the Member States;

21. sees a need to raise awareness of the specific rights that citizens of one EU Member State have in another Member State. Implementation of the directive on free movement of persons is crucial if EU citizens and their families are to be guaranteed the right to move freely within the EU and take up residence in one of the other Member States;

22. believes that the right to freedom of movement could be even more clearly defined. As the Commission points out, EU citizens are still frequently faced with practical and legal difficulties when they attempt to exercise the rights they have at home in another EU Member State⁽⁴⁾. At the same time, the challenges that freedom of movement creates in individual municipalities and/or regions need to be better addressed. Targeted measures and programmes could also be useful here;

A Europe based on rights and solidarity on migration and asylum issues

23. stresses that the EU needs to work more to implement a European asylum and migration policy based on fundamental rights, solidarity, mutual trust and shared responsibility between Member States and local and regional authorities;

24. calls for the EU to continue to be a place of refuge for people fleeing persecution or in need of protection. The need to control the reception of migrants and to maintain the integrity of borders must never be allowed to take precedence over the right to seek international protection. The Committee therefore stresses that the control and monitoring of land and sea borders must not mean neglecting the fundamental obligation to save lives and respect human rights;

25. feels that effective cooperation and trust between the local, regional, national and EU levels with regard to the sharing of resources and responsibilities are absolutely essential for sustainable and fair reception of asylum-seekers and refugees. This kind of cooperation is currently lacking in a number of important respects, which seriously hinders the settling-in of new arrivals, and also risks exacerbating xenophobic tendencies. There is, in essence, the same need for effective cooperation when it comes to the reception of other types of migrants;

⁽⁴⁾ Towards a true European area of justice: Strengthening trust, mobility and growth, COM(2014) 144 final.

26. urges all levels of government in the EU to share responsibility for the reception and integration of refugees, and calls for greater inter-regional cooperation, coordination and solidarity through the development of a mechanism for redistributing them between Member States, regions and local authorities taking into account structural constraints, resources and other relevant factors. Currently, each individual state is responsible for asylum and refugee policy and as such also bears financial responsibility for reception. However, reception is unevenly spread both within and between Member States, with some local and regional authorities taking a far greater share of the responsibility by processing a large proportion of new arrivals. The Committee points out that the European Union must pay heed to the particular difficulties faced by the regions of Europe, which at any given moment are the entry point for migrants, who require forms of assistance and services which are often beyond the capacities of individual regions. A dedicated financial instrument should therefore be introduced, geared as a matter of priority to regions where migrants arrive and to transit areas;

27. notes with concern that the UN Convention on the rights of the child and the Action Plan on unaccompanied minors (2010-2014) are not always upheld across EU Member States when receiving migrant, refugee and asylum-seeking children and unaccompanied minors; underlines the importance of mutual support by local and regional authorities so that they can bear their share of the responsibility for ensuring that these provisions are upheld for both boys and girls. Reminds the Commission that the Action Plan referred to above expires in 2014 and calls for a start to be made on the procedure for this renewal;

28. points out that, to date, Article 80 TFEU has not been used to take measures implementing solidarity and fair sharing of responsibility with regard to mobility. Commitments concerning migration and repatriation have been entirely voluntary, and in some cases it has been cities that have taken the lead in putting these commitments into practice;

29. sees the uneven distribution of asylum-seekers and refugees between states and between and within regions, on top of shortages of jobs, housing, etc., as a major challenge for local and regional authorities. Another issue is the lack of forward planning and inability to prepare for reception sufficiently early. Improvised solutions can have negative social consequences, making it harder for new arrivals to adequately equip themselves for starting the integration process;

30. therefore believes that it is time to establish more clearly what shared responsibility and solidarity may entail when it comes to asylum issues. It is clear that different countries, regions and local authorities have different ideas of what constitutes reasonable sharing of responsibility or solidarity, based on their specific circumstances and wishes. This covers a wide range of issues, including the number of asylum-seekers arriving directly in their territory, the number of asylum applications they process, their financial situation, housing shortages, past reception, population density, etc. It also involves both short-term and long-term perspectives;

31. underlines the need for the sharing of best practices among local and regional authorities and Member States in processing the claims of asylum-seekers and refugees, integration policies and preventing irregular migration. Notes this could enable a bottom-up approach to addressing disparities among Member States and regions in the conditions in which asylum seekers, refugees or irregular migrants are hosted on initial arrival and in the efficiency and speed with which applications and dossiers are processed. Notes that small municipalities lack the resources to handle large inflows of migrants and in this regard, underlines the importance of solidarity among municipalities and calls for the strengthening of Frontex for a more effective and efficiently reinforced and streamlined cooperation between national border authorities and to protect migrants as well as the EU's external borders;

32. therefore suggests, in order to make progress in discussions on shared responsibility, undertaking a study into how the various Member States, regions and local authorities interpret shared responsibility and solidarity, and what impact those different interpretations would have in different scenarios. This study should also analyse how a more even distribution of asylum-seekers and refugees between local and regional authorities and states could be achieved within the EU;

33. also considers it important for the EU to be able to reap the benefits of the resources that newly arrived migrants offer. Successful integration policies, managing diversity at local and regional level promote growth, increase opportunities for learning and entrepreneurship and help to meet future labour needs and finance the welfare system in the years to come. In order for this policy to deliver benefits, it is crucial to invest in education and jobs for migrants so that they can enter the labour market in the EU, as well as in training and cultural diversity management in order to change attitudes in the population at large and improve social relations;

34. underlines the need for an EU-wide approach to addressing fraud and abuse;

35. notes that low birth rates in many of the Member States, combined with the coming generational shift, will result in a greater need for people of working age. Thus asylum-seekers and refugees represent not just a challenge, but also a huge opportunity for EU Member States. The EU simply must find credible responses to the demographic challenges facing the Union;

36. notes that limited progress has been made in adopting legislation on legal migration, with the result that the EU's migration framework is extremely patchy. The Committee therefore welcomes the priority placed on an over-arching migration strategy and the emphasis on promoting a genuine, balanced partnership with countries of origin and transit when it comes to managing the reception of migrants in an organised way that respects their rights;

37. is of the opinion that organised crime has to be fought also at the local level through social and educational initiatives: by showing especially to the inhabitants of areas dominated by organised crime that a different model of development based on transparency, participation and democracy is possible, and by providing educational support in particular for young people who are at risk of becoming part of illegal structures; and by confiscating the proceeds of organised crime and using them for social projects, local actors and civil society. The European, national, regional and public authorities have a crucial responsibility to cooperate in this kind of initiatives;

38. agrees with the Commission that any well-managed migration system must include action to reduce irregular migration⁽⁵⁾. At the same time, it is important that irregular migration, and supporting irregular migrants, should not be criminalised and that attention be paid to possible victims of human trafficking. Local and regional authorities must deal with the realities they face, and in terms of fundamental rights this must entail providing services to irregular migrants;

39. advocates giving representatives of local and regional authorities opportunities to develop systems for sharing expertise and pooling experience and good practice on employment, education and social inclusion so as to make the local dimension of integration policy more visible. A knowledge-sharing forum is essential to developing a dynamic EU integration policy that guarantees migrants' rights. Over time, such a forum should also reduce disparities between Member States in relation to integration;

A secure Europe

40. considers preventive measures to be just as important as penalties in addressing problems that affect people's security and jeopardise fundamental rights, such as organised crime — in particular human trafficking — drug trafficking and the sexual exploitation of minors. It would remind the Commission of the crucial role played by local and regional authorities in developing strategies to prevent organised crime and take responsibility for the continuous well-being of the victims;

41. argues that local and regional authorities should play a more significant role in fighting cross-border organised crime: crimes committed locally can increasingly be traced back to international organised crime, and it is local communities that are the first victims of criminal organisations that destabilise their social structures. Agrees with the Commission on the need to build secure and reliable systems to ensure that individuals and businesses can make full use of the potential of the internet. To this end, Member State cooperation with the Europol European Cybercrime Centre (CE3) should be extended to the regional and local level in order to step up the fight against cybercrime from the level of government closest to the citizen;

⁽⁵⁾ An open and secure Europe: making it happen. COM(2014) 154 final.

42. points out that corruption is a particularly important topic for local and regional authorities and their residents, and intends to continue to fight corruption at all levels in cooperation with other EU institutions, the Council of Europe and other organisations, advocating protection of the EU's financial interests, for example through the establishment of a European Prosecutor's Office;

43. supports the EU's strategy for eradicating trafficking in human beings. Local and regional authorities can make a significant contribution to the successful implementation of this strategy and, thanks to their local ties, are in a position to recognise the signs that someone may be a victim of human trafficking. The Committee has therefore advocated that local and regional authorities help to develop guidelines for identifying victims, protecting them and guarantee their continuous well-being, particularly in the case of minors;

44. stresses that municipalities and county councils are important partners for capacity building in sending countries. Cross-border international cooperation between local authorities that receive migrants and asylum seekers and their counterparts in the countries of origin could be significantly improved and expanded. Local government plays an important role in shaping and implementing integration and repatriation programmes.

Brussels, 25 June 2014

The President
of the Committee of the Regions
Ramón Luis VALCÁRCEL SISO
