

# ECRE ANNUAL REPORT ON 2017



The Annual Report for ECRE donors and members reports progress against the objectives set out in the ECRE Strategic Plan 2017-2019.

ECRE's work covers four main activities each of which has its own objectives against which results will be measured.

- » Activity I: Legal Support and Litigation
- » Activity II: Legal and Policy Research
- » Activity III: Advocacy
- » Activity IV: Communications

There is also a set of objectives on organisational change, which is reported on after the activity objectives. The summary at the start of the report provides an overview each area.

# SUMMARY

## ACTIVITY I: LEGAL SUPPORT AND LITIGATION

In order to support displaced persons to access their rights, ECRE's Legal Support and Litigation team supported hundreds of lawyers across Europe involved in ongoing cases. ECRE also supported strategic cases before the European Courts in order to secure judgments that will have an impact on potentially millions of beneficiaries of international protection.

ECRE initiated the Litigation Task Force (LTF) as a vehicle for joint litigation and comprising of the AIRE Centre, Dutch Refugee Council, the International Commission of Jurists and ECRE. In 2017, the LTF jointly intervened in 7 cases before the European Court of Human Rights (ECtHR). ECRE supported lawyers in an additional 15 strategic cases before the ECtHR and the EU Court of Justice.

ECRE and the national ELENA coordinators continue to manage the ELENA network of 500+ legal practitioners in 36 countries. ECRE responded to 60 legal queries from the ELENA network and ECRE members, and the ELENA coordinators provided information in another 63 legal requests. ECRE/ELENA published two legal notes for use by practitioners on access to legal aid and access to the territory. The ELENA Weekly Legal Update increased its readership by 30% reaching 3300+ subscribers and published 1400 legal articles on new case law and legislative amendments. The EWLU is increasingly quoted by courts and legal practitioners.

ECRE organised training and networking events for lawyers from across Europe, including the Advanced ELENA Course "Legal Avenues for Strengthening International Protection in Europe" in Greece, attended by 135 practitioners and decision-makers. The EDAL database expanded to 3 new countries, Portugal, Denmark, and Luxembourg, taking its coverage to 22. Through EDAL, 154 national and European cases were summarized and available online. The database also published 20 blog posts concerning important European and domestic asylum-related judgments. EDAL had 105,020 users and 348,741 page views (57% new users and 43% returning visitors).

## ACTIVITY II: LEGAL AND POLICY RESEARCH

In order to increase or preserve protection standards in EU asylum law, ECRE influenced the negotiations on the reform of the Common European Asylum System (CEAS) through advice to key players in the European Parliament, Commission and EU Member States (EUMS). A considerable number of ECRE recommendations were incorporated into the EP's position and improvements were made to the Council positions. ECRE published a legal note on asylum in Hungary and policy notes on relocation and the "safe third country" concept.

ECRE's work with EASO was stepped up through a grant agreement whereby ECRE provides advice on 7 EASO training modules, used to train thousands of caseworkers throughout Europe. ECRE also provided substantial input into the EASO annual report on Asylum in the EU and in expert meetings, as well as the EASO Consultative Forum. ECRE provided its input in the Frontex Consultative Forum, including in the working group on Frontex's accountability for human rights violations occurring during its operations.

ECRE's influencing of national legal frameworks and practice continued through the AIDA database, which monitors, assesses and publishes on asylum in Europe. AIDA was expanded to Portugal (with Slovenia and Romania to follow in 2018). AIDA expanded its data collection, especially on Dublin statistical data, and published country updates and a comparative report on vulnerability in asylum procedures. ECRE used AIDA to influence through provision of targeted country information to the Commission and to the co-legislators (EP and Council) in the CEAS negotiations.

Widely used and cited in litigation at national and European level, AIDA has further strengthened its reputation as an authoritative source of information on national asylum systems; as a result, the European Commission renewed its grant to AIDA. The website attracts an increasing number of visitors: from 525,688 views in 2015 to 754,642 in 2017.

### ACTIVITY III: ADVOCACY

ECRE's advocacy work focused on the areas agreed in the Strategic Plan: External Affairs including return; rights of refugee children and refugee inclusion.

On external affairs, ECRE led civil society advocacy on the new European resettlement framework, working collectively with ECRE members and others to ensure that problematic elements, such as conditioning resettlement of people from a country on its cooperation on migration control, were removed. On return, ECRE provided its analysis of current EU policy with specific recommendations for change, backed up by an in-depth case study on return to Afghanistan; it uses this to influence at events and in meetings.

On the rights of refugee children, ECRE manages the UPRIGHTS project to improve legal assistance and participates in collective advocacy in Brussels on children on the move. ECRE revived its work on refugee inclusion, with the recruitment of a new policy officer. The working group of ECRE members working on refugee inclusion is used as the vehicle for the work, with meetings at the AGC and in early 2018. Following consultation with members, an internal position paper sets out key advocacy areas. The consultation with UNHCR at the AGC in 2017 focused on refugee inclusion which allowed for discussion of priorities for collective work in different regions and recommendations to UNHCR.

ECRE has laid the groundwork for advocacy on EU funding with the publication of its assessment of AMIF funding. Finally, ECRE raised funds for strengthening its advocacy including through creating the position of Head of International Advocacy.

### ACTIVITY IV: COMMUNICATIONS

The ECRE Communication team ensures coherent and efficient distribution of ECRE's legal, policy and statistical expertise to sustain and develop public impact. It facilitates cooperation across the membership on media work, information sharing and joint messaging.

ECRE has a substantial and increasing audience through 38,000 followers on social media, 13,000 subscribers to organisational newsletters and constant traffic on the website as well as through weekly interviews with leading national and international news media – a total of 99 were conducted in 2017.

New features were established in 2017 including an editorial by the Secretary General in the Weekly Bulletin setting out ECRE positions on 'hot' topics, a Facebook campaign under the hashtag #ShareOurEurope featuring refugees and Europeans working for an inclusive Europe, a Breaking News feature, and several small Sharepic campaigns on Twitter.

### ORGANISATIONAL CHANGE

ECRE continued the process of organisational development, putting in place an organisational structure, including teams and line management, and a strategic plan with objectives for its work for 2017-2019. It implemented the objectives to reduce its debt and ended 2017 solvent for the first time since 2011. It has raised money from new and old donors. It implemented its priority of greater inclusion of refugees in all aspects of its work through recruitment, membership, including the creation of a fund to cover membership fees, inclusion of refugees as experts in ECRE events, and the development of the refugee advocate programme. It integrated 8 new members, taking the total membership to 95 organisations in 40 countries. Its Board is more diverse with a male-female ratio of 4:3 (rather than 6:1) and functioning effectively. It revived two of its working groups and its Strategic Partnership with UNHCR was renewed at the start of the year.

# ACTIVITY I: LEGAL SUPPORT AND LITIGATION (ELENA/ LEGAL SUPPORT, LITIGATION, EDAL)

## A. OVERALL OBJECTIVES<sup>1</sup>

1) To achieve legal changes ensuring the rights of refugees and those in need of or benefiting from international protection at European and national level through proactive, coordinated and needs-based litigation.

A number of important judgments were delivered by the European Court of Human Rights (ECHR) and the EU Court of Justice (CJEU) in 2017, which should affect rights of those in need of international protection across Europe, and where ECRE was involved in 2015/16. These include:

- » *Ilias and Ahmed v Hungary*. ECRE supported the Hungarian Helsinki Committee at the initial stage (advising on interim measures by the Court and building the case; providing research on the situation in Serbia for the application to the Court. The positive Chamber judgment, accepted a majority of HHC's arguments relating to unlawfulness of detention in the transit zone and expulsion to Serbia based on the safe third country concept (STC). ECRE and the Litigation Taskforce are now engaged in litigation before the Grand Chamber (GC) to which the Hungarian government has referred the case.
- » *N.D. and N.T. v Spain*. ECRE intervened in 2015 jointly with the AIRE, ICJ and AI. This positive judgment may have an important impact in counteracting the practice of collective expulsions and may lead to Spain changing its relevant legislation.
- » CJEU, C-578/16, C.K. (Slovenia), relating to a Dublin transfer of an applicant with a serious illness, where ECRE supported the lawyers.
- » CJEU, C-638/16, PPU X and X (Belgium), regarding the existence of an obligation under EU law to issue humanitarian visas, where ECRE supported the lawyers.

2) To strengthen and support the relevant work of asylum lawyers across Europe.

ECRE does not have geographic priorities, most support has been provided to Greek, Polish and Hungarian lawyers in relation to cases on access to asylum, detention, children rights, Dublin system, and access to effective remedies. A lot of support has also been provided to Belgian, Dutch, Swedish and UK lawyers in relation to Dublin, access to remedies, etc.

## B. SPECIFIC OBJECTIVES: ELENA AND LEGAL SUPPORT

1) To increase the efficiency of the ELENA network by strengthening the national networks and improving legal support coordination among ECRE/ELENA members.

ECRE/ELENA networking meeting in Greece (10 July 2017), co-funded by Porticus and the Dutch Refugee Council, brought together ELENA and ECRE members from Austria, Belgium, Denmark, France, Germany, Greece, Italy, the Netherlands, Norway, Sweden, Switzerland, UK. The aim was to improve networking between lawyers in these countries in order to deal with cases under Dublin (transfers prevention and family unity cases) in more efficiently. Important outcomes included:

- » the establishment of a *pro bono* group of lawyers in Sweden willing to represent the Dublin family unity cases referred by their Greek colleagues.
- » Requests from Greece were more efficiently handled by their Austrian, French, German and Swedish colleagues. However, a follow-up on Austria is still required in 2018.

1. ECRE differentiates between strategic litigation and legal support. Strategic litigation is strategic in the sense of contributing to meeting ECRE's overall mission and/or specific pre-determined objectives. It involves ECRE's direct engagement with cases and implementation of judgments, third party interventions, exchange of legal information and knowledge sharing (through EDAL and the ELENA network), and provision of guidance and statements of supporting evidence. ECRE's litigation priorities are access to asylum procedures, detention, reception conditions, and the Dublin system, selected because they both broadly relate to the work of ECRE and reflect and encompass the main topics of concern for refugee protection in Europe.

Legal support is not specifically strategic, involving informal support to lawyers, as well as training and capacity development. Both streams of work reflect the nature of ECRE as an alliance, which coordinates the ELENA network together with the national coordinators in 36 European countries.

ELENA coordinators meeting on 16 November 2017 that brought together 27 ELENA coordinators and 3 LSL staff in order to identify ELENA's priorities and development in 2018. Challenges faced by the ELENA practitioners when advancing the refugees rights, how these could be addressed by the network and the domestic networks were also discussed.

The 1<sup>st</sup> IT phase of the ELENA online platform has been completed with the financial support of the Danish Refugee Council. The content and the membership are being reviewed by the ELENA coordinators. It is expected that the platform will substitute various mailing lists and allow around 120 lawyers (including the ELENA coordinators) to exchange legal requests and information. ECRE will also be able to take up the requests posted in a more efficient manner and UNHCR's legal consultant will additionally contribute to responding to legal and litigation queries posted on the platform. The platform will be launched in spring 2018.

The ELENA Index, listing legal practitioners and care organisations, in 36 European countries and including over 1,500 entries has been updated in November 2017 with the support of the national coordinators.

## 2) To expand the network.

The network has been expanded to Iceland, but unfortunately lost the Latvian coordinator. New coordinators in Denmark, Greece, Poland and Ukraine were engaged in 2017. As reported by national coordinators new lawyers joined domestic networks in Belgium, Sweden and Greece. No information has been provided regarding the other countries.

## 3) To promote the highest standards of legal representation, assistance and information among legal practitioners in Europe.

- » The ELENA Weekly Legal Update, one of the major sources of information on legal developments for the legal practitioners and decision-makers in Europe, has reached 3321 subscribers as of 15/12/2017. In one year, the EWLU welcomed 1.063 new subscribers (an average of 88 new subscribers per month). The EWLU published 38 issues and reported over 1400 legal articles regarding new European and national courts' judgments, legislative amendments and legal reports useful for litigation. The EWLU is increasingly quoted by the courts and legal practitioners.
- » The ELENA network (domestic coordinators) facilitated provision of legal information in 63 legal requests related to a variety of topics, e.g. consideration of asylum claims *sur place*; returns to China, Eritrea; the Dublin transfers to Italy, Hungary, Bulgaria; recognition of marriage under DRIII; access to employment.
- » ECRE responded to over individual 60 queries regarding [the best interests of the child](#), differentiated treatment for SP beneficiaries, detention in inhumane conditions as an act of persecution, detention grounds under EU law, etc.
- » ECRE published 2 legal notes: [ECRE/ELENA Legal Note](#) on Access to Legal Aid in Europe and [ECRE/ELENA Case Law Note](#) on Access to the Territory and the Asylum Procedure.
- » ECRE organised [the Advanced ELENA Course: Legal Avenues for Strengthening International Protection in Europe](#) on 17 November 2017 in Athens, Greece, attended by 135 practitioners and decision makers. The course provided training on legal avenues that can be used in order to advance the rights of refugees and stimulated discussions on a potential litigation.
- » ECRE staff members provided asylum law training and presentations on numerous occasions upon requests of ECRE/ELENA members and partners, in particular, in Austria, Greece, Italy, Moldova, Sweden, UK, etc;
- » ECRE is engaged in the EU-funded project "[Fostering Access to Rights for Migrants, Refugees and Asylum-Seekers in Turkey](#)" run by the ICJ in collaboration with ECRE members in Turkey. The objective of the project is to train over 100 Turkish lawyers in international law and litigation before the international mechanisms' and to provide litigation support as necessary. In 2017 LSLT produced a training module on *non-refoulement* (drafted by a consultant, reviewed by LSLT) and reviewed training modules on detention and economic and social rights drafted by the ICJ. LSLT also contributed to trainings in Istanbul (in November/consultant) and in Izmir (in December/staff member) training over 60 lawyers in refugee law and international law regulating expulsions.
- » ECRE has been engaged in another EU-funded project: Fundamental Rights in Practice: European Judicial Training on the rights of persons in need of international protection (JUDI). The project is run by the Greek Refugee Council in collaboration with Aditus, CIR, the ICJ and the HHC. ECRE staff member advised on the implementation of the project and reviewed training modules on the asylum procedures and detention that served as a basis for training of lawyers in Greece, Hungary, Italy and Malta.

## C. SPECIFIC OBJECTIVES: LITIGATION

1) To expand ECRE's litigation-related activities, ensuring that the ECRE Secretariat is involved in the majority of strategic cases advancing refugees' rights across Europe.

ECRE LSLT initiated the Litigation Task Force (LTF) comprised of the AIRE Centre, ECRE, the ICJ and the Dutch Refugee Council. The aim of the LTF is to pool resources, engage in litigation before the ECtHR, mutual learning and training activities. Each LTF member brings distinct experience. The LTF is thus a coalition of the most experienced non-governmental litigators in the migration area. The LTF signed a 3-year Memorandum of Understanding that became effective as of January 2017.

ECRE assessed 72 cases communicated by the ECtHR and recommended the LTF to intervene in 7 cases, with 6 interventions in 2017:

- » *M.A. and Others v. Poland*, Application no. 42902/17, December 2017 (led by ECRE)
- » *J.B. v. Greece*, Application no.54796/16, October 2017 (led by the AIRE Centre)
- » *O.S. v Switzerland*, Application no. 43987/16, July 2017 (led by the ICJ)
- » *Darboe and Camara v Italy*, Application no. 5797/17, July 2017 (led by ECRE)
- » *H.A. and Others v Greece*, Application no.19951/16, April 2017 (led by ECRE)
- » *E.S. v. Spain*, Application no. 13273/16, January 2017 (led by the ICJ).

ECRE provided litigation advice to ECRE/ELENA members and partners in 15 requests, including *C-77/17* and *C-78/17 X v. CGRA* (Belgium) regarding withdrawal and refusal of a refugee status; request by UNAG Georgia on the application to the ECtHR in a case of exclusion and *refoulement* from Georgia based on the national security considerations and refusal to grant access to the file; *Hampay v Greece* concerning an application to ECHR and a complaint to Frontex on attempted *refoulement* to Turkey as a part of Frontex-led operation.

ECRE also co-organised the 2017 Consultations on Strategic Litigation and Judicial Engagement with UNHCR bringing together the ELENA and ECRE members and UNHCR colleagues from various regional offices. The objective was to discuss collaboration and potential litigation strategies concerning family reunification. ECRE and LTF will follow-up on a number of action points raised by ECRE/ELENA in 2018.

2) To ensure that the Secretariat becomes a refugee-related litigation advice and resource centre for ECRE and ELENA members by the end of 2019.

- » ECRE provides information to ECRE and ELENA members on litigation support and case identification. With a facilitator from the Danish Refugee Council, ECRE organised a workshop at the AGC 2017 on joint litigation work and opportunities. The objective was to discuss litigation initiatives by ECRE members and potential support from ECRE and LTF. ECRE always prioritises litigation requests by ECRE and ELENA membership and almost never rejects litigation support or interventions in cases referred by ECRE/ELENA.

3) To expand the capacities of lawyers and promote shared learning between practitioners dealing with asylum-related cases.

- » The above-mentioned activities contribute to this objective. ECRE facilitates contacts with the other litigation stakeholders including UNHCR and the European Centre for Constitutional and Human Rights (ECCHR); and between individual litigators to ensure the consistency of argumentation and efficient litigation support. To illustrate, we introduced lawyers:
  - in the abovementioned Belgian *X v CGRA* case to lawyers in a similar Czech case *M*, *C-391/16*, to make sure they do not furnish contradictory arguments that may damage the litigation before the CJEU;
  - ECCHR lawyers to HHC for advice on building collective expulsion cases; the head of the ICJ Sweden and a lawyer in *F.G v Sweden* (GC) to the HHC on practical aspects of pleading before the Grand Chamber.
- » ECRE LSLT drafted the report: *The impact of the EU-Turkey Migration Statement: roadmap of regional litigation activities*, commissioned by FIDH in June. The report served as a basis for a litigation strategy by FIDH and their partners in Greece against the EU-Turkey statement. The report mapped existing initiatives (cases) (in the majority of which ECRE either provided limited advice or liaised with the lawyers.)

## D. SPECIFIC OBJECTIVES: EDAL

- 1) To expand EDAL to have the same jurisdictional coverage as the AIDA database and other instruments.
  - » 3 new countries have been added to the database: Portugal, Denmark, and Luxembourg<sup>2</sup>.
- 2) To increase case law analysis and capacity of EDAL in the provision of legal support.
  - » 154 national and European cases have been summarized and uploaded [online](#).
  - » 20 [blog posts](#) have been uploaded to EDAL
  - » Case law researched and compiled by EDAL has led to various (abovementioned) ECRE/ELENA publications and responses to ELENA legal queries this year.
  - » A new cooperation has been established with Cologne University Refugee Law Clinic. With Queen Mary's University, BPP University and Cologne we now have approximately 25 *pro bono* volunteers working on EDAL and covering 7 different jurisdictions, guaranteeing sustainability of this largely unfunded and important activity.
  - » 178,146 sessions, 105,020 users, 348,741 page views of EDAL. 57% are new users of the site and 43% are returning visitors. The main country of use of the site is the UK, the Netherlands, Sweden, Belgium and Germany.
- 3) To continually improve the EDAL user interface.
  - » Ongoing. A number of functions including a search function have been improved.
  - » EDAL has a separate media presence targeting its specialized audience (legal practitioners, judiciary and decision makers).
  - » Facebook we have increased our followers by over 500 people.
  - » Twitter 500 new followers and 1,000 -1,500 profile visits per month. Top tweets were those concerning ECtHR and CJEU jurisprudence, the ECRE/ELENA publications.

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2. Denmark and Luxembourg are not covered by AIDA.

## ACTIVITY II: LEGAL AND POLICY RESEARCH (INCLUDING AIDA)

**Overall objective:** To ensure that the new legal framework for the Common European Asylum System reflects the highest human rights standards.

### A. SPECIFIC OBJECTIVES

1) To ensure that EU Regulations and Directives reflect key ECRE recommendations in accordance with international human rights law

ECRE influenced the legislative process for reform of the Common European Asylum System (CEAS), launched by the publication of 7 legislative proposals by the European Commission in 2016. ECRE used extensive legal analysis and concrete recommendations for amendment of the Commission proposals, to influence the co-legislators, the European Parliament (EP) and the Council. As part of the ordinary legislative procedure, the EP and the Council adopt their negotiation mandates (positions) on the Commission proposals, after which they enter into trilogue negotiations together with the Commission in order to secure a compromise.

In addition to the analysis of the legislative proposals it published in 2016 and AIDA information (see below), in 2017 ECRE published a Legal Note and two Policy Notes on issues related to the CEAS:

- » Legal Note #1: Asylum in Hungary: Damaged beyond Repair?  
ECRE's call for states to end transfers to Hungary under Dublin and bilateral arrangements.
- » Policy Note #7: Relocation not Procrastination:  
ECRE's assessment of the obstacles to relocation of asylum seekers from Greece and Italy and its proposals for a continuation of relocation after September 2017.
- » Policy Note #8: Debunking the "Safe Third Country" Myth  
ECRE's concerns about EU proposals for expanded use of the safe third country concept.

ECRE held numerous meetings with the EP and Council: ECRE was in continuous contact in meetings, by email and phone with key stakeholders in the EP, including the rapporteurs and shadow rapporteurs on different proposals, their assistants and political advisors of political groups. Meetings were organised with Maltese and Estonian Presidencies and with Member State delegations, including France, Luxembourg, the Netherlands, and Belgium.

A considerable number of ECRE's key recommendations have been incorporated in the draft reports of the EP rapporteurs or in the amendments submitted by other political groups and remain part of the EP's negotiating mandate (position) and the Council position reflects some of ECRE's recommendations and advice. ECRE focused in particular on the proposals for regulations on Qualification, Asylum Procedures, Union Resettlement Framework and the proposal recasting the Reception Conditions Directive.

Examples of influence include:

#### *Proposal for a recast Reception Conditions Directive*

In line with ECRE's legal reasoning, the EP report recommends: in Article 8 a prohibition on detaining asylum seekers for immigration reasons (under Article 5(1)(f) ECHR) and restricts states' power to detain only in cases where an asylum seeker has to fulfil a concrete and specific obligation (under Article 5(1)(b) ECHR); a blanket ban on detention of children; targeted amendments to Recital 34 of the proposal, with a view to rendering access to the labour market effective such as the prohibition of sectoral restrictions and access to free language courses; the deletion of swift processing of asylum applications or the monitoring of the Dublin Regulation as permissible grounds for restricting asylum seekers' freedom of movement and amendments strengthening the provisions on the identification of applicant's special needs are incorporated in the EP's position. Importantly, the report has also taken over ECRE's recommendation to delete Article 17a of the Commission proposal excluding applicants who engaged in secondary movements from material reception conditions.



The Council's position is generally faithful to the Commission proposal or further lowers the standards, such as for instance on access to the labour market or restriction of freedom of movement. It has considerably limited the scope of the abovementioned Article 17a to after a transfer decision was taken. During the discussions in Council several delegations have voiced the concern that operating parallel reception systems for different categories of asylum seekers is not practically feasible, an argument that was consistently put forward by ECRE in discussions with Member State delegations and the EU Presidencies, Malta and Estonia.

#### *Proposal for a Dublin IV Regulation*

The European Parliament report adopted on 19 October reflects ECRE recommendations on: stronger guarantees relating to the format and content of the information provided to asylum seekers in Dublin procedures, the scope of an effective remedy, a more reasonable minimum time limit of 15 days for lodging an appeal (as opposed to the proposed 7 days) and a wider scope of the discretionary clauses.

The report also amends the human rights test for suspending Dublin transfers. It deletes the narrow reference to "systemic flaws" leading to risks of inhuman and degrading treatment – which has resulted in widely diverging case law, as discussed above – and refers to a real risk of violation of fundamental rights.

Finally, the EP report deletes the proposed pre-Dublin admissibility checks as part of a more equitable and fair responsibility sharing mechanism. Unfortunately this was replaced with a new filter mechanism excluding manifestly unfounded (non-vulnerable) cases from the Dublin system in order to secure a majority for the report in the EP. Although ECRE's advocacy against the filter eventually was not successful, the initial wording was somewhat altered to further narrow the scope of the provision.

Due to the ongoing deadlock at the highest political level on the issue of solidarity in the Dublin Regulation, Council has not adopted its negotiating mandate so far. However, under the Bulgarian Presidency, discussions on the other chapters of the Commission proposals have resumed in a specific format convening high ranking civil servants of the Immigration authorities of the Member States.

#### *Proposal for a Qualification Regulation*

The final EP report adopted on 28 June 2017 incorporates several ECRE recommendations on a uniform rule on the duration of residence permits (5 years) and travel documents (5 years), the optional nature of the internal protection alternative, inclusion of the benefit of the doubt principle, alignment of exclusion clauses with the Refugee Convention and the deletion of the restriction to core benefits as regards social assistance for beneficiaries of subsidiary protection. Moreover, the EP further amends the problematic Commission proposal on the mandatory review of protection statuses by reverting to an optional provision and deleting the requirement of a review on the occasion of the renewal of a residence permit.

The Council's position remains more faithful to the Commission proposal although it also deleted the requirement of review protection status on the occasion of the renewal of residence permits as this would create disproportionate administrative burden. Unfortunately, the Council's position allows for considerable discretion for Member States as regards the duration of residence permits for international protection beneficiaries (5-10 years for refugees and 1-5 for subsidiary protection beneficiaries).

#### *Proposal for an Asylum Procedures Regulation*

The [draft European Parliament report](#) published on 12 May 2017 incorporates various amendments suggested by ECRE, including on age assessments of unaccompanied children, the optional nature and definition of the safe third country and first country of asylum concepts, time-limits and suspensive effect of appeals.

In addition, other political groups incorporated several ECRE recommendations in their amendments, including with regard to the definition of making/registering/lodging of applications, free legal assistance, acceleration grounds, explicit reference to the right to challenge age assessment decisions, etc.

Council discussions have proven to be very cumbersome and have currently entered a third technical reading of the proposal. Following European Council conclusions adopted in June 2017 calling for a revision of the safe third country definition, discussions within the Council have focussed on this issue. ECRE published a policy note entitled "Debunking the safe third country myth" in November ahead of the discussions on a first text proposal submitted by the Estonian presidency Mid-November.

*Proposal for a Regulation establishing a Union Resettlement Framework (see below)*

2) To strengthen ECRE's engagement with EASO/EU Asylum Agency and Frontex so as to ensure the promotion of protection-sensitive border management and improved asylum processes across Europe

As an active member of the Consultative Forum to Frontex and EASO, ECRE works with the Agencies and key individuals within both.

ECRE provides comments EASO's training curriculum for case-workers in order to improve quality as training curricula are a tool used for the training of thousands of case-workers in asylum authorities in EU Member States and beyond.

In 2017, a EUR 15,000 grant agreement was signed with EASO covering ECRE's work on 7 EASO modules, the first time that EASO has paid for this work. ECRE provided comments on updates of training modules, including on inclusion, interviewing in an asylum context, interviewing vulnerable persons, and interview techniques. ECRE also participated in the annual meeting of the reference group on training and a meeting with Member State representatives on the evaluation of EASO's work on training.

ECRE submitted an extensive report on Member State practices extracting information from AIDA, much of the information was incorporated into EASO's Annual Report on the situation of asylum in the EU and ECRE's report has been published on EASO's website. ECRE staff had meetings with the EASO coordinator in Athens and with EASO deployed officers in the hotspot in Lesbos, Greece. ECRE also participated in a meeting organised in Trapani, Italy on the functioning and roles of various stakeholders in the hotspots in Italy and possibilities for cooperation with NGOs. Finally, ECRE staff spoke at the EASO annual Consultative Forum plenary meeting and contributed to EASO's internal evaluation of the Consultative Forum, providing input on how to strengthen relations between EASO and civil society.

ECRE assessed Frontex's work and provide input in its role as a member of the Consultative Forum of Frontex, including three Forum meetings. The work of the Forum focussed in particular on the measures taken within Frontex in light of its expansion in terms of resources, staff and mandate as a result of the entry into force of the European Border and Coast Guard Regulation. The Forum increased its focus on the area of return, cooperation with third countries, vulnerability assessment, and the complaints mechanism. Work on Frontex's accountability for human rights violations occurring during its activities continued with the commissioning of an expert opinion from Professor Jorrit Rijpma. Based on this opinion, the working group on accountability, in which ECRE participates, will meet in February to further discuss possible scenario's where FX accountability and liability for human rights violations could be engaged with the legal affairs unit of Frontex.

ECRE provided written input into the VEGA Children handbook, which aims to increase the awareness of border guard officers with regard to children who are crossing the external land border of the European Union, whether they are accompanied by their parents or other adult persons responsible or not. ECRE's comments focussed in particular on definitional issues relating to non refoulement, awareness regarding the lack of reliability of medical examinations in age assessment and the primacy and content of the best interest of the child assessment.

ECRE argued for the November 2016 recommendation of suspension of FX's activities at the Hungarian-Serbian border, given persistent human rights violations taking place and Hungarian law adopted in March 2017 legitimising push-backs at the border. The recommendation was adopted: while the FX operation was not entirely suspended, the CF was informed that FX presence was reduced to symbolic numbers.

3) To influence national practice and legal frameworks so that they provide a high level of protection in accordance with international human rights law and jurisprudence.

National legal frameworks and practice were influenced by two strands of work. First, through AIDA, see below. Second, through ECRE's work on EASO's training modules, discussed above. As thousands of case-workers are trained in EASO training modules, they are an important tool for changing practice.

Influencing the reform of the Common European Asylum System was a key priority in 2017. Depending on when and if negotiations are concluded, monitoring and influencing the impact of the new EU legal framework on Member States' practice will become a key priority.

## B. SPECIFIC OBJECTIVES: AIDA

**Strengthen and manage the Asylum Information Database (AIDA), a publicly available clearinghouse for information on the treatment of refugees in Europe. Through AIDA, ECRE will seek to:**

1) Provide detailed, up-to-date information on (a) asylum procedures, (b) reception conditions, (c) detention and (d) content of international protection in European countries;

The [2016 Update](#) of the AIDA country reports, which took place between February and March 2017, provided up-to-date information on the treatment of asylum seekers, while introducing for the first time detailed information on the content of protection granted to beneficiaries in 20 European countries. To enable in-depth comparative analysis on the rights of persons granted protection in Europe, ECRE also published an [AIDA comparative report](#) on the differential treatment afforded to refugees and subsidiary protection holders vis-à-vis rights such as family reunification, naturalisation and residence.

### *Obtaining information: Enhancing data collection capacity*

One core aim of AIDA is the reinforcement of NGOs' data collection capacity and information-sharing processes with national authorities. This aim has continued to be successfully pursued for a number of experts working on the database during the reporting period.

By way of example, statistics on the operation of the Dublin Regulation for 2016 were successfully obtained by experts in Italy, Spain, Greece, Cyprus, Poland, Portugal, Hungary and Bulgaria through requests to national authorities in the context of the country report updates. It should be recalled that [Eurostat](#) has not been successful in collecting Dublin statistics for all Member States even for previous years; 2015 data was still missing for some of the aforementioned countries such as Hungary, Spain or Cyprus by the time experts obtained 2016 figures. Moreover, 2016 Eurostat figures were still unavailable at the time of the publication of the [Annual Report on the Situation of Asylum in the EU 2016](#) by the European Asylum Support Office (EASO) on 5 July 2017. AIDA published exclusive Dublin figures in March 2017 through a [statistical update](#). These remained the only available statistics on the Dublin Regulation until the end of June 2017, as Eurostat explained in our correspondence that they encountered technical difficulties. AIDA also released exclusive figures in another [statistical update](#) published in August 2017, drawing on 2017 Dublin data obtained from Austria, Bulgaria, Cyprus, Germany, Spain, Greece, Croatia, Hungary, Ireland, Malta, Poland, Sweden and Switzerland.

During the reporting period, ECRE has specifically worked with AIDA experts towards strengthening the information collection capacities of the alliance as a whole. The AIDA Coordination Meeting held on 19 September 2017 enabled the Secretariat and members to identify gaps, challenges as well as good practices in data collection processes across European countries. In order to assist experts in gathering necessary information on their respective asylum systems, ECRE has prepared a Template Information Request form – used by experts and translated into different languages – while it has also reached out to official data collection actors such as EASO to gain a better understanding of their work in this area.

### *Providing information: Supporting legal practitioners and policymakers*

During the reporting period, AIDA has continued to be viewed as a credible, authoritative source of information on national asylum system. Outputs have been cited by courts and appeal bodies in Austria, Belgium, the Czech Republic, Denmark, Germany, Italy, Luxembourg, the Netherlands, Romania, Slovenia, Switzerland, Iceland and the United Kingdom, as well as the European Court of Human Rights, the Court of Justice of the European Union and the United Nations Human Rights Committee.

Country reports continue to be the main source of evidence for most litigation concerning Dublin transfers of asylum seekers. Throughout 2017 we have continued to see a broad citation of AIDA outputs in litigation. Nearly all country reports have been relied upon as authoritative evidence in court cases, including rarer instances challenging the transfer of asylum seekers to countries such as the [UK](#), [Switzerland](#), [Sweden](#), the [Netherlands](#) or [Austria](#). At the same time, domestic courts have also quoted our [fact-finding visit reports](#), [comparative reports](#), [legal briefings](#) or even [news items](#). The European Court of Human Rights, on the other hand, has also cited AIDA [statistical updates](#).

AIDA was widely cited by EU institutions and agencies during 2017. Examples include:

- » European Commission: The [Country Report Bulgaria](#) was quoted extensively in a [letter](#) sent by the

Director of Migration and Protection at DG HOME to the Ministry of Interior and State Agency for Refugees on 6 July 2017, entitled “Measures for improvement of the Bulgarian asylum system”. The letter makes reference to several issues raised by the AIDA report, namely: unaccompanied children, detention, integration, legal assistance, and treatment of Afghan claims, and calls upon the Bulgarian authorities to rapidly improve the aforementioned aspects of its asylum system in order to comply with the EU asylum *acquis*.

- » European Parliament: The Parliament [Briefing on the Common procedure for asylum](#) published in January 2017 cites the AIDA comparative report, [Admissibility, responsibility and safety](#), as well as the AIDA briefing on the [length of asylum procedures](#). The comparative report, as well as our [Annual Report 2014/2015](#), are also cited as authorities in the European Parliament’s [Briefing on safe countries of origin](#) of February 2017. [Amendments](#) to the draft Parliament report on the Qualification Regulation proposal also directly cite the AIDA [briefing on residence permits](#).
- » EASO: The EASO [Annual Report on the Situation of Asylum in the EU 2016](#), published on 5 July 2017, contains 45 references to AIDA outputs, including several country reports. EASO also noted ECRE’s comparative research activities in its report.

AIDA was used as an authoritative source in advocacy and debates led by members at the national level, e.g. the January 2017 report of the [inquiry into asylum accommodation](#) launched by the House of Commons of the British Parliament relied on the [Country Report UK](#) and drew on evidence of the delays faced by asylum seekers in initial accommodation centres. In Ireland, on the other hand, the Irish Refugee Council issued a [Policy Paper](#) on asylum seekers’ right to work in July 2017, followed by a [press release](#) in October 2017, to urge the Irish government to open up labour market access for asylum seekers after being invited by the country’s [Supreme Court](#) to remedy the unconstitutional work ban currently in place. The paper relies on the AIDA [Comparator](#) to bring forth examples of protective rules on labour market access in different European countries, with a view to encouraging Ireland to opt for a six-month time limit before asylum seekers are allowed to take up work.

## 2) Centralise research activities and host ECRE and members’ related publications

AIDA has continued to provide an important framework for research activities, with relevant comparative research publications on issues including the rights afforded to refugees and subsidiary protection beneficiaries, vulnerability, accelerated and fast-track procedures, and the expansion of detention.

At the same time, relevant [country-specific](#) and [comparative](#) publications from member organisations are hosted on the AIDA website ([www.asylumineurope.org](http://www.asylumineurope.org)), which ECRE manages and updates on a regular basis. The website attracts an increasing number of visitors: from 525,688 views in 2015, to 637,027 in 2016, to 754,642 i.e. an 18.4% increase on 2016 (637,027).

## 3) Explore the possibility of further expansion to cover additional European countries.

AIDA secured additional funding from a number of sources (EPIM, Gulbenkian Foundation, Portuguese High Commission for Migration, AMIF, Horizon 2020). These funds have enabled ECRE *inter alia* to expand the database to cover three more EU Member States, bringing the total number of AIDA countries to 23. The new countries added to the database are Portugal (November 2017), Slovenia (March 2018) and Romania (March 2018).

The expansion of the database has also provided an opportunity for closer cooperation with ECRE members such as the Portuguese Refugee Council and the Legal-Informational Centre for NGOs in Slovenia. ECRE has also received spontaneous expressions of interest in joining AIDA from members such as the Macedonian Young Lawyers’ Association (MYLA).

## ACTIVITY III: ADVOCACY

**For 2017 to 2019, ECRE's advocacy work will initially cover three topics, with others under exploration:**

- » European External Affairs and return
- » Rights of Refugee Children
- » Inclusion/Integration

Other areas of policy may be added should resources and interest allow. Issues already identified which may be added include monitoring EU funding, and security and migration.

### A. SPECIFIC OBJECTIVES: EUROPEAN EXTERNAL AFFAIRS

1) To advocate for EU policies and programmes outside EU borders that reflect the highest human rights standards for displaced persons, based on a spirit of solidarity and responsibility sharing.

ECRE's advocacy focused on EU policy developments in the Central Mediterranean, Turkey and the Middle East, the Western Balkans, Sub-Saharan Africa Europe. The Eastern Mediterranean was a focus, with the implementation of the EU-Turkey Statement and cooperation programmes in Turkey, Lebanon and Jordan. ECRE's advocacy focused on the implementation of the Partnership Framework and the Valletta Action Plan through the EUTF, the Action Plan for the Central Mediterranean, detention in Libya, the evacuation mechanism and returns from Libya to countries of origin.

ECRE worked closely with the European Parliament, in particular selected MEPs from the LIBE Committee and the LIBE Secretariat, in monitoring and advocacy. A substantial part of advocacy work was through media activity and responses to media requests.

ECRE organised a panel discussion on migration and human rights in external action, under the auspices of the Maltese Presidency in January, and supported the preparation of the panel discussion on migration along the Central Mediterranean route, organised by the Maltese Presidency in March.

ECRE has reactivated the External Affairs mailing list, including a wide range of members following external affairs, return and resettlement, and sent regular emails to the membership updating on the Secretariat's activities.

ECRE monitored global debates on international protection and responsibility sharing, including following implementation of the CRRF and consultations organised by UNHCR and ICVA in the run up to the Global Compact on Refugees. ECRE led civil society consultation on the GCR in Europe. It organised a roundtable with NGOs in Brussels in May and the Europe regional session for the UNHCR-NGO Annual Consultations in Geneva in June (in the context of the ECRE-UNHCR Strategic Partnership). ECRE is member of the UNHCR-NGO-IFRC Reference Group, led by UNHCR, and the CRRF/GCR 'NGO' Strategic meetings, led by ICVA. ECRE submitted a [written contribution](#) to the CRRF published on the UNHCR website in December. ECRE also liaises with the EP LIBE Committee, which has set up an ad hoc Working Group on the Global Compacts.

2) To monitor protection issues in third countries, in collaboration with ECRE members, and advocate at EU level for the rights, protection and assistance of refugees, asylum seekers and displaced persons in third countries.

ECRE coordinated closely with its Western Balkan members to support regional advocacy on the 'not so closed' Balkan route, disseminating their advocacy work and supporting their plans for the setting up of a Balkan Refugee Council.

3) To monitor the externalisation of migration and asylum policies and their impact on protection standards in third countries and access to protection in Europe.

In October 2017 ECRE organised a meeting on Libya and the way forward with the cabinet of HR/VP Mogherini, cabinet of Juncker, different EEAS desks and Commission directorates, UNHCR, IOM and NGOs, held under Chatham house rules.

ECRE is a partner in the project '*Strengthening NGO involvement and capacities around EU 'hotspots'*

*developments* led by the Dutch Council for Refugees. The project published [two updates](#) and a [video](#) on the hotspots and held a project meeting in Trapani, Italy.

On Turkey, ECRE liaised with Refugees International, who work in Turkey, and members like the Danish Refugee Council who have a presence in the country and publish regular updates.

4) To advocate for safe and legal access channels to access protection in Europe, such as resettlement and other forms of admission.

ECRE focused on the Proposal for a Union Resettlement Framework (URF), tabled in 2016 and currently being negotiated. ECRE liaised closely with the Commission, the Council and Presidencies and the European Parliament rapporteur, Malin Bjork (GUE) providing regular input for her report and the trilogue negotiations. This is done with ECRE's Brussels-based members working on resettlement, which ECRE coordinated. ECRE organised one informal, Chatham House rules meeting with Member States on the URF in spring. ECRE coordinated closely with its member, Caritas Germany, holding the NGO Chair of the ATCR for the year 2018 in preparing the next Working Group meeting (February 2018) and NGO input.

ECRE published a Policy Note on the URF proposal, [EU resettlement for protection](#).

ECRE organised a workshop on resettlement at the ECRE AGC to provide information on the URF proposal and the different types of private sponsorship so far implemented in Europe.

Beyond the URF proposal, ECRE advocacy focused on humanitarian admission programmes, private sponsorships and humanitarian visas. ECRE followed activities organised by the European Resettlement Network (a project led by ICMC, UNHCR and IOM) on other forms of admission, and global debates led by the Canadian-led Global Refugee Sponsorship Initiative (GRSI) and UNHCR. ECRE has liaised with EASO, currently developing its work on resettlement, and is part of a small group invited to brainstorm on the preparation of the EASO pilot project on private sponsorships.

ECRE liaised with MEP Lopez Aguilar who will prepare an own-initiative report on humanitarian visas outside the EU Visa Code; a brainstorming meeting is planned for January 2018.

## B. SPECIFIC OBJECTIVES: RETURN

1) To influence EU policies and practice in the field of returns so that they reflect the highest human rights standards.

On 29 June 2017 ECRE organised a round table on Afghanistan, "EU-Afghanistan Relations: Migration and Returns Take Centre Stage". This half day meeting was attended by all key stakeholders including The European Commission (DG Home and DG ECHO), the European External Action Service, the EU delegation from Kabul, Malin Bjork MEP, the Afghan Embassy, Afghan refugee communities and advocates and a range of civil society organisations to discuss the changing dynamics of Afghan-EU relations and the recent focus on returns to Afghanistan. The meeting was very well attended and bringing in a range of actors led to more in-depth discussions on returns, development, impact on refugees in the EU, as well as the view inside Afghanistan. This roundtable fed into the case study published later in the year.

ECRE participated in three meetings of the European Migration Network Return Expert Group. The group is made up of experts from Member States, the European Commission and sometimes EU-funded project holders in the field of return. Usually the meetings are split with one day for Member State participants only and one day where civil society participants can also attend. The meetings are a good opportunity to follow discussions on return at Commission and Member State level and share concerns from civil society.

ECRE included the issue of return in its response to the mid-term review of the European Agenda on Migration.

ECRE sent informal comments at the request of an MEP regarding ECRE's views on the SIS proposal, specifically on returns.

ECRE worked with a group of NGOs and international organisations based in Brussels including PICUM, Detention, Action, IOM, UNHCR and UNOHCHR to provide input to the European Commission agenda on returns including on children's rights, alternatives to detention, and the return handbook. This involved attending two meetings with the returns unit of DG Home to provide comments before the Return Handbook was updated.

A paper was written 'Closing the Door: the challenge facing activists from the former Soviet Union seeking asylum or refuge' for a publication by the UK Foreign Policy Centre that included a section on return. ECRE presented the report at an event in the UK House of Commons, hosted by the All Party Parliamentary Group on Human Rights.

2) To monitor the implementation and impact of EU policies on returns and readmission and the situation for returnees in third countries, in collaboration with ECRE members. The focus for 2017 will be returns to Afghanistan.

Returns became a dominant political imperative at EU level in 2015, corresponding with an increase of people seeking protection in Europe. The EU toolbox was expanded to that end through the EU Action Plan on Return from September 2015, the Partnership Framework of 2016 and the 2017 Commission Recommendation on making returns more effective when implementing the Return Directive.

ECRE conducted research into how return policies had been implemented in the specific case of Afghanistan throughout 2017. Afghanistan had been singled out by many Member States as a country where returns could be increased and the Joint Way Forward with Afghanistan provided a framework for returns outside of formal readmission agreements and European parliamentary oversight. In 'EU Migration Policy and Returns: A Case Study on Afghanistan', ECRE explored these developments and provided specific recommendations on Afghanistan. The case study also informed our work on returns more generally. Around 10 ECRE Members and two members of the ELENA network provided information for the study or commented on the conclusions. Information was also used from reports from the AIDA database and EDAL.

3) To update ECRE's analysis on returns to ensure that the Secretariat and Members have clear lines to take and recommendations to promote.

- » ECRE published a policy note on returns "Return: No Safety in Numbers" that looks at recent developments in the field of returns and provides ECRE's concerns and recommendations.
- » ECRE provided recommendations on return issues generally and on Afghanistan in 'EU Migration Policy and Returns: A Case Study on Afghanistan'.
- » ECRE has identified the area of voluntary returns as one to work on in 2018.

4) To strengthen ECRE's work on returns as an alliance through regular information exchange with interested members, joint activities and cooperation.

- » ECRE sent four email updates to the working group on the external dimension and returns and promoted this group to members interested in returns.
- » ECRE attended a conference on returns to Afghanistan run by Pro Asyl as a speaker in June 2017 and shared case law and other information with the group after the event.
- » ECRE members participated in a roundtable on Afghanistan organised by ECRE in Brussels in June 2017.
- » ECRE had meetings with at least five members on return by Skype throughout 2017.
- » Following a suggestion from an ECRE member at AGC ECRE is planning a meeting for members interested in return in the first half of 2018, including on voluntary return.

## C. SPECIFIC OBJECTIVES: REFUGEE INCLUSION (FROM MID-MAY TO DECEMBER 2017)

1) Empower: To increase the inclusion of refugees in ECRE's work by supporting and promoting refugee-led initiatives, supporting ECRE's strategic priority on inclusion.

- » The inclusion of refugee-led organisations has increased through ECRE participation in events and workshops in different countries.
- » RISE (refugee-led network) network members: Although the network is not active anymore (due to issues with the Greek Forum of Refugees), its members are still active and ECRE maintains good contacts with them for future collaboration and they participate in ECRE events.

2) Empower: To strive towards an inclusive rather than exclusive approach by monitoring, assessing, and reporting best practices on inclusion in different EU countries and assessing their impact.

- » A first policy note on inclusion will be published in January 2018. The focus of the note is on participation and the importance of designing inclusive policies. Following the publication, a roundtable on inclusion will take place in February 2018.

- » An inclusion webpage is being developed in order to facilitate the promotion of good practices, inclusive policies and refugee-led organisations in the EU.

3) Advocate: To influence EU policy and practice on inclusion and integration by monitoring the implementation of the EU action plan and developing and promoting recommendations. For 2017 to 2018, a specific focus will be the right to employment.

- » A workshop on the EU Action Plan on Integration was developed and held during the AGC in Tallinn, with the objective to discuss the five key policy priorities of the EU Action Plan. The outcome has been accommodated into the policy note.
- » A new policy note on the labour market is foreseen for March 2018 before the European Migration Forum starts, whose focus will be on the labour market.
- » ECRE is organising a roundtable in February 2018 with policy makers, ECRE members and refugee advocates.

4) Advocate: To monitor and influence EU funding for inclusion/integration in line with ECRE/UNHCR “Follow the Money” Monitoring Report on the use of AMIF funding at national level.

- » In 2017, feedback was provided on the draft report and based on the final recommendations; concrete steps will be planned in 2018.

5) Mobilise: To strengthen the relationship between the Secretariat and members and with collective work to promote visions of an inclusive Europe.

- » ECRE Inclusion Working Group has been revived through ECRE staff meeting the majority of its members and discussing ECRE’s objectives on inclusion. During the AGC workshop, members expressed interest to become more involved in ECRE’s work on inclusion. Following the workshop, concrete steps have been taken. For instance, building up a webpage (under process) aims to facilitate the communication among members and the dissemination of information. As mentioned before, many members of the inclusion group commented constructively on ECRE’s first policy note (draft) on inclusion, which is a positive indicator.

6) Mobilise: To develop partnership and projects with the private sector and strengthen its relationship with NGOs in order to promote the right to employment of refugees.

- » A concept note was prepared on a project, whose aim is to assess the needs of the private sector when it comes to the right to employment. Looking for funds is on hold due to a potential cooperation with CSR Europe in a pan-European project on labour market integration of refugees (ECRE expressed interest).
- » A policy note on the labour market will be published in March 2018.

#### D. SPECIFIC OBJECTIVES: RIGHTS OF REFUGEE CHILDREN

1) To use information from ECRE projects and from its members’ work to improve EU policy and practice on the rights of refugee children, including ensuring that children’s rights are protected within the Common European Asylum System.

- » ECRE provided input on and its recommendations, including on data collection, appear in the European Commission’s Communication on protection of child migrants and refugees which provide concrete actions to protect all migrant and refugee children arriving in Europe.
- » ECRE provided input into the CEAS reform in relation to the rights of refugee children. Positive elements in the reforms on asylum seeking and refugee children, including recognizing the specific needs of children in reception procedures, provision of a guardian, access to education and health. ECRE recommendations have been picked up by the European Parliament and other stakeholders.
- » Advocacy efforts focus on maintaining these provisions in the negotiations.
- » ECRE gave input at the consultation ahead of the [11th European Forum on the rights of the child: Children deprived of their liberty and alternatives to detention, 7/8 November 2017](#) and provided comments on background documents at the request of the Commission. Also at the request of the Commission, ECRE prepared a brief research note on selected areas covered by the General Background Paper, with particular focus on the topic of immigration detention which led to the incorporation of ECRE’s comments/note in the documents prepared for the Forum.
- » ECRE prepared an Information Note on the upcoming reforms of the CEAS related to the rights of



refugee children in relation to the [Urban Agenda for the EU](#) which identified the integration of migrant children and children from a migrant background as being of critical importance.

## 2) [Contribute to joint civil society advocacy efforts in Brussels and facilitate involvement of ECRE members.](#)

- » ECRE was involved in joint advocacy work on EU law and policy concerning children in migration. Organisations met regularly to update each other on EU policy and legislative developments and opportunities, and develop joint advocacy actions.
- » ECRE's members working on the rights of refugee children were involved in collective advocacy action through invitations to be part of these meetings and/or provide written comments/information.
- » ECRE is part of the Initiative on Children in Migration (ICM) that advocates for a comprehensive rights-based approach to the rights and protection of children in migration, alongside other policy and practice recommendations to address specific child rights challenges. The initiative developed a tracking paper, with highlights of EU developments and gaps in the rights of children in migration.
- » ECRE was part of the advisory committee providing its expertise on the Eurochild and SOS Children's Villages' compendium of inspiring practices on migrant and refugee children in Europe.
- » ECRE contributed to a joint letter addressed to Commissioner Avramopoulos on Protection of the Rights of Migrant and Refugee Children as a follow up on the Review of the European Agenda on Migration and the update of related instruments such as the Return Handbook.
- » ECRE increased relations with Council of Europe, on its Europe Action Plan on Protecting refugee and Migrant Children.
- » ECRE is part of the Initiative for Child Rights in the Global Compacts providing its relevant expertise on different joint documents and statements.

## 3) [To serve as a hub of information for its members' and other organisations' work on the rights of refugee children.](#)

- » The ECRE webpage on children's rights has been constantly updated with information about EU and International policy developments, serving as a hub of information for ECRE members and other organisations on the rights of refugee children.
- » Updates on EU policy developments, on relevant international and EU legislative, policy documents, project information etc., were sent to ECRE members.

## 4) [Through the UPRIGHTS project in five member states: ECRE continues its work on the rights of refugee children through the project UPRIGHTS "Upholding legal rights for unaccompanied children" and through related advocacy.](#)

Project management: This project is being implemented by ECRE, and coordinates the partners and experts. ECRE designed the methodology for the project and systems are in place to ensure it is properly managed. The methodology, aims and goals of the project were all discussed at the kick-off meeting held in May 2017. Implemented activities:

- » Kick off meeting
- » Training needs assessment report in 5 countries
- » Designing the training programme and drafting the relevant modules. (ECRE in charge)
- » Development of the transnational training manual
- » Preparation of the webpage for the training course
- » ELENA course on the Legal Avenues for strengthening International Protection in Europe 17 and 18 November 2017- workshop on the right to family reunification for refugees and asylum-seeking children in Europe.
- » Draft modules and the structure of the training manual will be presented during the Training of the Trainers meeting (ToT) to be held in Brussels end of January. The training at the national level are expected to start mid- February until end of July.

## ACTIVITY IV: COMMUNICATIONS

Based on the strategic objectives outlined in the ECRE COMMUNICATION STRATEGY 2016-19 and baseline presented to the ECRE board in Kiev in January 2017.

As a more detailed description of running developments and statistics is provided in the four Quarterly Updates to the board, the following focuses on the implementation of the strategic objectives and selected overall statistics to provide an overview across 2017.

The fundamental principle behind everything ECRE does is consistency and thoroughness – there was and is no ‘easy fix’ – ECRE is moving according to plan and implements structured, sustainable solutions respecting the ECRE brand and overall organisational development.

### A. OBJECTIVE 1

**Increase the understanding and support of refugee rights in the segment of young progressive Europeans engaged in the public debate through traditional media and active on social media.**

*Without jeopardizing its position/striking the balance between credibility and appeal ECRE will introduce a more flexible tone of voice to include more direct messaging in a vocabulary that addresses a potentially broader audience.*

ECRE’s credibility is based on the thorough policy and legal insight accumulated and demonstrated by the organisation since 1974 and it is therefore vital that the communication outlets and platforms reflects and capitalizes from this strong brand. At the same time it was vital to broaden the scope and impact of ECRE communication through a stronger emphasis on organisational positions and presenting them in a more effect-full way. A few examples of how this has been implemented:

#### **The Weekly Bulletin:**

Editorials by Secretary General Catherine Woollard introduced in early 2017 has been a key feature in setting a new tone for ECRE and an illustrative example of balancing strong appeal and solid argumentation. The editorials provoke interest and feedback from academics, member organisations and politicians (verbal, social media and mail) and is often a reference for journalists when requesting interviews with the organisation.

#### **Presswork:**

Revitalized from the start of 2017, presswork is framed by the ECRE mandate and expertise and ECRE does not engage beyond that as it would affect its long-term credibility and in some cases potentially expose the organisation. However, when giving interviews, providing background or referring journalists it is with a clear agenda of not only informing but also convincing and persuading of ECRE’s positions. ECRE has not introduced a rigid hierarchy of spokespeople and benefits from a number of highly qualified and competent staff members covering expertise in many areas. However, it is a strategic choice to be represented by Secretary General Catherine Woollard when conducting highly controversial, sensitive and normative interviews to avoid incoherence and minimize risks. With the consistent and strategic approach ECRE is re-established as a relevant and credible source for media and receives frequent requests from a variety of leading international, Brussels-based and national media.

#### **Twitter:**

Given its professional focus Twitter is a long-term stronghold of ECRE communication efforts and we have worked to capitalize on and further develop the platform to include more targeted content like campaign designed Sharepics, breaking news feature, regular postings of AIDA stats and generally more edge on the wording. The level of comments and interaction of the ECRE Twitter account reveal that it is a central reference point across organisations, academics, activists, journalists and politicians (to some extent).

*ECRE will adjust its communication to include initiatives with more public appeal to engage in changing the current narrative on refugees and asylum seekers. The initiatives will include adapting some of our current outlets and platforms to better support campaigns and enable a more diverse flow of content.*

Given the mandate and organisational focus of ECRE a rigid chase of high click-rates and quantity of interaction on social media would be counter-productive to the overall aims of the organisation. However, it was important to create a more appealing and flexible social media set up. A few examples of how this has been implemented:

#### **Facebook:**

The #ShareOurEurope campaign was designed to achieve four interlinked strategic aims: To create a more diverse and engaging flow of content for the ECRE Facebook page. To present a positive alternative narrative to the harsh political discourse on migrants and asylum seekers. To introduce unedited and authentic voices of Europeans with refugee background. To widen our audience and mobilize them in favour of Member organisations, grass root initiatives and individuals of European and refugee background willing to make a positive difference. The campaign has featured ECRE Member organisations, refugee led organisations and grass root initiatives from across Europe.

Other initiatives on Facebook include video editorials featuring normative statements from ECRE staff, breaking news feature, campaign Sharepics around important external developments, dates or ECRE outlets and postings and video promoting FC. Syriana - the refugee football club sponsored by ECRE.

*ECRE will engage more actively in mobilizing and servicing the membership and the ECRE media officers network (EMON) to ensure a more efficient exploitation of mutual resources.*

As discussed during EMON meeting in Brussels in February 2017 and at the Communication workshop during the AGC in October ECRE has kept a flexible approach to its diverse membership by allowing individual member organisations to engage when and to the extent relevant rather than imposing more rigid initiatives. The contact with the EMON network includes regular generic mails with updates as well as regular individual ad hoc contacts on concrete coordination or cooperation. A few examples of what that entails:

#### **EMON:**

The coordination and cooperation with media officers from the membership includes contributions to the #ShareOurEurope campaign, promotion of selected membership initiatives, press referrals and coordination on national media requests as well as quotes, Op-ed's and interviews for the Weekly Bulletin either initiated by the ECRE Comms team or from individual member organisations. At the same time we regularly brief members on relevant European policy developments, comparative statistics, legal cases etc. when needed for their media work.

Further, the Daily Press Review covering European and global developments across more than 90 sources (media, EU and UN institutions and organisations) related to displacement has developed into a comprehensive, reliable and up to date overview which . Recognizing the potential of the optimized Press Review we opened it to subscribers beyond the membership and the number of subscribers is rapidly increasing.

## **B. OBJECTIVE 2**

**Contribute to the overall efficiency of ECRE and the organisations ability to achieve its strategic aims.**

*ECRE will change the 'ad hoc' approach to communication and promotion of its work by structuring the workflow and information sharing between communication team and legal and policy staff.*

To ensure efficient information sharing, coordination and cooperating across different professional competences and priorities some basic structures and procedures needs to be in place. Yet, at the same time it is vital that they do not become too rigid and end up adding friction and organisational bureaucracy. A few examples of how we are dealing with that:

**Web-editor/Graphical designer:**

To ensure a smooth, efficient and coordinated hand-over of assignments and avoid overload or backlog's we introduced a change of procedures (with Communication Coordinator or Secretary General signing off) as well as a set of coherent guidelines for staff on the qualification and clarity of service including technical ad hoc assignments, graphic design and website related requests. After a period of introduction the cooperation is both mutually respectful and extremely efficient.

**Cooperation across teams:**

The Weekly Bulletin editorial meetings now include representatives from all ECRE teams and a structured updating and discussion on internal and external developments with links to the communication work. Further, a constructive dialogue with policy and legal staff is established and has proven absolutely vital in ensuring the quality and coherence of the broader communication efforts.

**Synergy and coherence across platforms:**

With limited resources and a proportionately large portfolio it has been important to structure the work and maximize the synergies across platforms, outlets and running assignments. The organising principle is that the overview of developments from the Daily Press Review is used to compile the topic selection list for the Weekly Bulletin, as well as feeding the social media platforms with breaking news and that the more thorough Weekly bulletin articles are then distributed across weekends where the social media platforms are otherwise 'dead.'

**Standard replies:**

As a well-known and well-branded organisation at Brussels level ECRE is receiving a substantial amount daily requests by mail and through social media. To minimize the response time and ensure coherence we have developed a set of standard replies for the most regular types of requests – the have been distributed to all staff members who can adapt them according to need.

*ECRE will introduce a formalized filing system and CRM system including contact lists and more systematic procedures for updating and developing organisational platforms*

A number of procedures, manuals and systems have been introduced to ensure the organisational memory and procedural coherence independently of individual staff members and staff changes.

**Filing system:**

ECRE had a large number of different filing systems as well as individual filing habits across the staff. To avoid losing important documents and ensuring the ability to find them we have established a set of universal filing rules and a single common filing system on the secure organisational drive. The system corresponds with the new ECRE organisational structure.

**CRM system:**

ECRE correspondence with contacts was based on single staff member's ad hoc lists, network and/or memory and no structured procedures for updating were in place. Therefore we have introduced a new universal CRM system enabling a smooth, secure and efficient updating of contacts and sending of mails. Further we have changed website hosting to allow large quantities of mails to be send without impacting the ECRE server.

**Weekly Bulletin:**

Manual and guidelines for the Weekly Bulletin is established to ensure that the current quality will be sustainable with changing interns taking over. Further, an extensive selection of upcoming (the ones we can foresee) dates and related topics of importance as well as relevant contacts is established. Including internal organisational, EU Policy and selected national, global or regional developments (updated with accumulated

information every week) to prepare in advance for Op-eds, interviews and articles.

**Twitter:**

To keep the ability to be up to date and relevant and continue the increase of followers and interactions on Twitter an extensive Twitter manual (updated with accumulated information every week) including types of content, abbreviations, people to tag on different topics etc. is established.

*The introduction of a formalized ECRE design guide and templates will assist the organisation in achieving a more coherent portfolio of outlets.*

We have worked to establish a more structure and coherence in ECRE's traditional portfolio of numerous, diverse and ever-growing portfolio of ad hoc formats ensuring that ECRE outlets are recognizable for the audience and a less time consuming in terms of internal workflow is concluded.

**ECRE outlets:**

Content guidelines and formalized structure and individual graphic designs are established for the four main ECRE outlets: Policy Notes, Policy Papers, Legal Notes and ECRE Comments a new publication page introduced on the website.

**Universal style guide:**

A more generic style guide and templates is a work in progress but will be concluded in the first half of 2018.

**Statistics:**

**Weekly Bulletin:**

Increase in subscribers 2017: 544 (11.467 to 12.011)  
Opening rate: relatively stable at 24-26%

**Press Review:**

Increase of subscribers in 2017 (since mid-September): 354 (423 to 777)  
Opening rate: relatively stable at 25-27%

**Twitter:**

Increase in followers 2017: 3.375 (12.400 to 15.775)  
Level of interaction on average tweet: 26 (up from 21 at start of 2017)

**Facebook:**

Increase in followers 2017: 2.454 (19.802 to 22.256)  
Level of interaction on average post: 330 (up from 198 at start of 2017)

**Press work:**

Number of individual interviews by staff and SG in 2017: 99

**#ShareOurEurope campaign:**

Accumulated reach: 119.031  
Average post reach: 9.920 people  
Accumulated interaction: 12.829  
Average interaction by post: 1069

# ORGANISATIONAL OBJECTIVES

## A. STRATEGIC PARTNERSHIPS

1) Use the UNHCR Strategic Partnership to support ECRE's objectives under activities 1, 2, and 3.

The UNCHR SP has supported a better working relationship between ECRE's strategic litigation team and UNHCR's equivalent; it has allowed provision of input and sharing of information on two key areas in the legal-political debate: accelerated procedures and access to territory; it supported ECRE to organise the Europe consultation at the UNHCR annual global consultation for NGOs in Geneva; it allowed for a significant improvement in the UNCHR-civil society consultations which take place in combination with ECRE AGC; finally, it supported the production of an assessment of EU funding under AMIF, which ECRE will use in its advocacy, an important issue which ECRE would otherwise be unable to work on.

2) If the Strategic Partnership is successful (in ECRE's terms), then achieve renewal when the current phase ends at the end of 2017.

The Partnership has been renewed for 2018.

3) Explore and where possible develop strategic partnerships with other agencies, institutions and organisations when it is in ECRE's interests to do so.

ECRE has finally received a grant from EASO for provision of expertise on EASO training models, work previously done without payment. This may be further developed to become a strategic partnership.

## B. FINANCES AND FUNDRAISING

1) Stabilise ECRE's finances and deal definitively with the legacy of past financial problems as per financial objectives and targets agreed in 2016.

ECRE's financial situation has improved with the threat of formal insolvency now reduced. Over EUR 2 million was raised in 2016/2017. However, 1) its financial position remains precarious because the situation had been so bad; 2) it still has constraining liabilities; and 3) it has no reserves. ECRE developed a new strategy for liquidation of the UK office; to be completed in 2018.

2) By 2018, return to a positive asset balance position and establish a reserve fund.

ECRE will start 2018 with a positive asset balance for the first time since 2011. It is in a position to establish a reserve fund.

3) From 2017 to 2019, approve budgets with no more than a 20% shortfall.

In October 2017, the 2018 budget was approved with a shortfall of 21%.

4) Maintain current three core donors; bring in an additional core donor.

Four core donors with the addition of JRCT.

5) Bring in revenue of at least EUR 1.8 million per year.

Revenue 2017: 1.723 million.

## C. ORGANISATIONAL STRUCTURE

1) By end 2017, complete the process of establishing an organisational structure for the ECRE Secretariat, including:

<ul style="list-style-type: none"> <li>» Line management for all staff members</li> <li>» Performance evaluation for staff members (once/year except in special cases)</li> <li>» Updated and clear job descriptions for staff members</li> <li>» Work planning as required</li> </ul>	<ul style="list-style-type: none"> <li>» Clear division of responsibilities among staff</li> <li>» Team structures</li> <li>» Senior Management Team</li> <li>» Internal staff policies, including on leave, working outside the office, the office environment, etc</li> </ul>
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While elements of the organisational structure were put in place in 2017 and ECRE is now a functioning organisation, this remains a work in progress with serious issues to be addressed.

<ul style="list-style-type: none"> <li>» Line management for all staff members</li> </ul> <p>Line management is now in place for all staff. Line management guidance is included in the HR manual and line management is assessed in the performance evaluation where needed. Currently 9 people report to the Sectary General which does not allow for adequate management. This will be alleviated by the appointment of the Head of International Advocacy in early 2018 who will assume line management for four staff members.</p>
<ul style="list-style-type: none"> <li>» Performance evaluation for staff members (once/year except in special cases)</li> </ul> <p>A new performance evaluation system was piloted in 2016, and used for most staff members for 2017. Almost all staff members have been evaluated.</p>
<ul style="list-style-type: none"> <li>» Updated and clear job descriptions for staff members</li> </ul> <p>With a couple of exceptions staff now have (accurate) job descriptions.</p>
<ul style="list-style-type: none"> <li>» Work planning as required</li> </ul> <p>From 2018 an overall workplan will be developed which follows the Strategic Plan. This was delayed by the time spent on the evaluation commissioned by Adessium.</p>
<ul style="list-style-type: none"> <li>» Clear division of responsibilities among staff</li> </ul> <p>Improvements but some issues remain.</p>
<ul style="list-style-type: none"> <li>» Team structures</li> </ul> <p>For three of four areas of ECRE's work, team structures have been established. This will be completed with the development of ECRE's advocacy work in early 2018.</p>
<ul style="list-style-type: none"> <li>» Senior Management Team</li> </ul> <p>Senior Management Team was created in 2016 and met four times in 2017, due to the nature of the organisational challenges facing ECRE it does yet have the role it could.</p>
<ul style="list-style-type: none"> <li>» Internal staff policies, including on leave, working outside the office, the office environment, etc</li> </ul> <p>In 2017 a Work Regulation document was prepared and registered with the Belgian authorities as required by Belgian law; a Human Resources Manual was developed and is in use. Salaries, terms and conditions have been adjusted across the organisation to ensure fairer treatment. Previously, decisions may have been taken on a personal basis, with no policy determining salary levels, and perks provided in an arbitrary manner. It will take some time to remove all inconsistencies.</p>

2) From 2017, use the structure and policies created, adapt as necessary.

Structure and policies are in use.

3) ECRE Secretariat will prepare an “internal statute” (byelaws) collating all decisions made by its membership at the AGC. The ECRE formal statutes will be reviewed periodically to ensure continued relevance.

The ECRE formal statutes have been reviewed and for now do not need revision. ECRE’s policies have been developed by the Board and the General Assembly in decisions and in documents and guidance to the Board, all of this will be collated in an “internal statute” (former versions of this are not in use).

## D. PREMISES

1) Identify new office space and move office.

ECRE has identified a number of new offices which are suitable and allow it to save cEUR 40,000 per year in rent, however it is tied into its lease until 2020. It will be able to break the lease if a new tenant can be found to take it over or if it can reach an agreement with the landlord.

## E. MEMBERSHIP

1) Retain at least 90 members throughout the period 2017-2019, and lose no more than 2 members per year.

ECRE has 96 members. It accepted 7 new members in 2017. One member withdrew from ECRE (others were removed from membership as they had de facto ceased to be members).

2) Confirm that a majority of members demonstrate a high level of satisfaction with ECRE’s work as per membership surveys.

Formal and informal feedback from members, solicited and unsolicited, has been largely positive, including that provided by members in consultations at the regional meetings and at the AGC. A membership survey was not undertaken in 2017 but one is planned for 2019.

The Board and management of ECRE were aware that members felt “over-consulted” due to the vision exercise, regular changes of Secretary General, and for other reasons, thus the focus has been on developing ECRE in response to input already provided by members.

3) Strengthen working relations between the Secretariat and membership through developing and implementing ideas agreed 2017, adapted as necessary.

This was agreed to be a priority for 2017 by the ECRE Board. An annex to the Strategic Plan sets out ideas. Steps have been taken in all of these areas. ECRE has received a grant from EPIM which will support improvements in this area (which is also a sine qua non for core donors). It remains an area where work must be done. A summary of progress on the ideas:

- » Working Groups on thematic policy areas have been recreated but further development is required:
  - CEAS Working Group (covering the EU legal framework, including Dublin)
  - External Affairs Working Group (also including return and global issues)
  - Inclusion Working Group
  - Rights of Refugee Children Working Group
- » Member presentations in Brussels take place from time to time.
- » Secretariat visits to members/presentations have significantly increased with staff meeting 50+ members in 2017.
- » Secretariat presentations in Brussels – not yet happening.
- » Regular communication to members – email updates from SG and other staff members take place, more meetings in person taking place. A plan and mock-up for a bi-annual internal newsletter has been prepared.
- » Use of the Annual General Conference – the AGC is functioning well in most respects.
- » Regular meetings between ECRE Secretariat and ECRE Board – first meeting in 2017 of full Board plus staff; staff members at all Board meetings in 2017 (except September)



- » Member participation in projects – one project led by ECRE (UPRIGHTS); AIDA has become a core activity; ECRE participation in other projects some led by members.

#### 4) Finalise and apply new membership criteria and clarify membership categories.

At the request of the ECRE Board, documents clarifying membership categories and criteria were prepared and agreed in 2017; they are in use by the Board.

## F. PARTNERSHIP

**Develop informal and formal partnerships with organisations and institutions beyond its membership. In particular, develop and implement the international partnership alternative for organisations not in Europe working on refugee protection.**

In January 2017, ECRE's Board agreed on the idea of international partnership which would allow organisations not based in Europe to participate in some ECRE activities.

#### 1) Conclude at least 3 international partnerships with non-European NGOs.

ECRE has two international partnerships with non-European NGOs, ASSAF and CRO World. It is already clear however that there are risks as well benefits attached to such forms of cooperation, which have to be reviewed. Other forms of international cooperation, such as with NGOs and networks in other regions on projects or joint initiatives is a model under exploration.

#### 2) To develop partnerships and other working relationships with refugee rights networks in other regions when beneficial to ECRE.

ECRE had meetings with US and African counterparts.

ECRE was invited to participate in the reference group for the Global Compact for Refugees, representing Europe and working with its counterparts in other regions and hosted the Europe consultation at the UNHCR global NGO consultation in Geneva.

ECRE developed a plan for international advocacy work on the impact Europe's migration and asylum policies in other regions. It raised funds from one donor and has interest from others.

#### 3) Expand work with organisations and networks focused on the rights of migrants to ensure united civil society response to defend the human rights of all migrants.

ECRE has regular contact with PICUM, MPI, MPG, etc. ECRE participates in collective advocacy in Brussels on the rights of refugee children led by PICUM, supported by EPIM.

#### 4) Organise at least three events with such networks and cooperate on an ongoing basis.

See section on rights of refugee children.

## G. BOARD

#### 1) Diversify the Board to better reflect ECRE's membership, taking into account geographic diversity, gender, ethnicity, refugee background, sexuality, and any other factor that may be relevant.

In 2017 the ECRE Board discussed the issue of diversity at its meetings in January and May. The following decisions were taken.

*Decisions (Board diversity):*

- » *The Board strongly recommends that each region nominate one female candidate and one male candidate or just one female candidate.*
- » *In accordance with ECRE's statutes, the AGC will vote for the candidates nominated by the region, but*

*in order to increase diversity the regions need to nominate for election candidates to reflect the diversity of ECRE's membership.*

- » *The Board agreed that the next co-options to the Board should be reserved for female candidates until there is better representation of women on the Board.*

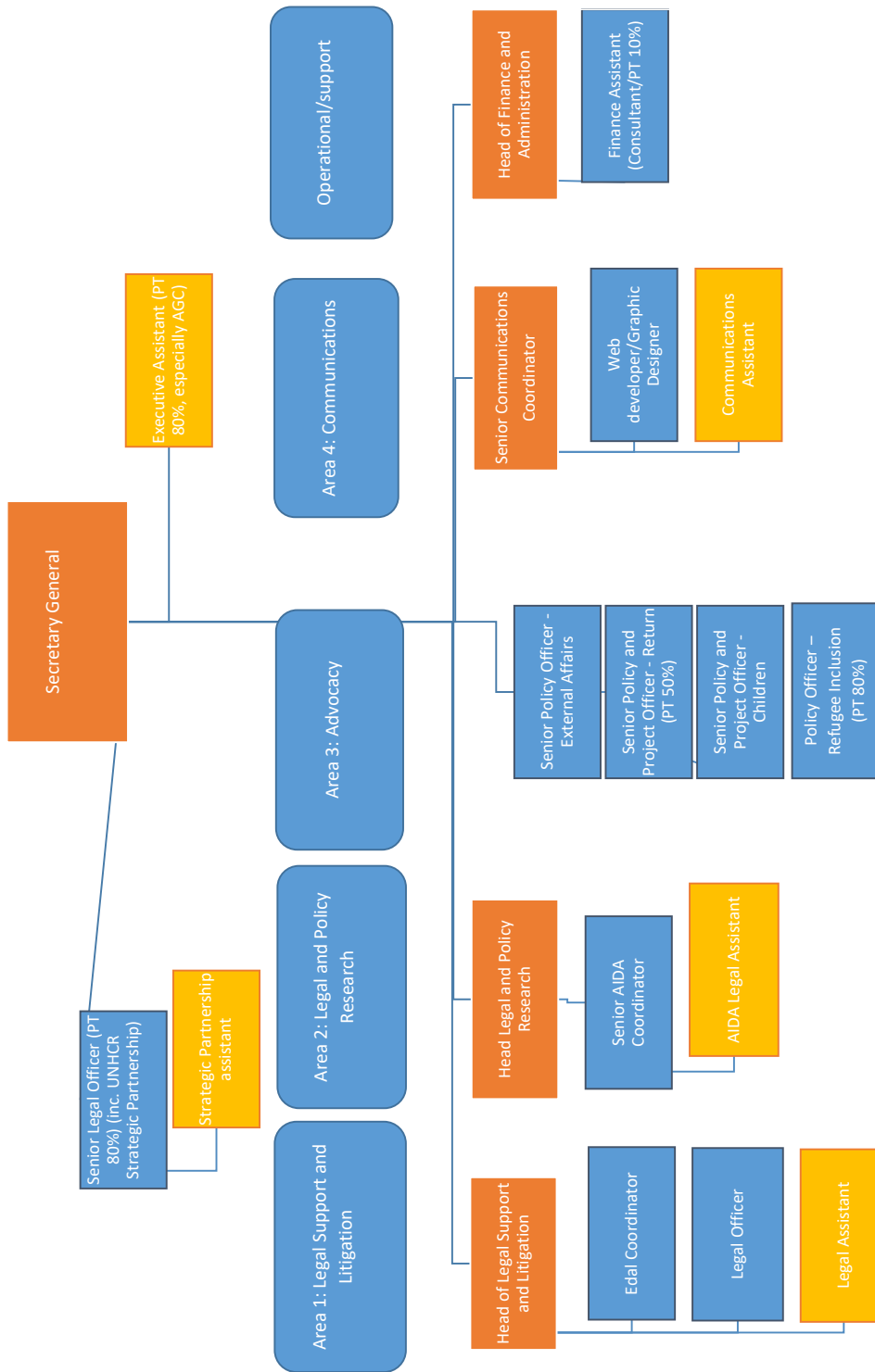
## 2) Increase the number of women on the board from 2017 (1/7) to 2019 (at least 3/7).

At the October 2017 General Assembly the membership elected two female candidates to the Board, meaning that the ratio is now 3:4, i.e. 3/7 Board members are women.

## 3) Ensure the Board plays a consistently active role in ECRE's governance as per ECRE's statutes, and effectively represents the interests of membership in its decision-making.

The Board has functioned effectively throughout 2017, with 5 meetings taking place. In that period, the Board oversaw the conclusion of the ECRE Vision exercise. It provided input into and approved the Strategic Plan 2017 to 2019. It continued to monitor ECRE's finances to ensure the financial objective set in 2016 were met. Regional meetings took place in three of the ECRE regions, with ECRE Secretariat participating in two. Four in-person meetings between the Chair of the Board and the Secretary General took place to ensure oversight of ECRE's work.

# ECRE STAFFING 2017



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