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Statement by Tomáš Bocek, Special Representative of the Council of Europe Secretary General on migration and refugees

Dear President, dear Secretary General, dear Congress members

Thank you very much for the invitation to take part in this very topical debate. Fourteen months have passed since the Secretary General of the Council of Europe asked me to be his special representative on migration and refugees.

My terms of reference are to collect information on the situation in member states, liaise with international partners, contribute to the coordination efforts within the Organisation and propose assistance and advice to member states.

One of the questions that come up regularly, in the course of many of these activities, is the role of local and regional authorities in the reception and integration of refugees. This is the issue that I have been asked to address today. I will do so on the basis of my on-the-ground experience from fact-finding missions to Greece, “the former Yugoslav Republic of Macedonia”, Turkey, France and Italy. Also on the basis of what I have had the unique chance of discussing with the local authorities that have so far borne the main brunt of what has been called the “European migration crisis” of the past two years: the mayor of Athens, the mayor of Palermo, the mayor of Chios (one of the Greek islands in the Aegean sea), the National Association of Italian Municipalities (ANCI), the Local Government Association (grouping municipalities of England and Wales) and local-authority representatives in Paris, Grande-Synthe (near Dunkirk), Como and, of course, Calais and Lampedousa.

Four are the main themes that emerge from the reports on my fact-finding missions: mayors as opinion leaders, the need to work together with the central government and other municipalities, the search for practical and innovative solutions, and the importance of voluntary arrangements.

Surely, the Congress of Local and Regional Authorities does not need to be reminded of the enormous responsibilities that its members have in the field of migration and refugee protection. These quite often go beyond providing basic services. For example, in Italy local authorities are represented on the commissions that decide on asylum applications. Most municipalities will also be called upon to implement integration policies. However, one must have the courage to admit that today it is the very provision of basic services that has become a huge challenge for some local authorities; this because of

the sheer numbers of the refugees and migrants involved, who sometimes compete for resources, as we were told in Paris, with other homeless people.

And it is during these times of mass arrivals that the role of mayors as opinion leaders becomes most important. In my missions I have come across local authorities that have decided to react to what are understandably difficult situations in a non-constructive manner; there can be no doubt that this has aggravated matters. Others have tried to influence public opinion positively. The inhabitants of the Greek island of Chios were cleverly reminded of their families' refugee past. The municipality of Athens adopted a firm policy of non-discriminatory access to services and welfare benefits. A local council in the French Grand Est region decided to double the number of places they had reserved for refugee and migrant children evacuated from Calais.

These are all good-practice examples that can be discussed in a forum like yours. After careful analysis, lessons can be learnt and, when appropriate, these good practices can be replicated elsewhere in the Council of Europe area. As I stress in my report on the camps in northern France, municipalities have a key role to play not only in implementing policies but also in promoting integration and facilitating relations between the local and migrant populations.

Of course, this is not a task that certain municipalities should be called upon to face on their own. As I have stressed in my reports on Greece and the camps in northern France, there must be a system for sharing responsibility. In some countries such systems simply do not exist. In others, they do not seem to be functioning as required. Again the Congress could consider whether it can play a role in promoting national networks of municipalities that can be used to share responsibility for migrant and refugees.

An honest and viable partnership with the central government is, of course, a necessary precondition for ensuring a healthy response to the challenge that mass arrivals represent for certain municipalities. Local authorities that are starved of resources cannot discharge their responsibilities in this field. Sometimes, the problem lies with austerity policies. The amount that municipalities get per UAM in England and Wales can, for example, pay for foster care but not for private housing. The same municipalities lack the resources to follow up on refugee children who are reunited with their families there. However, it is these very families who, because of their precarious situation, need most attention. In other cases, the problem is legal. According to Italian legislation, for example, the mayor is the guardian of all UAMs on his/her territory. In the case of Palermo, at the time of my visit this translated into 540 children. And then there are cases where the administrative processes seem to ignore migration. In Turkey, for example, I was informed that refugees are not taken into account when the population of cities is calculated for the purpose of determining the level of financial support they receive.

These legal and financial considerations aside, a proper partnership with the central government can also be instrumental in solving practical problems. The United Kingdom, for example, chose to accept a number of UAMs who did not have any family members in the country on the basis of what is called "the

Dubs scheme". For the number to be defined, central government needed offers from the municipalities. And the municipalities needed proper information from central government about the children they were about to receive from Calais. Otherwise, they could not discharge their duty of care properly. They also needed money to be able to make the offers under "the Dubs scheme".

If there is one lesson to be learnt from the above is that making the relationship between central government and the municipalities work is key to the management of the refugee crisis. Some of the issues I have referred to should not be impossible to resolve. Italy, for example, is about to enact new legislation on guardianship. Others require some fundamental rethinking concerning the amount of resources we are willing to invest in the migration crisis. Which, of course, also depends on the price tag we are prepared to attach to human rights, social cohesion and, to a certain degree, the future of our continent.

Until some of the fundamental issues are addressed we should not, of course, remain inactive. During my missions, I came across municipalities that looked proactively for pragmatic and innovative solutions. Some of the camps I visited, for example, in Greece were run by informal consortia of authorities, including municipalities. Each authority's contribution depended on the resources it had at its disposal during particular periods in time. Although these were ad hoc, rather precarious arrangements, they seemed to work due to the goodwill of those involved. Turkish mayors applied in a rather flexible way certain decrees to facilitate the employment of Syrian refugees, which would have otherwise been restricted. NGOs in Rome are allowed to provide accommodation to UAMs, over whom the city has - formally speaking - legal responsibility.

The Council of Europe can help as well. In all my reports I have drawn the authorities' attention to the Intercultural Cities network. Moreover, in the recently published report on Italy, I recommended that our Organisation should promote local authorities' involvement in the second reception facilities (SPRAR) network through the transfer of knowhow and the exchange of good practices.

The good news is that the Congress has already taken important steps in this direction. The report before you today, which has been read with great interest in my office, contains many ideas that can be further explored and several useful recommendations. Let me mention some of them:

- Depriving asylum seekers of their liberty should remain a truly exceptional measure. As I had the chance to point out in my report on Greece, reception centres such as those next to the hotspots, should not be turned into places of de facto detention.
- There should be proper integration policies. The housing solutions proposed thereunder should be guided by the need to ensure that their beneficiaries interact and mix with the local community.

I have seen several good examples in France where asylum seekers are being offered ordinary council flats.

- Local and regional authorities should be encouraged to turn to the CEB to obtain financing for their integration projects.
- And finally, special attention should be paid to the needs of refugee and other migrant children.

In connection with the latter, I am happy to be able to inform you that the Congress will play an important part in the action plan for refugee and migrant children which I will present to the Committee of Ministers in the forthcoming days. Your contribution will focus on combating the sexual exploitation of such children, a topic which has unfortunately received a lot of due attention recently.

To conclude dear Congress members, I should stress that I set a lot of store by our continued cooperation in the context of the implementation of the action plan and in general. I hope that today's debate will provide a good stepping stone for this. I would also like to wish you a lot of success in your difficult work and, of course, I am at your disposal for any questions that you may have. Thank you.