



# General Affairs Council

24 May 2016

Presidency non-paper  
rule of law dialogue



## Rule of law dialogue

The conclusions of the Council and the Member States of December 2014 on ensuring respect for the rule of law establish an annual rule of law dialogue and foresee possible thematic debates in the Council (General Affairs) in order to promote and safeguard rule of law in the framework of the Treaties as one of the key values on which the Union is based.<sup>1</sup> The first dialogue took place during the Luxembourg Presidency in the Council (General Affairs) on 17 November 2015.

### *Migrants' integration and EU fundamental values*

The EU is currently facing multiple interrelated challenges in the context of the refugee and migration situation. One of these challenges for the EU is to safeguard its fundamental values, including the rule of law, fundamental rights, non-discrimination, tolerance and solidarity. In order to discuss this challenge, the Presidency organized a high level seminar on the topic of EU fundamental values, immigration and integration on 2 February 2016 in Strasbourg. The seminar brought together representatives from the EU Member States, EU institutions, the EU Agency for Fundamental Rights, the Council of Europe, civil society and academia. The outcome of the seminar (report in annex) will serve as the general framework for the second rule of law dialogue.

During the seminar the notion that rights come with obligations and that the freedom granted through these rights entails a duty to respect the freedom of others was a key issue. Member States have a obligation to adhere to EU fundamental values and rights when receiving and integrating refugees and migrants. Vice versa, refugees and migrants also have an obligation to fully respect these EU values and rights. In the end, Member States must ensure these values and rights for everyone.

The societal effects of the current (and also previous) migration flows are to a large extent dependent on the way refugees and migrants are integrated into European societies. Integration should take place in a framework that respects and protects fundamental rights and rule of law. It is therefore important, building on the Council discussion following the Paris declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education (8965/15), to continue the debate on the challenges for Member States in this regard. This is especially relevant in light of the forthcoming EU Action Plan on Integration by the Commission.

<sup>1</sup> The conclusions emphasize that the dialogue should be based on the principles of objectivity, non-discrimination and equal treatment of all member states and be conducted in a non-partisan and evidence-based manner, respecting the principle of conferred competences, and national identities of Member States. Moreover, the conclusions underline the importance of complementarity with the work of other EU institutions and international organisations, avoiding duplication and taking into account existing instruments and expertise in this area.

The context of the annual dialogue is Article 2 of the Treaty on European Union, which states: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."



The Presidency wishes to further discuss this issue during the second rule of law dialogue on the basis of the following questions:



**Question 1:** What can Member States do to ensure the respect for fundamental rights and rule of law in the context of integration? What can be expected from the receiving societies and migrants in this regard?



**Question 2:** From your national experience, do you have relevant lessons learned or best practices to share on how to help refugees and migrants to integrate smoothly in the receiving societies and embrace fundamental values and rule of law? Alternatively, which key challenges do you see in this respect?



*Organization of the second rule of law dialogue*



The thematic debate on EU fundamental values and migration will be introduced by the **Director of the EU Agency for Fundamental Rights Michael O'Flaherty**.



After the thematic introduction, Member States and the Commission are invited to share their thoughts on the basis of the questions. Following the discussions, the Presidency will draw up **Presidency conclusions**.

