**EU contribution to UN Human Rights and Migration report – April 2020**

Protecting and upholding human rights and fundamental freedoms is an essential component of EU asylum and migration policies. The EU is engaged to protect and promote these rights through existing policy and legislative frameworks, as well as EU-funded programmes and projects.

The EU continues to work relentlessly, inside and outside the EU, to save lives, protect the rights of refugees, internally displaced persons (IDPs) and migrants, address human rights issues associated with migrant smuggling but also to create safe and legal pathways to Europe and to address the drivers that force people to leave their homes.

In its external action, the EU continues to advocate for the promotion and protection of human rights in the context of migration, including at the highest political level. The EU Special Representative for Human Rights, Mr Eamon Gilmore, is engaged on these issues, including during his country visits, most recently in his mission to the Middle East.

The COVID-19 crisis is having an exacerbated impact on the most vulnerable, including refugees, migrants, internally displaced and stateless persons. The European Union remains determined to actively protect, assist and advocate for these groups. The EU response to the pandemic is focusing on the needs of those that are most at risk of marginalisation, stigmatisation, hate crime and other forms of discrimination.

The recently adopted EU Action Plan on Human Rights and Democracy (for 2020-2024) calls for a specific protection of migrants, refugees and internally displaced persons and support measures to improve integration, social cohesion and access to basic services. It also underscores the right to benefit from medical treatment at all times as well as non-discriminatory access to quality and affordable healthcare.

The EU considers imperative to base responses to the virus on facts and science. Under no circumstances should they fuel racism or xenophobia. We all have to fight disinformation, which, under current circumstances, can stigmatise vulnerable groups, including migrants or refugees.

The EU is committed to international cooperation and multilateral solutions and is working hand in hand with international partners such as the World Health Organisation, the International Organisation for Migration and the UN High Commissioner for Refugees, sharing information and coordinating concrete action on the ground.

In Europe, measures to contain and limit the further spread of the coronavirus are responsibility of national authorities, which are focusing on reducing the risks linked to the coronavirus within reception centres and structures. The EU is identifying, together with Member States, areas where to support the implementation of those measures, and to help with further prevention measures.

In order to assist Member States’ responses, the European Commission issued a guidance note[[1]](#footnote-1) with practical suggestions to Member States on the implementation of the EU rules on asylum and return procedures and on resettlement while at the same time safeguarding people’s health and rights in line with the EU Charter of Fundamental Rights.

In third countries, the EU’s response to COVID19 will strive to have migrants and forcibly displaced persons benefit from health care systems, as well as to broaden short and long term strategies related to COVID 19 in order to include these groups. The EU will support partner countries bilaterally as well as through multilateral efforts in partnership with relevant organizations.

The EU’s response will also take into account the longer-term impact of the pandemic on migrants and forcibly displaced persons, including by fostering strong and coordinated multilateral action and responsibility sharing.

Funds are already being redirected from the current budget to provide personal protective equipment (PPE), hygiene materials and training in protection centers and at borders. These funds will also help local authorities, residents and migrants to address and mitigate the spread of the virus.

In April 2020 the European Union Agency for Fundamental Rights (FRA) published a note on the fundamental rights implications of the Coronavirus pandemic in the EU.

FRA outlined that the current situation powerfully underlines that human rights and public health are not an ‘either/or’ choice and that public health measures that respect human rights will prove to the most effective in terms of health outcomes. A human and fundamental rights approach to the pandemic is recommended in order to ensure that vulnerable groups remain to the forefront of the attention and that government measures respond to the needs of our populations in all their diversity.

The report outlines some of the measures EU Member States have put in place to protect public health during the Coronavirus pandemic, highlighting how they may affect fundamental rights and with particular attention to the impact of the virus and efforts to limit its spread on particular groups in society and incidents of xenophobic and racist discrimination, including hate crime.

**Protection of migrants in vulnerable situation**

**Children and adolescents**

* Migrant children are exposed to violence, exploitation, poverty, discrimination and exclusion; deprived of the protection of their own families, they risk to go missing. **In the EU, migrant children have the right to be protected, in line with the relevant provisions of EU asylum and return law,** including the EU Charter of Fundamental Rights, and the UN Convention on the Rights of the Child (CRC). Several EU Member States have legislation that guarantees to unaccompanied migrant children the same level of protection as national children deprived of parental care.
* In April 2017, the European Commission issued a Communication on the protection of children in migration (COM(2017) 211 final). The Communication **identified the main protection gaps** and needs of migrant children along the migratory route and upon arrival in the EU.
* On this basis, the Commission recommended actions to strengthen the protection of migrant children. The Common European Asylum System reform proposals **contain provisions that will reinforce the protection of child asylum applicants** - notably on aspects such as secure prompt and effective guardianship for unaccompanied children, measures facilitating the tracing of missing migrant children, and ensuring that all decisions regarding asylum-seeking children are based on a solid assessment of the best interests of the child.
  + - * On 8th June 2017, the Council of the European Union and the Representatives of the governments of the Member States adopted conclusions on the protection of children in migration which emphasised that **protecting all children in migration is a priority at all stages of migration**.
      * The Conclusions recalled the objectives of **addressing the root causes of irregular migration and forced displacement**, so that migrant children, including unaccompanied minors, do not move irregularly to Europe, risking their lives during the journey. They recalled the Conclusions on the promotion and protection of the rights of the child of 18 November 2014 in which the Council invited the Member States and the Commission "to give full recognition to children as rights holders and ensure respect for the principle of the best interests of the child in all policies affecting children".
      * The Conclusions also recognised the need to **protect children from violence and exploitation** and to quickly and reliably assess their age to avoid abuses and to protect their rights, in accordance with EU law and international obligations. The importance of raising awareness and of the involvement of local communities in relation to the protection of children in migration was also underlined.
      * Periodic follow-up on the implementation of the Children Communication is made through **bi-annual joint DG HOME and DG JUST expert group meetings** and monitoring progress made by the Commission and EU agencies on key actions.
      * The entry point of the EU response is the **systems-strengthening approach** that is aligned with the EU Guidelines on the Promotion and Protection of the rights of the child from 2017.
      * On 29th November 2019 the European Parliament adopted resolution 2019/2876(RSP) on children’s rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child. Unaccompanied children were given particular attention and **the need to step up action to end the detention of children in the context of migration** and to work out community-based alternatives to detention, as well as prioritising integration, education and psychological support were underscored. The Resolution highlighted the need to facilitate family reunification in a positive, humane and expeditious manner, in line with Article 10 of the CRC. The Parliament expressed its concern that children continue to be born stateless, including within the EU, and continue to be excluded from accessing basic rights, including healthcare, education and social protection.
      * Specifically related to external action, the EP Resolution called on countries that have not yet ratified **the Convention on the Rights of the Child** and its additional protocols to do so as a matter of urgency and on the EU Member States to step up their cooperation and dialogue with third countries, with the aim of raising awareness and advocating for children’s rights to be respected everywhere in the world and for no child to be left behind.
      * The Resolution called for a prioritization of children’s rights and child protection in all EU external action, **including natural disasters, internally displaced children and child migrants and refugees,** and to ensure that their basics rights are respected. The Resolution also asked EU Member States for the non-recognition of marriage of migrant children arriving in Europe, and to adopt national measures to prevent foreign travel of children for the purpose of child early and forced marriage outside the EU.
      * EU funding contributes to the protection of children in migration and supports national integrated child protection systems along the migration path, in order to **protect and reintegrate their rights** and **strengthen knowledge** on the issue.
      * With a total budget of 1.9 million EUR, the 3 year project **Protection of migrant children along the Abidjan-Lagos corridor** implemented by Terre des Hommes, aims to better protect migrant children from mobility risks including exploitation and trafficking. Located in Nigeria, Benin, Togo, Ghana and Cote d’Ivoire, the project is helping up to 25.000 migrant children to access community protection mechanisms. It also helps to sensitize border guards, police and other officials to the protection of children in migration.  Now in its final year, the project reports excellent cooperation with public authorities in these countries.
      * With a total budget of over EUR 12 million, and running until June 2021 the project **Protecting children affected by migration in Southeast, South and Central Asia**, implemented by UNICEF, aims to ensure that children affected by migration are effectively protected and their rights promoted. The beneficiaries include children, often unaccompanied, who are migrating or are forcibly displaced within their own country, and across borders, including asylum seekers.  In its first year, the project gave in service training with a focus on children affected by migration, to 1800 authorities across Thailand, Bangladesh, Tajikistan and Uzbekistan. The project also provided additional child protection services at the Thailand/Myanmar border, with the positioning of a child protection officer at major checkpoints.
      * With a total budget of EUR 1,2 million, the **Global technical assistance and capacity building programme to prevent detention of children and to protect children and other asylum-seekers in detention**, funded by the EU and implemented by UNHCR between 2016 and 2019, has supported the creation of community-based care arrangements for children in detention and children in families, through technical assistance to various stakeholders. The action has had a clear impact on the situation of asylum-seekers and migrants in the five target countries (Indonesia, Iraq Malaysia, Mexico, and North Macedonia) by fostering cooperation and activities among different stakeholders involved and the realisation of various high level regional and global events. Of major significance, the number of children in immigration detention decreased in all five countries. While the Action’s interventions may not have been the sole catalyst for change, this is a clear indication of a positive shift in policy and practice.
      * The EU contributed to the **UN** **Global Study on Children deprived of liberty** commissioned by UNGA and released in November 2019. The core objectives of this in-depth Global Study, which includes a whole chapter on Children in detention for migration related reasons, were to assess the magnitude of the phenomenon of children in detention, to promote a change in stigmatising attitudes and behaviour towards children deprived of liberty, and to provide recommendations for law, policy and practice.
      * With a total budget of EUR 4.6 million (EUR 2 million EU-funded) and running for 36 months until December 2019, **the project Développement et renforcement de mécanismes transnationaux de référencement des enfants et jeunes migrants en Afrique de l’Ouest et au Maghreb** was implemented by Fondation Suisse du Service Social International and Fondation Suisse du Service Social Afrique de l’Ouest. It sought to improve the transnational protection of young children on children and young migrants in 15 countries in Western Africa as well as in the Maghreb. This also included victims of trafficking and supported their sustainable return and reintegration.

In 2020 UNICEF and UNHCR will start the implementation of a project with a global budget of approximately EUR 7 million on **EU global promotion of best practices for children in migration**. Implemented in Mexico, El Salvador, Zambia and South Africa the objective of this programme is that children in migration are effectively protected and their rights realized. The aim is to involve gender responsive systems including integrated basic services including mental health and psychosocial services and prevention mechanisms addressing gender-based violence and other structural challenges. Child protection systems shall provide alternative care options, with emphasis on community and family-based alternatives. Exchanges of good practices and lessons learnt across the two regions and four countries will serve as evidence for the protection of children on the move in different contexts.

* + - * In the **Western Balkans area** the EU is working to strengthen the capacity of the Western Balkan countries to manage migration flows across the borders, to fight the smuggling networks and to ensure appropriate treatment of asylum seekers and refugees. EUR 31.4 million in humanitarian aid has been mobilized with **an emphasis on the protection of child migrants/refugees,** providing them with essentials such as temporary shelter, food, health, protection.

**Migrant women and girls**

* + - * It is important to highlight that **migrant and refugee women and girls are not inherently vulnerable**, nor they lack resilience and agency and that "vulnerability" should not be based solely on membership to a particular group, as this is simplistic, at worst discriminatory. However, it is true that migrant women and girls are disproportionately exposed to sexual violence and abuses and gender- based or racist discrimination.
      * In Article 17 of the Asylum, Migration and Integration Fund (AMIF) EU Regulation, which defines the **vulnerable groups for resettlement,** the first category is women and children at risk. So the particular vulnerability of women (and children) is recognised and special attention is given to them in the resettlement process.
      * Girls’ and women’s full enjoyment of all human rights **is central to any discussion on the causes and consequences of migration**, whether forced or voluntary. Sex, gender, gender identity and sexual orientation related arguments shape every stage of the migration experience.
      * The specific needs of girls and women, in all their diversity, decisively influence migration decisions, who migrates and to where, how people migrate and the networks they use, opportunities and resources available at destinations, and relations with the country of origin. It is therefore **crucial to understand how gender interacts with migration** and to respond accordingly.
      * Given the **gender-specific impact of migration**, it is important to consider the following aspects when working to strengthen migration governance:
* advocating for equal rights under the law in employment and mobility;
* combatting discriminatory migration practices;
* understanding how gender affects the types of migration undertaken;
* responding to how gender influences access to social services, economic growth, capacities, risks and vulnerabilities;
* ensuring diversity and inclusiveness in consultations and participation in activities;
  + - * Thus, **including gender-responsive considerations in policymaking and planning** can contribute to promote gender equality and empower girls and women in all their diversity; leaving out such considerations can expose migrants to further risks and situations of vulnerability and perpetuate or exacerbate inequalities.
      * The European Commission adopted the **Strategy on gender equality policy objectives and actions** to make significant progress by 2025[[2]](#footnote-2), which pursues a dual approach of gender mainstreaming combined with targeted actions, and intersectionality is a horizontal principle for its implementation. While the Strategy focuses on actions within the EU, it is coherent with the EU’s external policy on gender equality and women’s empowerment.
      * The [Global Compact for Migration](https://migrationdataportal.org/global-compact-for-migration) and the [New York Declaration for Refugees and Migrants](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1) call for **more migration data to be disaggregated by sex and age**. International organisations, regional organisations and states need to invest in this aspect. Sex-disaggregated data allow for the identification and analysis of specific vulnerabilities and capacities of women and men, revealing gaps and inequalities.
      * The EU-UN **‘Spotlight Initiative’** to eliminate all forms of violence against women and girls, funded by the EU with a budget of EUR 500 million, was launched in 2017 together with its first project ‘***Safe and Fair: Realizing women migrant workers’ rights and opportunities in the ASEAN region’***. With a financial support of EUR 25 million, the regional project ‘Safe and Fair’ contributes to improving labour migration governance for women in the ASEAN region with the ultimate objective to prevent violence, harassment and trafficking of migrant women and girls. Together with UN Women, the ILO, and UNODC, the EU works with governments, community-based organisations, civil society organisations and service providers to improve labour laws and access to information and services, and to prevent and put an end to violence and trafficking of women and girls.
      * From 2017, Safe and Fair reached 1,276,471 migrants and their families through campaigns in 2019; The project supported formulation and review of 19 laws and policies, enhanced capacity of 2,081 actors, partnered with 67 CSOs, developed 20 research publications and knowledge management products, provided services and information to 8,687 women migrant workers. **Safe and Fair’s work is helping to change the narrative around female migrant workers** in the ASEAN region, shifting negative perceptions and challenging deep-rooted gender stereotypes.

**Internally Displaced Persons**

* + - * Around 40 - 50% of the funding of the EU’s humanitarian aid instrument goes annually to address **the specific needs of IDPs** and their host communities: Iraq, Syria, Yemen, Ethiopia, South Sudan, Nigeria, Colombia are just a few examples. Overall, the EU’s humanitarian aid department has consistently responded to the needs of internally displaced persons in most of the top 20 affected countries.
      * The **EU advocated for the establishment of a High Level Panel on Internal Displacement** and has shown its full support for this initiative by becoming a member of the New York-based core group leading the advocacy efforts on this initiative.
      * **The EU has supported the Nansen Initiative** and the Platform on Disaster Displacement (PDD), established in July 2016 as a state-led initiative to follow-up on the work of the Nansen Initiative. The PDD supports the implementation of global policy frameworks on human mobility, climate change action and disaster risk reduction that are relevant for disaster displaced persons, promotes policy and normative development to address gaps in the protection of persons at risk of displacement or displaced across borders, and fosters exchange of knowledge, lessons learned and data collection on disaster displacement and its impacts. The EU is part of the PDD Steering group and is currently co-chairing the Group of Friends of the PDD.
      * The EU has signed an interesting project with IDMC in the lead and in cooperation with IOM and the Platform on Disaster Displacement (PDD) on **understanding displacement and strengthening response in the Pacific**. It will cover 21 small island developing states (SIDS) with the objective to reduce the risk and impact of disaster displacement for people living along the coastal areas and improve assistance to those that might be displaced.

**Forcibly Displaced Persons**

* + - * **Internal displacement is an integral part of the EU policy on forced displacement and development**, notably with the 2016 Communication of the European Commission Lives in Dignity. The EU addresses the issue of internal displacement addressing both humanitarian and long-term needs of the affected populations, and linking the response to the national systems. Despite efforts for a more coherent response, including humanitarian, development and peace actors, as relevant, the solutions to internal displacement are still challenging. The EU has also an important role in terms of advocacy and bringing attention to the issue.
      * The EU Communication ‘Lives in Dignity’ states that **the specific protection needs of the forcibly displaced must be addressed, including based on disability**. In addition, as signatory of the Convention on the Rights of Persons with Disabilities and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, and in line with the EU’s Disability Strategy 2010-2020, the EU has taken measures towards a more inclusive humanitarian action, including in terms of supporting the needs and protection of forcibly displaced persons with disabilities.

**International, regional and bilateral cooperation**

* + - * The EU emphasizes the need to work with all our partners around the world, including in the framework of the United Nations, because **migration and forced displacement require global, cooperative alliances with countries of origin, transit and destination and international organisations**. The EU has been strongly engaged in supporting partner countries to strengthen their capacities on asylum and migration management and migration governance, as well as providing support for persons in need of protection.
      * Continuous dialogues, both at technical and political level, are key to build trust and shared understanding of migration governance, most notably on the issue of migrants’ human rights and situations of vulnerability. The African Union Commission (AUC) and the European institutions are working on the future framework of **AU-EU cooperation on migration**, which should complement the **Khartoum and Rabat regional processes**. Human rights considerations are integrated in the work with the African Union, and in the Rabat Process and Khartoum Processes and in the Joint Valletta Action Plan.
      * Building on past initiatives, the EU’s policies and programmes generated clear results for the promotion and protection of migrants’ rights. **The trilateral African Union-European Union-United Nations (AU-EU-UN) Task Force** created in November 2017 in the margins of the AU-EU Summit in Abidjan continued its work to address the situation of migrants and refugees in Libya. Thanks to the work of the Task Force, over 52,000 voluntary humanitarian returns have taken place since 2017 and 5,700 evacuations were carried out by UNHCR, including with a view to resettlement.
      * With EU development assistance and stabilisation efforts, the EU supported partner countries to improve their capacity to deal with the long-term and structural root causes of irregular migration and forced displacement. The **EU Emergency Trust Fund for Africa (EUTF),** which complements official EU development assistance with a general budget of over EUR 4.7 billion, allowed the EU and its Member States to work jointly with African partners faster and with more flexibility, resulting in greater efficiency. The projects under the Trust Fund, implemented in the Sahel and Lake Chad, the Horn of Africa and in the North of Africa regions, focused on the creation of jobs and economic development; better migration management, including international protection and asylum, legal migration and mobility; and enhancing synergies between migration and development.
      * With funding under the Trust Fund for Africa, the **EU-IOM Joint Initiative for Migrant Protection and Reintegration** has been designed to provide a coherent framework to save lives, protect and assist migrants along the Central Mediterranean Routes.
      * Since its beginning , the EU-funded Initiative contributed to assist more than 78,000 migrants to return to their country of origin, mainly from Libya; and more than 89,000 migrants were assisted after their return, of which more than 65,000 have engaged in reintegration support in their country of origin. More than 5,500 persons of concern were evacuated from Libya in preparation for their resettlement or other long-term solutions.
      * In 2019, the European Union renewed efforts to improve the situation of migrants, asylum seekers and refugees stranded in Libya, who have been put even further at risk following the renewed outbreak of the conflict. This included the provision of assistance at disembarkation points, at detention centres when access is possible, and support to host communities, as well as promoting alternatives to detention. In addition to the **Emergency Transit Mechanism (ETM)** in Niger, a new Mechanism was created to facilitate the relocation of up to 500 people of concern from the conflict zones in Libya to safety in Rwanda The EU Trust Fund is supporting the Rwanda ETM with EUR 10.3 million.
* New projects have been undertaken in partner countries and regions, such as the start of the UN Office on Drugs and Crime (UNODC)-led regional programmes in North Africa **(‘Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking’**) and Asia and the Middle East (‘Global Action against Trafficking in Persons and the Smuggling of Migrants - Asia and the Middle East’). In Niger, a joint investigation team bringing together Nigerien, French and Spanish authorities has led so far to 288 judicial cases. New projects with Senegal and Guinea were developed in 2019 to support these partner countries’ efforts to fight trafficking in human beings, and migrant smuggling.
* In the Horn of Africa, the second phase of the **Better Migration Management Programme** was launched, aiming among others at strengthening migration governance in accordance to human rights standards, and improving the prevention of trafficking in persons and the protection of victims of trafficking and vulnerable migrants.
* **Tackling migrant smuggling and trafficking in human beings, and enhancing border management** were also key parts of the work of several Common Security and Defence Policy missions and operations, such as EUNAVFOR Med Operation Sophia, the EU integrated border management assistance mission in Libya (EUBAM Libya), or EUCAP Sahel Niger.
  + - * The **EU has been at the forefront of the response to the Venezuelan refugee and migration crisis**, one of the biggest displacement crises in the world, with 4.8 million Venezuelans having left their country by the end of 2019. In 2018/2019, the EU had mobilised around EUR 172 million in humanitarian and development aid inside and outside Venezuela, including EUR 89 million in humanitarian assistance. The majority of EU humanitarian funds have been directed to activities inside Venezuela as the epicentre of the crisis, but support has also been provided to Venezuelan migrants and refugees, as well as to host communities in neighbouring countries in fostering the social inclusion of forcibly displaced persons and resilience of host communities. EU support includes emergency shelter, medical assistance, child protection, and prevention of child trafficking and sexual abuse.
      * **Other bilateral, regional or thematic EU-funded projects will contribute to cope with the regional migration crisis** (EUROFRONT, EUROSOCIAL, LAIF and MIEUX). The EU response approach is comprehensive and balanced and addresses all aspects of migration and forced displacement. The EU is committed to operationalise such approach in a spirit of genuine partnership and shared responsibility, in full respect of international law, including international human rights law and taking into account division of competences between different levels of government. The EU also supports regional coordination efforts and participates in the Quito Process meetings.
      * On 28-29 October 2019, HR/VP Mogherini, together with UN High Commissioner for Refugees Filippo Grandi and IOM Director General António Vitorino, co-chaired the **international solidarity conference on the Venezuelan refugee and migrant crisis**. The event recognised the effort made by the host countries, including through the coordinated response framed by the Quito process. It also confirmed the need for a substantial funding increase and expressed support to the creation of the Group of Friends of the Quito process, chaired by the EU.
      * In response to the **crisis in Syria**, the EU and its Member States allocated over EUR 17.209 billion to provide assistance inside Syria and to assist those who fled to neighbouring countries and need support to access education and healthcare and meet their basic needs. In an effort to support Turkey in hosting 3.7 million Syrian refugees, the Facility for Refugees in Turkey, set up in February 2016 with a total budget of EUR 6 billion for 2016-2019, focused on protection, education, health, municipal infrastructure, and socio-economic support. To date, the full budget of EUR 6 billion has been allocated.
      * In 2019, the EU provided EUR 36 million in **humanitarian assistance for the Rohingya crisis** in Bangladesh and Myanmar/Burma, in the form of basic services, protection and preparedness for monsoon and cyclone-related disasters. From 2017 to 2019, the EU disbursed over EUR 150 million in humanitarian and development assistance to respond to the Rohingya crisis in Bangladesh and Myanmar/Burma.

1. COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement, C(2020) 2516, 16.4.2020. [↑](#footnote-ref-1)
2. A Union of Equality: Gender Equality Strategy 2020-2025, 5.3.2020, COM/2020/152 final [↑](#footnote-ref-2)