

European Union Agency for Fundamental Rights (FRA)

Further to your information requests for the preparation of a Secretary-General report to the General Assembly according to Resolution A/RES/69/167 on the Protection of migrants, European Union Agency for Fundamental Rights (FRA) would like to share with you the following input.

FRA's mandate is to provide independent evidence based advice on fundamental rights to EU institutions and its Member State, when they implement EU law. Through various projects, FRA collected and analysed data related to the protection of human rights of migrants, on topics covered by Resolution 69/167, the most important of which are listed below according to the topics that are covered.

- Discrimination, racism, xenophobia and related intolerance, hate crimes

FRA's report "[Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary](#)" examines the effectiveness of responses by public authorities, civil society organisations and others to counter racism, discrimination, intolerance and extremism in Greece and Hungary. The report goes on to make proposals for fighting racist crime, increasing trust in the police, and combating extremism throughout the EU. The research looks at the legal framework to respond to anti-migrant prejudice, discrimination and hate crime and identifies barriers to their effective implementation. FRA also provided a comprehensive [opinion on the EU Framework Decision on Racism and Xenophobia](#), where it assesses the impact of the Framework Decision on the rights of victims, and explores options and requirements to improve the situation of victims' rights. In its Annual report 2014 (Section 4.5), which will be available at the end of June, FRA presents some survey findings in various EU Member States on the population's attitude towards migrants, including intolerant attitudes.

FRA is currently preparing its second large-scale survey on EU Minorities and Discrimination ([EU-MIDIS II](#)), focusing on people with an immigrant or ethnic minority background. First results are expected to be published in the second half of 2016.

- Migrant workers

FRA's recent [report on severe labour exploitation](#) focuses on risk factors for exploitation of workers moving into or within the EU. The report identifies a lack of sufficient monitoring of working conditions and a lack of effective investigations, resulting in widespread impunity of exploiters.

- Human rights compliance of laws and policies, and repatriation mechanisms

FRA's paper on the "[Criminalisation of migrants in an irregular situation and of persons engaging with them](#)" looks at the punishment for irregular entry or stay in the 28 EU Member States to counteract irregular migration and the impact of such measures on fundamental rights. For example, FRA research found that certain apprehension (e.g. near service providers) and reporting practices disproportionately interfere with fundamental rights of migrants in an irregular situation. Furthermore, FRA developed a [practical guidance on the fundamental rights considerations of apprehending migrants in an irregular situation](#). The document contains 10 common principles, in the form of do's and don'ts, intended for immigration law enforcement authorities.

Regarding repatriation mechanisms, FRA [Annual report 2013](#) (Section 1.3) and soon-to-be-published Annual report 2014 (Section 4.2) examine the implementation of Article 8(6) of the EU Return Directive, which requests Member States to provide for an effective forced return monitoring

system. An [overview table](#) with legal basis and organisation responsible for monitoring is available on FRA's web site.

- Migrant children

FRA developed a [Handbook on guardianship for children deprived of parental care](#). Primarily addressed to EU Member States officials and guardians, the handbook aims to provide guidance on how to establish and run national guardianship systems, and to point to the main tasks that a guardian should carry out as a crucial actor to safeguard the child's best interests and well-being. The handbook focuses in particular on children victims of trafficking.

- Migrant integration

In its [Annual report 2013](#) (Section 1.4), FRA provides an overview of the fees required for residence permits in the EU Member States and explains how some excessive or disproportionate fees constitute an obstacle for migrant integration. The [Annual report 2012](#) (Section 1.4), describes national action plans on integration adopted in the Member States.

- Victims' rights

FRA research on [victims of crime in the EU](#) (see p. 80) shows that support is available to victims irrespective of their nationality, country of origin or legal status only in 19 of 28 EU Member States.

- Dialogues on migration

The [Fundamental Rights Conference 2014](#), held by FRA in cooperation with the Italian Presidency of the Council of the EU, was dedicated to the topic of fundamental rights and migration to the EU. The event gathered over 300 EU and national decision makers and experts, including members of national parliaments, representatives of international organisations and EU Agencies, civil society bodies and other stakeholders. The conference conclusions contain suggestions and concerns on issues, such as border surveillance, combating smuggling, legal ways to access the EU for people in need of protection, the protection of children, migrant integration and social inclusion, and on the need to change the narrative on migration.