

**DG JUSTICE AND CONSUMERS
(DG JUST)**

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Initiative	Keyword(s)
<p>Upon request of the European Commission, FRA has been collecting data about the fundamental rights situation of people arriving in those Member States that have been particularly affected by large migration movements. These have been published in the form of weekly overviews encompassing a period of eight weeks from September to November 2015 and, from January 2016, monthly updates. The FRA has also identified child protection gaps for children in migration in Greece.</p> <p>This year they will start a study on migrants' perceptions and attitude towards Female Genital Mutilation (FGM).</p> <p>The ongoing FRA EU MIDIS II survey may also be mentioned as it should offer relevant insights on perception of discrimination by migrants and people with a migrant background (results expected at the end of 2017).</p> <p>DG JUST/C.2 supervises this work as the unit responsible for the Agency.</p> <p>DG JUST/D.3 is working with DG HOME in identifying loopholes and possible targeted synergies between the integration policies for third-country nationals, social inclusion policies developed for migrant workers by DG EMPL, and the welcome policies for mobile EU citizens.</p> <p>Renewed priority is put on addressing the gaps in protection for children in migration. DG JUST/C.2 is actively involved in ensuring that the rights of children are respected in asylum and migration. The 10th European Forum on the rights of the child (organised by JUST/C.2) on the protection of children in migration (29-30 November 2016) underlined the urgent need for targeted actions to protect children in migration. Also building on the outcomes of the Forum, the Commission issued on 12 April 2017 a Communication on "The protection of children in migration".</p> <p>The Communication sets out urgent EU actions, for EU institutions and agencies, and makes recommendations to Member States to protect all children in migration, whether unaccompanied or travelling with their families. The Communication sets out targeted actions for each of the main successive stages of migration, including resettlement; identification and protection of children in the initial stages following their arrival in the EU; reception conditions for children and integration; access to status determination procedures and effective</p>	<p>Fundamental Rights, discrimination, racism and xenophobia, Inclusion, children</p>

implementation of procedural safeguards, including guardianship; and the identification and implementation of durable solutions. It also outlines a range of cross-cutting actions: the provision of EU financial support, improving information and data collection on children in migration, and providing appropriate training to all those working with children in migration. Work on implementation is well underway:

- 2 meetings of the joint JUST-HOME migration and rights of the child expert group on the protection of children in migration took place since December 2017, and a 3rd will take place on 3 December 2018. This expert group has been established to follow up on the implementation of the communication, and provides an opportunity for Member States representatives to discuss challenges and good practices in relation to the protection of children in migration.
- A 2 years project has started to establish a EU Network of Guardianship Institutions, through a direct grant to NIDOS, the Dutch Guardianship Agency.
- An online database of promising practices for the protection of children in migration will be soon launched by the commission (JUST/C2) for stakeholders to promote projects and initiatives.

The 11th European Forum on the rights of the child (organised by JUST/C.2 on 7-8 November 2017) focused on children deprived of their liberties and alternatives to detention. A session of the Forum was dedicated to detention in the context of migration.

On 10 February 2016, the Commission adopted a Communication on the state of play of the implementation of the European Agenda on Migration, referring to a comprehensive approach to the protection of children. Annex 6 of the Communication describes ongoing actions in this regard.¹ The implementation of these actions is underway. JUST/C.2 is responsible for a number of actions in this regard. For instance, under the Rights, Equality and Citizenship Programme (REC) a direct grant of €3.5 million was allocated to UNHCR, UNICEF, the IOM and Save the Children to complement general EU funding with a targeted action aimed at strengthening and accompanying capacity building of national authorities and ensure a child protection focus for children in migration. Grant agreements have been signed with IOM, Save the Children and UNICEF in 2016 and with UNHCR in 2017. Six proposals (€2,6m) were funded under a 2016 REC call for action grants for capacity-building in relation to children in migration (focussing on guardianship and foster-care). A 2017 REC call on preparations for leaving care/ageing out of care, which also covered children in migration in state care, resulted in ten proposals recommended for funding (€3,6m). This topic was repeated in 2018 REC call and three proposals were selected for co-financing (€1m). Under the Rights, Equality and Citizenship Programme a call for proposals (€4.5m) was

published in 2016 for transnational projects on violence against women, young people and children linked to harmful practices, relevant also for children in migration (JUST/D.2 with involvement of JUST/C.1). Another 2017 REC call covers the extension of support services for victims of sexual and gender-based violence to include refugees and migrants (€3m).² Seven proposals were selected for pre-financing. The same priority was included in 2018 REC call which will close on 13 November 2018.

A mapping of research on Roma children in the European Union 2014-2017 has been commissioned at the end of 2017. The study will be finalised in coming days.

The Brussels IIa Regulation (JUST/A1) applies to children in migration as it determines jurisdiction of the courts of the Member State where the child is present e.g. to make a guardianship order and ensures recognition of this guardianship throughout the EU without any other formality. Under the Rights, Equality and Citizenship programme the Commission will support (€3.5m) training of judges and other relevant professionals on EU judicial cooperation instruments including the Brussels IIa Regulation.

DG JUST/C.2, together with DG JUST/D.3 have recently undertaken a mapping exercise to identify the financial programmes, legislation and concrete projects in the broad area of tolerance, inclusion and pluralism. The outcome of this exercise is a one stop shop webpage giving information about relevant EU initiatives and funding, available since June 2016 on the DG JUST website (http://ec.europa.eu/justice/fundamental-rights/racism-xenophobia/one-stop-shop-funding/index_en.htm).

Within its work on combating racism and xenophobia, DG JUST/C.2 carries out activities to raise awareness and promoting best practices on preventing and countering xenophobic acts and speech and anti-migrant hatred, also building on ongoing work of UNHCR, OHCHR and IOM on a joint initiative on combating racism and xenophobia.

A new EU High Level Group on combating racism, xenophobia and other forms of intolerance (http://ec.europa.eu/newsroom/just/item-detail.cfm?&item_id=51025) was launched on 14 June 2016 to bring further political impetus and foster discussion on how the EU and MS can make concrete progress in this area. A number of international bodies are involved in this work, including UNHCR. At the second meeting of the Group on 7 December 2016, UNHCR delivered a presentation on UN level initiatives to address anti-migrant hatred through

² http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=57070&newsletter_id=529&utm_source=just_newsletter&utm_medium=email&utm_campaign=Rights%20of%20the%20child&utm_content=Newsletter%20on%20the%20rights%20of%20the%20child%20-%20201/2017&lang=en

awareness raising initiatives and campaigns aimed at building positive narratives around migration and refugees. Issues around ensuring access to justice for undocumented migrants victims of hate crime will also be addressed in the context of a broader discussion on hate crime victims at the next meeting on 31 May-1 June 2017.

Another relevant strand of work in this area concerns targeted action to prevent and counter hate speech online, including anti-migrant speech (http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300). This includes the implementation of the commitments agreed in the Code of Conduct on countering illegal hate speech online, adopted on 31 May 2016. On 19 January 2018: the Commission disclosed the result of the 3rd monitoring exercise on the implementation of the Code of conduct. The monitoring revealed that on average, IT companies removed 70% of all the illegal hate speech notified to them by the NGOs and public bodies participating in the evaluation. This rate has steadily increased from 28% in the first monitoring round in 2016 and 59% in the second monitoring exercise in May 2017. The monitoring also revealed that IT Companies fully meet the target of reviewing the majority of notifications within 24 hours, reaching an average of more than 81%. This figure has doubled compared to the first monitoring round and increased from 51% of notifications assessed within 24 hours registered in the previous monitoring round. In the course of 2018, Instagram, Google+, Snapchat and Dailymotion announced the intention to join the Code of conduct. Please find below the text of the Code of Conduct in 23 official languages of the European Union:

Under the Rights, Equality and Citizenship Programme (REC) DG JUST makes available every year funding for projects in the area of preventing and combating racism, xenophobia and other forms of intolerance, including anti-migrant sentiment, hate speech and hate crime. 2 projects of those awarded grants under the 2014 and 2015 Work Programmes have a specific focus on anti-migrant hatred ("Promoting best practices to prevent racism and xenophobia toward forced migrants through community building", of the Jesuit Refugee Service Europe and "NO TO HATE SPEECH IN OUR MEDIA" - Sharing Best Practices to counter hate speeches about migrants, ethnic and religious minorities in the European media, of the Asociación De Emisoras Municipales Y Comunitarias De Andalucía De Radio Y Televisión).

The evaluation of proposals received under the 2016 call, which closed on 5 January, is ongoing. Under this call, 6 million euros have been made available for capacity building of national authorities and civil society, including for projects to create better understanding between communities and prevent and combat racism and xenophobia through interreligious and intercultural activities, dissemination, awareness raising activities and campaigns, and grassroots projects on preventing and combating anti-Muslim hatred and intolerance.

Under the 2017 calls (to be opened at the end of May), a specific priority will be devoted to projects focusing on

<p>preventing and combating xenophobia and anti-migrant hatred.</p> <p>Report in 2016 on "Links between migration and discrimination" with a legal analysis of the situation in the EU Member States. Follow-up includes specific monitoring of migration-related discrimination in the Member States via the European Network of legal experts in gender equality and non-discrimination.</p> <p>The first report on the implementation of the List of Actions to advance LGBTI equality outlined, amongst other, the efforts of the Commission to promote LGBTI rights in the area on asylum in 2016.</p>	
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Studies and related outputs			
1	Asylum and migration into the European Union in 2015	2016	FRA report. It looks at the effectiveness of measures taken or proposed by the EU and its Member States to manage this situation, with particular reference to their fundamental rights compliance.
2	Alternatives to detention for asylum seekers and people in return procedures	2015	FRA report. This compilation is aimed at policy makers and practitioners entrusted with the task of promoting the use of alternatives to detention and seeks to facilitate the usage of existing materials. It presents various instruments and research material, together with the general human rights and EU legal framework.
3	Cost of exclusion from healthcare – The case of migrants in an irregular situation	2015	FRA report. This report aims to estimate the economic cost of providing timely access to screening and treatment for migrants in an irregular situation, compared with providing treatment only in emergency cases. It presents an economic model to calculate such costs for two medical conditions: hypertension and prenatal care.

Protecting migrant workers from exploitation in the EU /boosting workplace inspections	2018	FRA report. This compilation takes an in –depth look at exploited migrant workers' experience with views on workplace inspections' in select EU Member States (Belgium, France, Germany, Italy, the Netherlands, Poland, Portugal and the United Kingdom). The report includes both EU nationals who moved to another EU member State to work and third-country nationals who came to the EU.
Combating child poverty;; an issue of fundamental rights	2018	FRA report. This report aims to contribute, from the rights of the child perspective, to efforts to create a more "social Europe and promote the effective implementation of social and economic rights of the child, responding also to the social impact of recent economic crisis and the austerity policies followed.