

## Migrant children continue to face serious risks across Europe



The '[Children in migration in 2019](#)' report looks at the migration situation in 2019. It pulls together the main issues identified in FRA's Quarterly Bulletins on migration in selected EU Member States.

In 2019, Member States apprehended over 140,000 migrants entering the EU unauthorised. About 33,000 were children. Over 5,000 were unaccompanied.

This exposes children to greater risk – the risk of violence, exploitation, trafficking and abuse.

The latest FRA report highlights the 10 main challenges migrant children face. These include:

1. The risk of death or injury when trying to enter the EU by sea or land.
2. Being stranded – In 2019, twice as many rescue vessels could not dock immediately compared to 2018. This left over 780 children stranded on board, often in bad weather and in poor health for over a week.
3. Being pushed back, sometimes violently, at the border without assessing whether they are at risk of persecution or danger. This contravenes international and EU law. Non-governmental organisations (NGOs) estimate

that authorities pushed back at least 1,230 children on the Western Balkan route.

4. Not enough space in reception centres for asylum-seeking children, particularly unaccompanied children with special protection needs. This applied to Cyprus, France, Greece, Italy, Malta and Spain.
5. Deplorable hygiene and sanitation conditions in Greek migration hotspots. Standards were also poor in Belgium, Cyprus, Croatia, France, Italy, France, Malta, Hungary and Spain.
6. Ineffective protection from sexual and labour exploitation due to shortcomings in national child-protection systems.
7. Lengthy asylum procedures. This can be due to the long time it takes to assess age or appoint legal guardians. Guardians apply for asylum on behalf of children.
8. Detention of migrant children to ensure their return. Detention conditions remained either poor or worsened in 2019.
9. The forced return of unaccompanied children.
10. Trauma following the handling of how authorities treat parents and their children as they are being returned.

After four years of regular migration updates, FRA will continue to issue 'Quarterly Bulletins' on key migration-related fundamental rights concerns in 2020.

In 2020, these bulletins cover the following countries: Austria, Belgium, Cyprus, Bulgaria, Croatia, Denmark, France, North Macedonia, Germany, Greece, Hungary, Italy, Malta, the Netherlands, Poland, Serbia, Spain and Sweden.

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## **Fundamental rights implications:** **COVID-19 pandemic**



While the Coronavirus has an impact on everyone's life, some people are more affected than others.

From people dependent on care to those detained in overcrowded conditions with poor sanitation and healthcare. For some people it is simply more difficult to escape from it.

As governments increasingly implement measures forcing people to stay at home, women in particular will feel the impact. Women find themselves on the front lines – as mothers, doctors, nurses, pharmacists, teachers, shop assistants.

In addition, there are reports that quarantine and lockdowns may lead to an increase in domestic violence. Even without the pandemic, one in five women already suffered violence from their partner, according to an [earlier FRA survey on gender-based violence](#).

The lockdowns may hit women's escape routes and support networks, such as hotlines and shelters. Tackling the crisis will also require efforts to handle and support victims of domestic violence.

The virus is also endangering people whose living conditions are already dire, lacking sanitation and hygiene – migrants, asylum seekers, exploited workers or Roma.

Living in overcrowded camps, with limited access to healthcare and no possibility to practice physical and social distancing, migrants and asylum seekers are extremely vulnerable to the virus. Among them, thousands of unaccompanied children are exposed too.

Migrant workers are also severely exploited across the EU. They are forced to work for endless hours with little or no pay, without safety equipment and no access to running water. With the outbreak, they face high risks of contracting the disease.

FRA's [report on severe labour exploitation](#) shows that there is an urgent need for governments to do more to tackle such exploitation across the EU.

The Roma community also faces an uphill battle. As FRA's [research on Roma discrimination](#) shows, 30% of Roma are in households with no tap water. Nearly 50% have no indoor toilet, shower or bathroom. As the coronavirus spreads, no access to running water becomes an even more pressing problem for staying healthy.

Another worrying issue is the rise in discrimination. [Discrimination, hate crime and hate speech is already a problem](#) across large swathes of Europe, as FRA research shows.

Since the Coronavirus pandemic spread across Europe, there are media reports of discrimination and hate crimes targeting people of Asian descent.

The Coronavirus has a far-reaching impact on everyone. It is not only an issue of public health, but it affects people's rights too.

FRA is currently [collecting information across all EU Member States](#). It will publish a focus report in early April to highlight some of the main fundamental rights concerns emerging from the crisis.

It stands ready to support EU institutions and EU governments with robust evidence and expertise to respond to the critical needs of policymakers.

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## [\*\*Declaration by the High Representative Joseph Borrell, on behalf of the European Union, on the situation in Libya\*\*](#)

The European Union and its Member States regret that the fighting has increased in Libya despite the international calls for a humanitarian truce to help contain the Coronavirus pandemic in the country. The challenging

circumstances created by the Coronavirus pandemic make the need to halt the fighting in Tripoli and across the country even more urgent. We strongly condemn any attack against civilian population.

We urge all the relevant Libyan actors to immediately stop the fighting and engage in reaching a political solution to the crisis. The leadership of the two parties should commit to the draft ceasefire agreement developed by the Joint Military Committee ("5+5") in the UNSMIL-facilitated Geneva talks, so that all available assets can be deployed in priority to contain the Coronavirus crisis.

We condemn the use of civilian infrastructure for military purposes and call on all parties to respect human rights and international law. A truce would facilitate taking all the necessary steps to protect the Libyan population and the most vulnerable in the country, including the Libyan IDPs as well as migrants, refugees and asylum seekers in the detention centres, for whom the possible spread of the virus could have further catastrophic consequences. We strongly support and encourage efforts of Libyan health authorities to come together to assist the Libyan population. Health workers should be protected at all times.

We call once again on all UN Member States to respect and uphold the UN arms embargo, to discontinue the influx of foreign fighters into Libya and to refrain from destabilising actions that could further deteriorate the already fragile situation in the country.

All the Libyan parties need to engage constructively in the UN-facilitated intra-Libyan talks in order to agree on the implementation of urgent economic and financial measures, including the audit of the Central Bank of Libya and its branch in the East.

It is also crucial to safeguard Libya's oil resources and protect its infrastructure in full compliance with the relevant UN Security Council resolutions. Oil production should resume under the auspices of the National Oil Company (NOC) as a matter of urgency and its equitable distribution among all Libyan regions and in the interest of all Libyans should be ensured.

On their side, the European Union and its Member States reiterate their full commitment to support the Berlin Process and the UN-led mediation efforts. They are ready to deploy all the instruments necessary to ensure full implementation of the Berlin Conference Conclusions, including through the new Common Security and Defence Policy operation EUNAVFOR MED-IRINI. They recall the important role of neighbouring countries and regional organisations in the follow-up of the Berlin Process. They also reaffirm their full support to the active role of the UNSMIL and underline the need for a new United Nations Special Representative of the Secretary-General for Libya to be appointed.

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## **Declaration by the High Representative on behalf of the EU on listing the European Endowment for Democracy as an “undesirable organisation”**

The EU rejects the decision by the Russian authorities to include the European Endowment for Democracy (EED) on their list of “undesirable organisations”.

The EED is a values-based organisation set up by the European Union and its Member States, which represents tenets and principles that are also enshrined in the European Convention on Human Rights and shared by many other countries around the world.

The EU urges the relevant Russian authorities to reconsider its legislation on “undesirable organisations”, and remove the European Endowment for Democracy and other international and foreign donor organisations that have had to terminate their operations aimed at strengthening civil society in the Russian Federation, from the list of “undesirable organisations”. The Russian legislation on “undesirable organisations” and “foreign agents” contributes to restricting civil society, independent media and the rights of political opposition and has a negative impact on the work of civil society in Russia.

We urge the authorities of the Russian Federation to review current legislation in order to bring it in line with its own commitments under European and international human rights law including the relevant Venice Commission opinions.

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## **ESMA confirms application date of equity transparency calculations**

The European Securities and Markets Authority (ESMA), the EU’s securities markets regulator, has decided to keep the date of application of the transparency calculations for equity instruments of 1 April 2020 unchanged.

ESMA has recently been asked by some stakeholders to postpone the date of application – required by MiFIDII/MiFIR to apply from 1 April, on the basis of the extraordinary market circumstances created by the COVID-19 pandemic. The application of new tick-sizes was cited as particularly problematic in the current environment. ESMA acknowledges the severity of the situation and

is working to alleviate market participants' burden to the maximum extent possible, as some recent publications show, in particular delaying the application of new obligations which require significant technological changes.

In this specific instance, adapting to new transparency results for equity instruments is a process that market participants have performed several times in the past and should not require new IT releases. Having consulted with various market participants ESMA considers that delaying the application of the new transparency results would in itself entail some risks and might even create additional operational burdens to all the market participants that have already planned for them.

The results of the MiFID II/MiFIR transparency calculations for equity instruments were [published](#) on 28 February 2020. As announced on that date, ESMA will also publish ahead of 1 April the result for several instruments that were not published then due to data quality limitations.