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Eliminating Violence Rooted in Xenophobia Against Refugees: A Humane Approach

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Abbreviations:

CFR - Charter of Fundamental Rights of the European Union

ECHR - European Convention on Human Rights

EU - European Union

FRA - Fundamental Rights Agency

ICERD - The Convention on the Elimination of Racial Discrimination and its Committee

OHCHR - Office of the United Nations High Commissioner for Human Rights

RVRN - Racist Violence Recording Network

UNHCR - United Nations High Commissioner for Refugees

UNHRC - UN Human Rights Council

WHO - World Health Organization

Introduction

Europe has witnessed an unprecedented influx of displaced people in the past decade. In 2015, more than one million people entered through the Eastern Mediterranean and Balkan land routes, and the Central Mediterranean Sea routes.¹ In 2016, approximately 362,753 crossed the dangerous Mediterranean and Balkan routes in search of a safe haven, according to statistics provided by the United Nations High Commissioner for Refugees (UNHCR).² These confounding figures reflect the human tragedy on a massive scale. Prominent push factors of this drastic upsurge are the persisting disputes, civil wars, and severe human rights violations in the home countries of the displaced people. These predominantly refer to the occurrences of armed conflicts during the Syrian Civil War, Afghanistan War, and Iraqi Conflict. The UNHCR ascertained that 77% of Mediterranean refugee influx was either of Syrian, Afghan or Iraqi descent.³ Driven by the desire for a better life, they follow harsh routes with the hope of a light at the end of the tunnel. However, upon arrival they are often met with apprehension, inadequate protection and discrimination. According to an OHCHR report, this frequently results in a pattern of violence and criminalization against vulnerable refugees rooted in xenophobia.⁴ These challenges are directly associated to inter-linked policy areas coordinated, monitored and legislated at the European Union (EU) level. The failure of the EU to establish a coherent migration policy that ensures the protection of refugees and displaced people within the asylum system resulted in, what the UNHCR has coined, a “humanitarian crisis”.⁵ The rise of xenophobia and anti-migration sentiments in combination with inadequate accountability for racist violence caused countless violations of human rights.

This paper thus urges the EU to combat xenophobia more vigorously through the implementation of operational policies that will result in substantial improvement for the upholding of fundamental human rights. The EU has taken insufficient measures regarding effective policy methods to address and, most importantly, combat violence rooted in xenophobia. Consequently, this paper will present three policy recommendations for the European Council, that focus on a member-state based approach, institutional based approach and a localized approach. Furthermore, this policy paper will address both top-down and bottom-up approaches to improve the protection of refugees. These multi-layered policy recommendations have been created and expounded through the overarching question: How can the European Union improve human rights conditions for refugees through policy implementation concentrated on preventing violence rooted in xenophobia?

Starting off, this policy paper will include a comprehensive explanation of the case to provide a foundation of background information and conceptualization to further advance the case. Subsequently, there will be an analysis of EU initiatives concerning the protection of refugees, most specifically previous policy implementations advancing the protection of refugees against violence rooted in xenophobia. This analysis will acknowledge both the merits and deficiencies of the implemented policies and will subsequently advance the policy recommendations based on the identified gaps in EU policy concerning discriminatory violence. To effectively tackle a problem of this magnitude it is

¹ Jihane Ben Farhat, Karl Blanchet, Pia Juul Bjertrup, et. al. "Syrian Refugees in Greece: Experience with Violence, Mental Health Status, and Access to Information during the Journey and While in Greece," *BMC Medicine* 16, no. 1 (2018): 2.

² Ibid.

³ Jovana Arsenijevic, Erin Schillberg, Aurelie Ponthieu, Lucio Malvisi, et. al. "A Crisis of Protection and Safe Passage: Violence Experienced by Migrants/refugees Travelling along the Western Balkan Corridor to Northern Europe." *Conflict and Health* 11, no. 1 (2017): 5.

⁴ "In Search of Dignity. Report on the Human Rights of Migrant at Europe's Borders," United Nations Human Rights Office of the High Commissioner, 2017, https://www.ohchr.org/Documents/Issues/Migration/InSearchofDignity-OHCHR_Report_HR_Migrants_at_Europes_Borders.pdf

⁵ "Guidance on Racism and Xenophobia," United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

necessary to acknowledge the prerequisite of adequate communication, cooperation and understanding between imperative stakeholders, such as the EU, its member states, independent NGOs and local law enforcement. Hence, bureaucratic top-down approach will be unavailing if not combined with a localized and targeted action plan. On the contrary, localized initiatives will fail to create sustainable, far-reaching results if not met with a powerful source of political and economic influence. Therefore, the policy recommendation introduced in this paper will focus on a hybrid mixture of top-down and bottom-up policy approaches, to attain a holistic method to intercept violence against refugees rooted in xenophobia. Furthermore, it is imperative to acknowledge the power of interconnectivity between stakeholders and their influence in successfully implementing policy measures to combat violence against refugees rooted in xenophobia. Therefore, the first group of policy recommendations (**Policy Proposal 1.a** and **1.b**) will focus on top-down solutions. The second group of policy recommendations (**Policy Proposal 2.a** and **2.b**) will focus on the bottom-up solution that can be pursued. These policy recommendations are to be perceived as interdependent policy alternatives and can overlap or link with one another, as they acknowledge the complexities of the internal policy mechanisms to be converted into real-life action. For instance, Policy Proposal 1.a and 2.a and Policy Proposal 1.b and 2.b have to potential to reinforce one another to achieve optimal success. Additionally, it needs to be recognized that often through the process of policy implementation we can get lost in the technical jargon or political tenets attached to them. Nevertheless, this paper will divert from such notions by introducing the policy recommendations through the so-called “coordinated and humane approach”, thereby continuously recognizing the importance of the protection of human rights for migrants faced with violence rooted in xenophobia.⁶ Therefore, this document will elaborate on four concrete policy measures to directly and sustainably improve the conditions for migrants and to secure the protection of their fundamental human rights.

Case Introduction

As a result of the migration crisis of 2015, more than ten thousand people are currently stranded at the periphery of Europe awaiting their resettlement, deportation, or asylum decisions.⁷ Having fled hazardous circumstances in their home countries, they are more than often, yet again, put in dangerous situations upon reception in Europe. One prominent peril is that of ill-treatment and violence rooted in xenophobia against refugees. This paragraph will (1) establish a conceptual framework for the issue, (2) highlight the importance of the concepts in the European context, and (3) provide a justification for the urgency of the forthcoming policy recommendations.

First and foremost, before the analysis of the European decision-making processes and further policy recommendations on the issue, it needs to be clarified what is meant with ‘violence rooted in xenophobia’. These forthcoming conceptualizations are crucial to comprehend, as they avoid any chance of miscommunication at the terminological level. Violence is defined by the World Health Organization (WHO) as the intentional use of force, threatened or actual, against a person or community, which has a probability of resulting in injury, deprivation, or death.⁸ There are various types of violence, nonetheless, the one that this policy paper refers to is that of ‘discriminatory violence’. This concept is to be understood as violence based on perceived differences, which could include age, gender, race, or disability. Following this conceptualization and placing it in the context of the migration crisis of the EU, reports have indicated that a substantial number of these cases of discriminatory

⁶ Jihane Ben Farhat, Karl Blanchet, Pia Juul Bjertrup, et. al. "Syrian Refugees in Greece: Experience with Violence, Mental Health Status, and Access to Information during the Journey and While in Greece," 4.

⁷ Ibid., 7.

⁸ “Strategies and interventions on preventing and responding to violence and injuries among refugees and migrants,” World Health Organization, 2020, <https://euagenda.eu/upload/publications/9789289054645-eng.pdf.pdf>

violence are rooted in xenophobia.⁹ Therefore, to further clarify, xenophobia refers to the sense of fear or hatred of what is perceived to be foreign, which may incite a sense of suspicion, a covet to marginalize, or to harm the so-called ‘out-group’. Xenophobia is often linked to cases of discrimination, bigotry, racism, prejudice and ethnocentrism.¹⁰

Secondly, it is necessary to elucidate the importance of these concepts in the case of the EU migration crisis, as these are at the heart of the problem. In the past decade xenophobia has been on the rise in Europe, partially, in response to the migration crisis, and how this crisis is portrayed and dealt with by politicians and the media.¹¹ Xenophobic discourse in connection to the migration crisis can predominantly be found in policy and communication strategies of governments and their usage of derogatory and inflammatory language directed towards refugees and migrants. These xenophobic sentiments tend to transform ideological convictions into physical action based on these systems of thought. This active engagement can manifest itself into maltreatment and violence against vulnerable refugees.¹² Furthermore, the media also plays a critical role in perpetuating violence through the spread of misinformation, xenophobic discourse and intolerant political rhetoric. Therefore, the growing xenophobic narrative and the toxic connotations it carries, leave a tangible impact on the lives of thousands of refugees.

This, lastly, leads to the direct relevance is of this policy paper, and therefore what justifies the importance and urgency of the forthcoming policy recommendations. The maltreatment of displaced peoples and refugee have occurred under the radar for a significant amount of time. However, after several alerts of NGOs and human rights organizations, the detrimental issue has been recognized and put at the forefront of human rights action. This was the consequence of various human rights and NGOs reports about numerous counts of abuse and maltreatment of refugees. An increase in hate crimes has been recorded and is most prevalent in regions with little experience with migrants. These cases and statistics have been published in various articles, country reports and organization brochures. An example of these are publications of the OHCHR¹³, UNHCR¹⁴, and Amnesty International. In these publications they continuously urge the EU and its member states to take the reports seriously and to undertake substantial action to fulfill their national obligation of the preservation of human rights. Furthermore, these articles frequently highlight how the EU lacks mechanisms to manage, control, and prevent the issue of violence rooted in xenophobia. Therefore, the subsequent paragraph will research more thoroughly the steps taken by the EU and the European Council, which mechanisms they have applied, and what some gaps are in their implementation.

Crisis Analysis

In order to know how to act in the present, it is crucial to look at the past. Therefore, this section will focus on EU policy action against xenophobic violence against refugees. As mentioned previously, this policy paper aims to take a “coordinated and humane approach” and therefore will analyze both top-down policies and bottom-up policies implemented by the EU. First, the EU top-down approach will

⁹ “Strategies and interventions on preventing and responding to violence and injuries among refugees and migrants,” World Health Organization, 2020, <https://euagenda.eu/upload/publications/9789289054645-eng.pdf.pdf>

¹⁰ Ibid.

¹¹ Elisa A. D'Amico, “Xenophobia and its implications for refugee policies: A cross-national study,” (PhD diss., Iowa State University, 2018)

¹² Ibid.

¹³ “In Search of Dignity. Report on the Human Rights of Migrant at Europe’s Borders,” United Nations Human Rights Office of the High Commissioner, 2017, https://www.ohchr.org/Documents/Issues/Migration/InSearchofDignity-OHCHR_Report_HR_Migrants_at_Europes_Borders.pdf

¹⁴ “Guidance on Racism and Xenophobia,” United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

be analyzed, and subsequently the EU bottom-up approaches will be analyzed. It ought to be mentioned that this policy analysis is intended to portray an unbiased reflection of EU policy decision-making and will point out both the merits and deficiencies of the policy implementations, based on their efficiency, success and sustainability.

First off, an analysis of EU top-down approaches shows that the EU has a longstanding history with roundtables on the topic of ‘human rights protection’, dating back to the ratification of the European Convention on Human Rights (ECHR) in 1953. The ECHR is a convention established to protect human rights at the international level and to promote political freedoms. It consists of 18 Convention Articles and 13 Protocols, which were subject to amendments throughout the decades due to intergovernmental disaccord.¹⁵ The most prominent article for the case of discriminatory violence in the context of the 2015 migration crisis is Article 14 - Discrimination, as it orders the direct prohibition of discrimination.¹⁶ Additionally, the Charter of Fundamental Rights of the European Union (CFR) also aims at upholding human rights, which was ratified in October 2000, but put into legal effect upon its implementation into the Treaty of Lisbon in December 2009. The CFR is content-wise derived from the foundational Articles of the ECHR. The CFR consists of 54 Articles, of which Article 3 - Non-Discrimination is most connecting to the case of the Migration Crisis, as orders the prohibition of discrimination based on national minority, religion and language.¹⁷ It is relevant to introduce this Charter because when NGOs speak of the EU or one of its member states acting in violation of Article 3, they are predominantly referring to this CFR Article 3 on non-discrimination. This has often been stated in the context of the migration crisis, thereby meaning the EU and its member states are failing to upon the fundamental human rights of non-discrimination for refugees in the EU.

Within the context of the Migration Crisis in its most broad context the EU has implemented various policies, agencies, and operational projects to improve the management of the Crisis. Here could be thought of the Common European Asylum System (CEAS), which respects and provide the fundamental right of asylum, the European Border and Coast Guard Agency (Frontex), which is tasked with the coordination and management of the external Schengen Border and maritime borders.¹⁸ However, the EU has lacked at consistently and systematically addressing the precarious issue of discriminatory violence against refugees, as this is a clear fundamental right stipulated through of Article 3 of the Charter. Nevertheless, it has rarely been brought up in official intergovernmental hearings or policymaking processes. What has been done is bureaucratic outsourcing of the task to another EU body, the Fundamental Rights Agency (FRA).¹⁹ The FRA is an official EU agency responsible for collecting research and data analysis on themes linked to the Charter. During the migration crisis they extensively researched the themes of immigration; discrimination; racism and xenophobia; rights of the child; and victims of crime. The results of these analyses have been shared in annual reports, which have indicated specified country statuses in upholding the ECHR and CFR.²⁰ Nonetheless, this approach has proven to be rather inefficient, as numerous countries were failing to acknowledge their accountability of upholding ECHR Article 2 - Right to Life, and Article 3 - Prohibition of Inhumane Treatment. However, because of the complex responsibility structures within the EU and among its member states, and the lack of the inclusion of the complexity in the decision-

¹⁵ “Guide on the case-law of the European Convention on Human Rights,” European Court of Human Rights, 31 December 2020, https://www.echr.coe.int/Documents/Guide_Immigration_ENG.pdf

¹⁶ Sarah Deardorff Miller, “Xenophobia toward Refugees and Other Forced Migrants,” World Refugee Council No. 5 (September 2018): 11.

¹⁷ Sarah Deardorff Miller, “Xenophobia toward Refugees and Other Forced Migrants,” 12.

¹⁸ Arshad Isakjee, Thom Davies, Jelena Obradović-Wochnik, and Karolína Augustová, “Liberal Violence and the Racial Borders of the European Union.” *Antipode* 52, no. 6 (2020): 1758.

¹⁹ “Handbook on European law relating to asylum, borders and immigration,” Fundamental Human Rights Agency, 2020, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-handbook-law-asylum-migration-borders-2020-ed_en.pdf

²⁰ *Ibid.*

making process, this approach through the FRA has proven to be limited in result. Member states were not held accountable, and numerous cases have been dismissed.

Secondly, in contrast to the top-down mechanisms, the bottom-up approaches the EU has ventured towards have been more effective in tackling the issue of violence rooted in xenophobia. The most prominent bottom-up approaches consist of localized teams that observe and monitor cases of xenophobic discourse, incitement to hate crime, and discriminatory violence. These teams report to special committees established through national initiatives, and work in collaboration with the European Council. For instance, after multiple reported cases of discriminatory violence were recorded in Italy, the senate approved of the establishment of Special Committee to Combat Intolerance, Racism, and Incitement to Hatred and Violence.²¹ Its mandate allows them to monitor, investigate and report cases of discriminatory violence, that otherwise would have happened unnoticed. Furthermore, in Malta the government established a specialized unit on hate crime and hate speech. These action groups are mandated to monitor the situation and inform the public about these crimes.²² These are a few examples of localized action groups that report to specialized national committees and target the issue of violence rooted in xenophobia from the ground up. The teams observe and monitor local occurrences on behalf of specialized committees, which subsequently report to the European Council. These localized steps taken have often been praised, as they acknowledge specified localized needs and can clearly stipulate what needs to be improved. However, this is where it falls short, as it can identify what needs to be improved but has no mandate to justify any actual change.²³ Due to the limited mandate of these groups, they repeatedly find themselves on dead-end roads, with no capability of sustainable change.

The EU initiated a policy to counteract the problem of mandate limitations, which is the collaboration with NGOs focused on the protection of refugees. This has resulted in a multiplicity of teamwork initiatives with specialized local committees and NGO action groups, such as those of the UNHCR and the OHCHR.²⁴ These NGOs establish targeted action groups focused on actively improving the protection of refugees, for instance the localized action plans in the refugee hotspots that need most attention. These hotspots have included Italian coastal cities, numerous Greek islands and France refugee camps.²⁵ The localized teams created by the specialized committees under the supervision of the European Council collaborate with the NGOs and thereby have more leeway in creating a bigger impact on the reduction of violence against refugees. Nevertheless, this method has various deficiencies, as it results in the fragmentation of action plans, initiatives, collaborations and partnerships, which are nearly impossible for the EU to adequately coordinate and manage the progress effectively. This results in short-term localized improvements but neglect the future prospect and fail at establishing long-term sustainable steps towards the eradication of xenophobic violence against refugees and the creation of systematic protection of refugees.

In brief, this analysis of both the top-down and bottom-up approaches of EU policy decision-making process and their outcomes, have identified particular gaps that compromise their effectiveness. The policy gaps in the top-down approach include the complex responsibility structures put in place and therefore the lack of member state accountability. In the bottom-up approach the following was

²¹ "Guidance on Racism and Xenophobia," United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

²² "Key fundamental rights concerns," Fundamental Human Rights Agency, 2020, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-1_en.pdf

²³ Jules Morgan, "Agencies Struggle with Europe's Complex Refugee Crisis." *The Lancet* (British Edition) 386, no. 10008 (2015): 2042.

²⁴ "In Search of Dignity. Report on the Human Rights of Migrant at Europe's Borders," United Nations Human Rights Office of the High Commissioner, 2017, https://www.ohchr.org/Documents/Issues/Migration/InSearchofDignity-OHCHR_Report_HR_Migrants_at_Europes_Borders.pdf

²⁵ Jihane Ben Farhat, Karl Blanchet, Pia Juul Bjertrup, et. al. "Syrian Refugees in Greece: Experience with Violence, Mental Health Status, and Access to Information during the Journey and While in Greece," 4.

identified. Specialized teams are working with a limited mandate, they often work with a short-term vision and their initiatives are fragmented, which makes it difficult to coordinate. The accumulation of this leads to inefficient and unsustainable evolution, which will be ameliorated in the subsequent paragraph.

Policy Recommendations

This policy paper proposes various recommendations to tackle the identified issues in the preceding paragraph and does through the ‘coordinated and humane approach’ for both the top-down and bottom-up approaches. The recommendations will be divided into two sections, one for each approach. However, the policy proposals intersect and communicate with one another, and do not run parallel in isolated capacities. Therefore, the policy recommendations acknowledge that the issue of violence rooted in xenophobia cannot be solved as an isolated problem. Keeping this in mind, these are the recommended policy advancements:

Firstly, the current top-down approach of EU policy on discriminatory violence could undergo targeted structural changes to improve the identified issue of inadequate accountability. There have been several accounts of EU member states in violation of CFR Article 3, which implies a violation of fundamental human rights on grounds of discrimination.²⁶ These cases have been monitored and reported by several human rights agencies, including the FRA.²⁷ However, there has been a systematic lack of acknowledgment and accountability of said member states, and therefore inadequate action has been taken in top-level governance. Therefore, **Policy Proposal 1.a** recommends the establishment of more official intergovernmental hearings on the direct topic of protection for refugees. These hearings will aim to establish discourse surrounding the official reports created by the installed agencies. It is too often the case that during intergovernmental hearings on the topic of the migration crisis there is excessive focus on the internal logistics or the financial concerns; but too little on the humane aspects. Therefore, we propose that the hearings implement a deeper focus on the humane side and consider that the presented numbers are in the country reports are not solely numbers in a country report. These numbers represent human beings, whose fundamental rights have been violated. These are human beings who have experienced discriminatory and xenophobic violence, regardless of their fundamental right to be protected. Therefore, the increase of intergovernmental hearings on the topic of the protection of refugees, the creation of discourse surrounding discriminatory violence, combined with the inclusion of a humane approach will increase the accountability of member states that are in violation of CFR Article 3. This policy proposal does acknowledge its limitation in that it will not directly solve the issue of discriminatory violence against refugees. However, the first step towards solving a problem is respecting the fact that there is one. Official accountability will be this step, and it will promote an advancement towards council resolutions aiming to eradicate discriminatory violence against refugees and improve the protection of refugees on the grounds of CFR Article 3 and ECHR Article 2 and 3. Furthermore, acknowledging the problem is one step; the next one is creating a plan of action with the focus on high-level interventions. In previous analysis it has become evident that inadequate coordination of governmental action plans has been an impediment in further advancing the protection of refugees.²⁸ Therefore, **Policy Proposal 1.b** recommends an increased collaboration with third-party

²⁶ “Guidance on Racism and Xenophobia,” United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

²⁷ “Handbook on European law relating to asylum, borders and immigration,” Fundamental Human Rights Agency, 2020, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-handbook-law-asylum-migration-borders-2020-ed_en.pdf

²⁸ Sarah Deardorff Miller, “Xenophobia toward Refugees and Other Forced Migrants,” World Refugee Council No. 5 (September 2018): 17.

experts that are knowledgeable on the establishment of intergovernmental plans and coordinating these procedures. These third-party collaborations will have the aim of increasing access to information on structural governmental approaches and will function as an advisory partner to the EU and its member states.²⁹ This policy paper suggests that the EU and its member states could benefit from an increase in collaboration with particular internal UN bodies based on their knowledge and experience with the aforementioned procedures. Such UN bodies include, but are not limited to, the UN Human Rights Council (UNHRC) and The Convention on the Elimination of Racial Discrimination and its Committee (ICERD).³⁰ The UN Human Rights Council is an advocacy platform that is responsible for the promotion and protection of human rights. They thus focus on the issue of discriminatory violence rooted in xenophobia, and have appropriate procedures dedicated to the specific problem. The UNHRC can provide input on specified resolutions for the upholding of human rights, particularly focused on the prevention of discriminatory violence rooted in xenophobia against refugees.³¹ Furthermore, member states can also benefit from collaborating with the Convention on the Elimination of Racial Discrimination and its Committee. The ICERD can be a powerful instrument, as it contains key provisions regarding criminalization of hate crime and the condemnation of discriminatory violence. The ICERD can give specified urgent recommendations to governments with active cases of discriminatory violence and can help with to effectively implement advocacy procedures. Therefore, third-party expert groups can augment the effectiveness of governmental action plans and increase the chances of their success.

Secondly, current bottom-up approaches pursued by the EU could benefit from structured, qualitative change. Preceding analysis has identified particular areas that could use improvement and several weak spots in current policy. One of these deficiencies is that the localized task forces supply limited results because of their limited mandates. They mostly have the ability to monitor, assess, report, and analyze, but they have no autonomy to actively instigate change.³² Nonetheless, this does not mean these localized groups cannot make a change. This policy paper acknowledges that the mandates these localized groups work with are limited and that a call to widen the mandates would be overly optimistic. Nevertheless, although these are not optimal circumstances, there can always be made improvements within their respective mandate. Therefore, **Policy Proposal 2.a** recommends the implementation of ‘targeted monitoring strategies’ to improve the quality of the final reports and assessments, which will subsequently improve the effectiveness of Policy Proposal 1.a, when these reports are discussed in official plenary hearings. The emphasis of this policy recommendation lies in the word ‘targeted’, as this is still something absent in current policy on monitoring the protection of refugees, specifically against discriminatory violence. The existing reports are inadequately categorically structured, which often makes them incomprehensible and insoluble. Yet, this can be overcome through targeted monitoring strategies that aid the improvement of the protection of refugees through monitoring specific categories. These categories can include, but are not limited to, the targeted monitoring of whether victims of discriminatory violence have access to appropriate legal support without discrimination; whether submitted cases of discriminatory violence are properly recorded by authorities; how the police and judicial system handle the victims’ cases to safeguard their fundamental right to fair and impartial proceedings. An example of an already existing small-scale initiative is that of the Racist Violence

²⁹ “Guidance on Racism and Xenophobia,” United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

³⁰ Ibid.

³¹ Ibid.

³² “Handbook on European law relating to asylum, borders and immigration,” Fundamental Human Rights Agency, 2020, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-handbook-law-asylum-migration-borders-2020-ed_en.pdf

Recording Network (RVRN) established in Greece, which categorically monitors specific cases.³³ Through analysis, interviews, and careful research they have created several reports that have been able to highlight specific issues, for which they were able to provide detailed recommendations to the government. Therefore, despite having a limited mandate, localized teams can implement strategic methods of targeted categorical monitoring, which will create greater clarity of the scope and severity of the problem of discriminatory violence rooted in xenophobia. This, therefore, intersects with Policy Proposal 1.a, as it will benefit government officials in better understanding the problem and thus being able to utilize these reports more efficiently in the creation of potential policy resolutions.

Furthermore, previous analysis has identified the lack of long-term, sustainable solutions. There is a multiplicity of ways in which the EU can establish long-term solutions for the protection of refugees and create sustainable solutions to combat discriminatory violence. Nevertheless, **Policy Proposal 2.b** specifically suggests the implementation of the ‘root cause analysis approach’.³⁴ This approach creates a more comprehensive understanding of the scope, impact, and possible solutions, as it acknowledges the underlying factors that accumulatively result in discriminatory violence. Root cause analysis serves on the premise of understanding the inherent complex systems surrounding the problem and identifying key factors in these systems, to create specified solutions and eliminate the negative factors. Thus, in perfect circumstances one would eliminate all factors in the system that lead to a particular problem, and thereby eliminate the problem as a whole, by addressing the root causes. To a certain extent, it could be implemented in the context of cases of violence rooted in xenophobia. This issue has an extremely complex system surrounding it, which needs to be understood thoroughly in order to create sustainable and long-term effective solutions. Discriminatory violence against refugees has many intersecting factors that can include for instance concerns of national cohesion and identity, migratory flows into inexperienced areas, economic downturn, or rising unemployment.³⁵ Furthermore, these factors can be broken down into causes of pre-existing sentiments of racism, bigotry, dogmatism or prejudice. The focus of these assessments should be on quantitative and qualitative data obtained from local authorities, citizens of the host community, people from the refugee community and media outlets. Consequently, the assessment of these factors can instigate specified action missions in areas of necessity to tackle the underlying issues of discriminatory violence. As an extension of Policy Proposal 1.b, on the creation of initiatives in collaboration with third parties, it is highly recommended to work together with local NGOs or community groups to create localized action plans to foster peaceful coexistence between the refugee and host community. The implementation of the root cause analysis approach is thus highly beneficial because it will lead to the creation of a sustainable solution, as it specifically targets the factors and root causes within a substantially complex system surrounding the problem. Therefore, Policy Proposal 2.b makes the elimination of violence rooted in xenophobia more attainable and will improve the protection of refugees through a sustainable method.

Conclusion

In conclusion, the issue of violence rooted in xenophobia has proven to be one of high complexity. The numbers of victims of discriminatory violence have increased substantially within the past decade, due to the increased prejudice, racism and bigotry related to the migration crisis of 2015. Political and media discourse are amongst the channels that fuel these sentiments, which in various cases result to physical

³³ “Guidance on Racism and Xenophobia,” United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

³⁴ Ibid.

³⁵ “Guidance on Racism and Xenophobia,” United Nations High Commissioner for Refugees, 6 Oct 2020, <https://www.unhcr.org/search?query=UNHCR%20Guidance%20on%20Racism%20and%20Xenophobia>

confrontation. Several reports have indicated that countries are failing to uphold fundamental human rights through inadequate protection of refugees.

The EU has taken several top-down steps to ensure that fundamental human rights are respected by member states. This has been done through the ratification of the ECHR and the CFR, which entails ECHR Article 3 - Prohibition of Inhumane Treatment, Article 14 - Discrimination, and CFR Article 3 - Non-Discrimination. Furthermore, they have established the FRA, an agency that is responsible for monitoring and reporting human rights intricacies to the European Council. Additionally, several bottom-up approaches have been implemented, such as the establishment of specialized committees that deploy localized action groups to conduct on-the-ground research. This method has been approached by several countries including Italy and Malta. Furthermore, policies have been implemented that incentivizes teams to collaborate with third-party experts, including specialized committees and NGOs. These teamwork initiatives have resulted in the creation of targeted action groups focusing on work in particular 'hotspots' to investigate discriminatory violence.

Nevertheless, various shortcomings and deficiencies have been identified within both the top-down and bottom-up approaches. In the top-down approaches there is inadequate accountability for countries that are in violation of CFR Article 3, due to complex responsibility structures. Furthermore, in the bottom-up approaches there is a difficulty due to limited mandates, there is a pattern of short-term solutions instead of sustainable action plans, and coordination is difficult due to fragmentation. Therefore, in answer to the main research question: How can the European Union improve human rights conditions for refugees through policy implementation concentrated on preventing violence rooted in xenophobia? These aforementioned deficiencies have been addressed and can be improved with the use of the following policy recommendations following the 'humane approach':

Policy Proposal 1.a recommends the top-down implementation of more in-depth official hearings regarding the reports written by the FRA on fundamental human rights violations. This proposal emphasizes the presentation of these reports and their statistics in a humane manner, which will instigate open discourse on the protection of refugees. Thus, countries will then be more easily held accountable for upholding fundamental human rights.

Policy Proposal 1.b recommends the integration of third-party advisory partnerships within the decision-making process to ensure a smoother and more effective implementation of plans that concern the protection of refugees. These partnerships are expert organizations that are knowledgeable on intergovernmental coordination and execution, for instance the UNHRC or ICERD. Thus, they have the ability to provide specialized input on specific stumble blocks within the process of tackling discriminatory violence.

Policy Proposal 2.a recommends the implementation of the targeted monitoring strategies that focusing improved categorization and targeted monitoring that reflect the necessities in particular areas. This will improve the quality of the produced reports, which in turn will supplement Policy Proposal 1.a when these reports are presented in official hearings.

Policy Proposal 2.b recommends the integration of root cause analysis to gain a more comprehensive understanding of the scope on the issue of discriminatory violence rooted in xenophobia. This deepened understanding of the factors within the larger complex surrounding the problem will provide clarity for the establishment of possible solutions. It thus makes the elimination of violence rooted in xenophobia more attainable and provides a sustainable method.

Conclusively, utilizing a coordinated and humane approach in the analysis and creation of policies combatting violence rooted in xenophobia against refugees allows for a more holistic, sustainable, and comprehensive policy solution. The issue of discriminatory violence against refugees is a complex, multi-layered predicament. However, through the implementation of appropriate policies, many lives can be respected and protected for generations to come.

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