FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

OPERATIONALISING THE PACT ON MIGRATION AND ASYLUM

EXPERIENCES FROM THE HOTSPOT APPROACH

REPORT

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Introduction

Over one million refugees and migrants reached Europe by sea in 2015. They mainly arrived in Greece and Italy, as analysed in FRA's fundamental rights report focus chapter Asylum and migration into the European Union in 2015.

To respond to the increased arrivals of asylum seekers, the European Commission issued the European Agenda on Migration. This introduced the hotspot approach, which entailed larger EU funding and operational deployments by the European Commission, Frontex, the EU Asylum Agency and, later, Europol. The goal of this approach was to help Greece and Italy to identify, register and fingerprint newly arrived people. FRA regularly visited the initial reception facilities—or hotspots—hosting new arrivals. Regular coordination meetings took place between national authorities, the European Commission and EU agencies under this new system, whose functioning is outlined in the 2023 European Parliamentary Research Service briefing.

In 2024, with the Pact on Migration and Asylum (the Pact), the EU revised its asylum rules. Certain aspects of the legal instruments adopted under the Pact were inspired by the earlier hotspot approach. Similar to the hotspot approach, some provisions in the Pact require a careful approach when implementing them, so as to comply with the EU Charter of Fundamental Rights (the Charter).

FRA has closely followed the application of the hotspot approach in Greece and Italy since 2016. FRA has since released several reports providing its fundamental rights expertise to the EU and the concerned Member States. FRA's November 2016 hotspot opinion and FRA's March 2019 hotspot opinion, both issued upon request by the European Parliament, describe the serious fundamental rights challenges in the implementation of the approach. FRA suggested ways to address them, while paying particular attention to the treatment of people with special needs. In 2021, FRA flagged 12 fundamental rights issues to consider in relation to initial-reception facilities at external borders. FRA's Fundamental Rights Report 2024 (section 3.3.4) lists measures to prevent and respond to gender-based violence in selected facilities for new arrivals.

FRA had a permanent field presence in Greece for many years, which allowed the Agency to gain insightful knowledge of the situation on the ground. In 2025 and 2026, the last FRA visits to Greece, Italy and Cyprus— where procedures are inspired by the hotspot approach— took place.

This report presents selected lessons learnt from 10 years of FRA's work, concluding its operational engagement. It covers the 10 areas that the Agency's advice has focused on. Each section lists selected lessons learnt in bullet points which:

- intend to draw the attention to potential issues that may emerge, considering the fundamental rights challenges experienced in Greece and Italy; and
- present examples of actions Italy and Greece took to prevent fundamental rights risks and gaps or to address these.

The reference section at the end lists selected guidance materials by FRA, the EU Asylum Agency (EUAA) and the United Nations High Commissioner for Refugee (UNHCR) as well as national authorities quoted in this report.

With this report, FRA presents an analysis of its observations gathered over several years at hotspots in Greece and Italy, presented as a 'lessons learnt'. The aim is to support asylum, screening, reception and law enforcement authorities in Member States across the EU in overcoming fundamental rights challenges they encounter when implementing certain aspects of the Pact. Although operational realities vary across the EU, the considerations listed in the bullet points may provide inspiration to national authorities in charge of screening, border procedures and reception of new arrivals.

1. Respecting dignity at registration

Swift identification and registration of all new arrivals help protect refugees against *refoulement* and children from going missing. When registering new arrivals, national authorities must respect the Charter, in particular human dignity (Article 1) and the rights of the child, the elderly and of persons with disabilities (Articles 24-26).

The Pact requires Member States to screen all new arrivals, as well as to identify and register them in the Eurodac database. Under the revised Eurodac Regulation children older than six years must also be fingerprinted.

One aspect which raised FRA's concern at the hotspots relates to fingerprinting. In 2015, there had been allegations of excessive use of force when taking fingerprints for Eurodac in Italy (FRA 2016 opinion), an issue that has not since re-emerged.

In this regard, selected lessons learnt from the hotspot approach are that:

- Effective information provision and counselling to secure compliance with fingerprinting for Eurodac reduces the need to resort to use of force. FRA's 2015 checklist (page 2), referenced in Recital (51) of the Eurodac Regulation, provides guidance on how to achieve this.
- Having basic skills in noticing signs that a person may be traumatised and being trained on how to mitigate the risk of re-traumatisation or other complications during fingerprinting, promotes dignified treatment.
- To respect dignity when photographing and fingerprinting new arrivals, the Italian handbook on vulnerabilities (vademecum) underlines the need to provide appropriate space to guarantee privacy, the presence of female staff, and the assistance of cultural mediators.
- FRA observed that – in practice – providing information on data processing with respect to Eurodac is challenging. A joint leaflet (2019) by FRA and the Eurodac Supervision Coordination Group assists officers in informing asylum applicants and migrants in an understandable and accessible way about data processing in Eurodac.
- In cases of disputed nationality of new arrivals, recording the declared nationality as well as the presumed nationality reduces errors and limits subsequent cumbersome correction procedures.

2. Ensuring access to asylum

Article 18 of the Charter guarantees the right to asylum. EU law requires that all applications for international protection be registered and examined in a fair and efficient manner.

The rules set out in the Screening Regulation (EU) 2024/1356 and the Asylum Procedure Regulation (EU) 2024/1348 provide a clear EU law framework to ensure that everyone who requests asylum is swiftly channelled into asylum procedures and protected from return until an enforceable decision on the application is taken. The Pact also envisages prompt examination of certain applications, considered likely to be manifestly unfounded, in the asylum border procedure.

One of the functions of the hotspot approach was to facilitate access to asylum procedures for those in need of international protection. Nevertheless, in March 2020 and July 2025, emergency measures in Greece suspended access to the asylum procedure for certain categories of arrivals, respectively for one and three months.

More generally, in its 2019 opinion on the hotspots, FRA noted that the processing of asylum claims in facilities at borders, particularly in remote locations, although *per se* not unlawful, brings along built-in deficiencies. Difficulties to deploy the needed experts and equipment to such locations created significant delays in examining asylum claims, contributing to the overcrowding of reception centres. Providing adequate information to ensure that new arrivals are aware of the possibility to claim asylum, as well as know the procedure, related rights and obligations was particularly challenging in cases of large numbers of arrivals.

Concerning asylum, selected lessons learnt from the hotspot approach, are that:

- Exceptional situations should be dealt with by using the flexibility embedded in EU law. An example of this is extending registration deadlines, without resorting to measures that conflict with the Charter or international law. For the specific situation at the EU's Eastern border, FRA's publication on Countering the instrumentalisation of migrants and refugees and respecting fundamental rights (2025) provides guidance.
- To ensure that asylum procedures can cope with unexpected workload increases, contingency planning is paramount; to this end, Member States can refer to resources, such as the EUAA's guidance on contingency planning in the asylum procedure (2024) and UNHCR's guidance on preparedness in its emergency handbook.
- Greece's accelerated processing of manifestly well-founded applicants coming from third countries with a high recognition rate leads to swift decisions and is a promising practice to consider.
- In the hotspots, the authorities cooperate with external actors to provide information, such as the EUAA – which developed a set of materials on this, the UNHCR and child protection or humanitarian organisations, with promising results.

3. Delivering legal assistance

Given the complexity of the asylum procedure as well as language barriers, the availability of legal support is a precondition for meeting the standards required by Article 47 of the Charter to access an effective remedy against a negative decision.

Under the Pact, Article 15 of the Asylum Procedure Regulation strengthens legal support during the examination of the asylum claim by the asylum authorities, entitling applicants to request free legal counselling. At the same time, under Article 67 (7) of the regulation, deadlines to appeal a negative decision in the asylum border procedure range between five to 10 days. Applicants need to request the right to remain during the appeal procedure (Article 68). Such strict rules create fundamental rights risks.

FRA's 2019 opinion noted that legal assistance in the hotspots in Greece was insufficient. UNHCR and NGO lawyers filled the gap until Greece enacted legislation to address this deficiency. In Italy, applicants wishing to appeal a negative asylum decision taken in the border procedure must select a lawyer from a list of free legal aid providers registered with the court, many of whom lack specialisation in refugee law.

In regard to legal assistance, selected lessons learnt from the hotspot approach, are that:

- Entrusting legal aid to lawyers specialised in asylum and migration law, rather than relying on any free legal aid lawyers, is an important factor for accessing an effective remedy. This has positive repercussions on fairness and efficiency.
- Having specific criteria for free legal aid providers, for example, with respect to their specialisation and training, helps to ensure consistent quality of legal aid.
- Providing legal assistance during the examination of the asylum claim by the asylum authorities helps applicants navigate the asylum procedure and present their claim, promoting procedural fairness and reducing the likelihood of appeals.
- On free legal counselling, the EUAA has produced a practical guide (2025) on how to inform asylum applicants of this possibility as well as on the selection and quality assurance of legal counsellors. The guide includes additional suggestions, when legal counselling is entrusted to civil society organisation.
- Lawyers and legal counsellors must be supported by adequate interpretation and/or cultural mediation services, which authorities should consider when procuring such legal services.

4. Providing access to services

Under Article 1 of the Charter, every person must be treated with dignity.

Under the Pact, the Reception Conditions Directive (EU) 2024/1346 regulating the support to asylum applicants, was revised. The directive applies from the moment a person seeks asylum, often occurring during the screening. To ensure swift, efficient and effective processing of their asylum application, Member States may assign and place asylum applicants in a specific geographical area, provided it is sufficiently large and allows access to necessary services (Article 8).

In the past 10 years, there were many reports on thousands of people trapped at migration hotspots in undignified conditions. FRA's 2016 opinion and 2019 opinion describe gaps in reception services, caused by a combination of insufficient planning, limited administrative capacity, coordination difficulties and procurement weaknesses. Inadequate contingency planning together with restrictions to onward movements to inland facilities led to overcrowding.

Experiences in Greece and Italy show the important role that humanitarian actors play with respect to identifying and trying to mitigate inadequate provision of services in hotspots, in an effort to ensure respect for human dignity. However, operational coordination among different humanitarian actors, and State authorities, has been challenging at times.

The prolonged stay of a significant number of migrants and refugees in remote locations has put a strain on the local infrastructure and services. In some cases this fuels animosity and tensions with local communities.

On reception conditions, some selected lessons learnt from the hotspot approach, are that:

- Adequate infrastructure, including dignified waiting areas, without overcrowding and which guarantees safety and privacy, is a pre-condition to carry out screening and border procedures effectively. FRA's twelve fundamental rights issues for initial-reception facilities at external borders lists, at point 2, factors to consider when building a new facility. The EUAA has a tool to assess appropriateness of sites and buildings.
- The terms of reference to procure and contract reception services as required under relevant EU law instruments must be flexible to enable service providers to operate with fluctuating numbers of arrivals, to carry out repair work swiftly, and to deliver adequate services also in remote locations. The services should match the actual needs of those arriving.
- Adequate contingency planning is crucial to cope with a potential increase in the number of arrivals and other unexpected events. Authorities may consult the 2018 EASO guidance on contingency planning in the context of reception.
- A flexible approach that allows civil society to offer their services mitigates the hardships

affecting the people hosted in reception facilities at borders.

- Regular meetings between the different actors operating or providing services to the people hosted in the hotspots improves the sharing of information and operational coordination.
- Where several actors providing services are present, thematic coordination groups, such as on water and sanitation, child protection or gender-based violence, help increase efficiency.
- The camp layout may facilitate coordination among actors and improves referrals and the delivery of services. As a promising practice, in some Greek hotspots, the authorities established so called 'protection hubs' by placing all actors who provide information, legal, social and psycho-social services in a common area.
- Regular data collection on and assessment of the quality of reception services, for example by using the EUAA Assessment of Reception Conditions (ARC) tool, helps ensure that services adhere to the Charter and to other legal requirements.
- Engaging with local actors, providing information, promoting certain interactions with local communities, for example through cultural or sports events, contributes to foster acceptance and to ease tensions with the local community.
- Arrangements allowing local communities to benefit from investments to implement the Pact – for example, by enabling their access to medical services, infrastructure or equipment otherwise not locally available – counters local community concerns.

5. Avoiding unlawful detention

Restrictions to and deprivation of the right to liberty stipulated by Article 6 of the Charter needs to comply with the principles of necessity and proportionality expressed in Article 52 (1) of the Charter.

For asylum applicants, under the Reception Conditions Directive (Articles 9-13) and the Screening Regulation (Article 4) restrictions to and deprivation of liberty must comply with procedural and substantial safeguards. They are subject to an individual necessity and proportionality test. Also for persons channelled into return border procedures, Article 5 of the Return Border Procedure Regulation requires an individual assessment.

At different instances, FRA observed that new arrivals were deprived of liberty in initial reception facilities in Cyprus, Greece and Italy, without assessing if it was necessary and proportional in the individual case. Deprivation of liberty also concerned vulnerable applicants, such as unaccompanied children (see 2019 FRA hotspots opinion). In Greece, until 2021 unaccompanied children were also deprived of their liberty as a discretionary protective measure to prevent their exploitation and to avoid children going missing.

National law regulates the maximum time frame a person can be kept under short-term arrest and after which deprivation of liberty, if continued, requires a detention decision. In over half of the Member States, a court must endorse a detention order. Time limits for such endorsement are normally very short.

On deprivation of liberty, some selected lessons learnt from the hotspot approach, are that:

- EU fundamental rights law does not allow automatic detention of certain categories of new arrivals, without an individual necessity and proportionality assessment.
- As soon as the short period of time (usually set in hours), that law enforcement authorities are allowed by national law to hold a person expires, new arrivals must be allowed to exit the facility or receive an individual detention decision respecting EU law safeguards.
- Prioritising alternatives to detention promotes more humane treatment and saves costs; the EUAA guidance advises how to apply such alternatives.
- A facility intended for the first identification and registration of new arrivals should not resemble a prison, with barbed wire and prison-like fencing. FRA highlighted this in its publication on initial-reception facilities at external borders (2021). A non-carceral design helps avoiding the risk of re-traumatising people who have experienced violence and persecution. Staff should not wear uniforms, where possible.
- The National Emergency Response Mechanism (NERM) replaced Greece's protective custody, ensuring the protection of unaccompanied children without resorting to detention. It was set up by the authorities in partnership with UNHCR and civil society actors – see promising practice in FRA (2021), Unaccompanied children outside the child protection

system – Case study: Pakistani children in Greece, page 24.

6. Facilitating communication

Linguistic assistance overcomes language barriers and ensures that newly arrived people understand their rights and obligations. It is a core aspect of the right to an effective remedy (Article 47 of the Charter) and, more generally, of the right to good administration, embedded in Article 41 of the Charter for EU institutions and agencies.

Under Article 33 of the Reception Conditions Directive, Member States must allocate the necessary translators and interpreters.

At the hotspots, FRA observed regular gaps in interpretation services. However, there were also promising practices. Regarding communication, selected lessons learnt from the hotspot approach, are that:

- Deploying qualified cultural mediators, as done in Italy, who do not only know the language but also the culture of migrants and refugees, improves the quality of communication. This reduces tensions and facilitates de-escalation. There is added value for involving them in all procedures. Having an official registry of cultural mediators, as is the case in Sicily, helps.
- Outreach through social workers to the communities hosted in the centre helps prevent and address tensions (FRA 2016 opinion). Such outreach may include regular meetings between the management and camp residents. UNHCR has developed guidance on communicating with communities, advising how to ensure communication with women, men, girls and boys, from diverse backgrounds.
- An effective complaint and response mechanism, enabling applicants to report problems in the camp, also accessible to children and applicants with special needs, does not only respond to individual needs but also guides the administration on how to adjust camp rules.
- The experience at the hotspots shows the advantages of a phased provision of information, with key aspects, including the right to seek asylum, explained upon arrival, followed by information on other aspects, as soon as these become relevant for the person concerned. To reach different groups, information provision needs a gender and child-sensitive approach.
- Information points within the facility which asylum applicants can freely approach facilitate access to information. To respond to asylum as well as reception issues, a promising practice is to have reception and asylum staff operating such info points jointly, as observed in some Greek facilities.
- Targeted focus group discussions with the camp residents, such as the focus group discussions with women in Leros (Greece), increases the understanding of possible protection risks some people might face in the centre.
- More generally, implementing activities for the residents and allowing them to take care of their daily needs as much as possible, not only avoids idleness but also helps create an

atmosphere of trust and better cooperation.

- Free access to the internet facilitates communication and diffuses tensions.

7. Identifying and referring people with special needs

Chapter III of the Charter, which covers equality, guarantees the rights of the child (Article 24), the rights of the elderly (Article 25) and of persons with disabilities (Article 26). Article 35 of the Charter covers healthcare.

The rules adopted with the Pact strengthen the identification and referral of people with special needs. Article 25 of the Reception Conditions Directive and Article 20 of the Asylum Procedure Regulation require Member States to assess whether an asylum applicant has special reception needs or requires special procedural guarantees. Under Article 53 of the regulation, asylum applicants must be examined in the normal procedure when the necessary support is not available in the border procedure. The assessment of special needs must be done individually for each applicant. It should build on the preliminary health and vulnerability check during the screening.

In its 2016 and 2019 hotspots opinions, FRA described the serious challenges in identifying persons with special needs at the hotspots. For example, at the Greek hotspots, FRA (2019 opinion) observed shortages of doctors, psychologists and/or social workers, in part due to the low attractiveness of the job offers. FRA also described the efforts made to address gaps and ensure that people with specific needs access relevant services and benefit from the necessary safeguards in the asylum procedure.

In this regard, selected lessons learnt from the hotspot approach, are that:

- Having a tool to identify persons with special needs is crucial. Member States may use the EUAA IPSN tool, which is regularly updated. Member States may also use the IPSN tool to adjust and improve their own tools.
- Standard operating procedures (SOPs), promote consistency and enhance effectiveness. SOPs have been adopted in Italy and Greece. SOPs facilitate identification as well as onward referral to facilities equipped to cover a person's specific needs. The 2023 Italian vademecum and its version for unaccompanied children (2025), triggered a process whereby local actors in different regions adapt them to their own realities.
- The early identification and immediate response to the needs of victims of violence, including gender-based violence, of torture and of trafficking in human beings, as well as people who experienced trauma, requires specialised personnel. A promising practice is to have a structured cooperation with specialised actors who can offer continuous counselling throughout the different procedures as well as a network of specialised facilities to transfer victims to a safe setting where they have access to victim support services.
- The short deadlines for the asylum border procedure entail significant challenges to identify asylum applicants with special needs as well as to arrange the necessary support during the procedure. A reinforced presence and pro-active approach of medical, social and psychosocial staff as well as vulnerability experts in facilities hosting applicants in the

asylum border procedure, together with agreed referral mechanisms, helps ensure that applicants whose specific needs cannot be met there are transferred to the regular procedure. Activities which nurture self-disclosure of particular vulnerabilities are also of added value, providing that there is adequate follow-up.

- Regular joint training on vulnerabilities of all actors operating or providing services in a facility ensures that everyone is aware of existing procedures and safeguards. Cooperation with the EUAA as well as international and civil society organisations enrich such training, as experience in Greece for example, shows.

8. Protecting children

Under Article 24 of the Charter, children must have the right to such protection and care as is necessary for their well-being. In all actions relating to children, the child's best interests must be a primary consideration.

Under the Reception Conditions Directive (Articles 16, 22 and 26), children – whether alone or with their families – must have access to education, child healthcare services, age-appropriate recreational activities and open-air activities.

FRA's 2016 hotspots opinion puts significant emphasis on child protection, formulating several suggestions for improvement. Although Greece and Italy considered hotspots not appropriate for unaccompanied children, in practice they stayed there. Conditions often remained far below the minimum standards, due to overcrowding, lack of child protection staff and the presence of carers at night, shortage of non-food items and lack of meaningful activities, including enrolment in public schools.

On child protection, selected lessons learnt from the hotspot approach, are that:

- Having a child protection policy, as the Greek Reception and Identification Service, for example, issued in December 2025, clarifies duties and commitments.
- Unified best interests assessment forms and tools, like the best interests procedures toolkit in Greece, combined with training, ensures that assessments are carried out by trained and experienced professionals in a coherent manner.
- Responding to the reception needs of children can best be achieved through cooperation with child protection actors and educational facilities. Experience from the hotspots show that separately accommodating families and creating safe areas for children is not enough, if not accompanied by adequate additional arrangements. There is a need for qualified staff specialised in child protection matters and, for unaccompanied children, of carers who also stay at night.
- Exposing children to a prison-like environment and depriving them of liberty, even if together with their parents, can have long-lasting traumatising effects. Unaccompanied children should be placed in adequate housing with the necessary social and psychological support services.
- Unaccompanied children should be moved to child-appropriate accommodation immediately and their stay in initial screening or reception facilities should be limited to the few hours or days necessary to complete registration procedures, when there are no other options. Separation of sleeping arrangements and bathrooms between boys and girls is a pre-condition to ensure girls' protection.
- Arrangements for temporary guardianship with child protection actors, as done in Greece through an agreement with two civil society organisations, helps enable unaccompanied

children to be supported by a guardian from the very beginning, including during the screening. Voluntary guardianship schemes, as established in Italy, help overcome capacity gaps, but must go hand in hand with appropriate training, support and oversight.

- Age assessments lead to unnecessary delays when done systematically or when the necessary expertise and facilities are not readily available. An age assessment should only be requested in cases where the age claims made by the applicant during the initial checks continue to raise substantial doubts. The EUAA practical guide (2025) offers advice for applying a multidisciplinary approach and prioritising less invasive methods.
- Child protection and/or trafficking experts may support the identification of children who declare or have documents showing that they are above 18 years of age, where there are indicators pointing to being under 18.

9. Countering gender-based violence

The EU and most of its Member States are party to the 2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). Article 15 of the Convention requires training of professionals. Victims must have access to adequate healthcare and social services (Article 20) and must receive adequate and timely information on available support services and legal measures in a language they understand (Article 19).

The Reception Conditions Directive (Article 20), as revised with the Pact, requires Member States to take appropriate measures to prevent assault and gender-based violence in their reception facilities, including sexual assault and harassment. Directive (EU) 2024/1385 on combating violence against women and domestic violence, which Member States must transpose by June 2027, sets out measures for victims' protection and access to justice.

In its 2016 hotspots opinion, FRA noted too few female police staff and interpreters. The camp design and management did not sufficiently take into account the specific risks faced by women and girls, for example with respect to sexual harassment and violence. Preventive measures did not solutions suggested by women. The 2019 FRA opinion describes progress.

In relation to gender-based violence, selected lessons learnt from the hotspot approach, are that:

- On the preventive side, precautionary measures can substantially reduce the risk of gender-based violence, such as when designing sanitary facilities (which should be lockable), lighting at night, allocating a safe place to sleep to new arrivals and controlling access.
- Overcrowding and the absence of adequate separation between single women, single men and families, exposes residents to a high risk of gender-based violence.
- Creating an environment which enables women to speak about their fears, for example by operating women-friendly spaces, as FRA observed in Chios (Greece), helps inform reception staff about possible preventive action to take. Boys and men-only activities to discuss gender-based violence are also beneficial to preventing their abuse of women and girls.
- Sufficient presence of female police staff and interpreters contributes to safeguarding the dignity of women during checks, including body searches, first registration and other procedures. It is preferable to lay down the need for female security staff in national legislation, as in Greece's Joint Ministerial Decision 23/13532/2020 (Article 5). Female staff also facilitates reporting of gender-based violence.
- Having a dedicated focal point for gender-based violence with clearly defined tasks in each facility contributes to ensuring that violence against women and girls is prioritised, and that the response is coordinated and effective.
- When incidents occur, having effective and standardised referral pathways enables victims to report safely and receive adequate medical, psychosocial and legal support.

- Special attention should be devoted to the risks that children face. The joint document by the Italian Ministry of Interior, UNICEF and UNHCR (2024) contains materials to prevent and respond to gender-based violence in reception facilities, including a code of conduct sample, a tool to audit the safety of women and children and a template to map locally available support services.
- Clear policies to comply with the vetting requirements under Article 10 of the Directive on combating the sexual abuse and sexual exploitation of children (2011/92/EU) are essential to prevent abuse.

10. Monitoring fundamental rights

Article 10 of the Screening Regulation and Article 43(4) of the Asylum Procedure Regulation require Member States to provide for an independent mechanism to monitor compliance with fundamental rights during the screening of new arrivals and when assessing asylum claims at external borders.

Over the past ten years, EU and international monitoring bodies and national human rights institutions (NHRIs) have already played an important role in this regard. Selected lessons learnt are that:

- NHRIs have started initiatives responding to emerging issues. In Greece, for example, the Ombudsman did an inquiry into the Pylos shipwreck. The Greek National Commission for Human Rights set up a mechanism for recording summary returns, whose 2024 annual report documents alleged rights violations, enabling follow up by responsible investigative authorities. In 2024, FRA published guidance on how to promote prompt and effective national investigations.
- The Ombudspersons in Cyprus and Greece and the National Authority for the rights of persons deprived of liberty in Italy regularly visited first reception facilities at borders, issuing reports and recommendations. Their experience can inform the work of future independent monitoring mechanisms, complementing FRA's guidance (2024) under the Screening Regulation.
- EU funds partly support the monitoring work. Proposals for funding had, however, to be submitted to the national authority responsible to manage EU funds, which is typically embedded in the same Ministry or institution in charge of asylum and migration management. Enabling independent monitoring mechanisms to apply for EU funding directly to the European Commission, without having to go through national managing authorities, would respond to the European network of national human rights institutions (2024) call to ensure independence and effective functioning of monitoring bodies.
- The monitoring work by the Fundamental Rights Officers of the EUAA and Frontex – in particular its fundamental rights monitors – promotes that the EU's operational support to Member States complies with the Charter. Cooperation between FRA, the Frontex FRO, and the European Network of National Human Rights Institutions (ENNHRI) has further enhanced dialogue through joint meetings that bring together EU bodies and national institutions to exchange experiences and address shared concerns.

Conclusion

National and EU actors working with people at the hotspots in Greece and Italy faced multiple and serious fundamental rights challenges.

The hotspot approach is characterised by the regular and structured interaction between various actors with different responsibilities towards upholding fundamental rights. First, regular high-level meetings between the national authorities, the European Commission, EU agencies and international organisations operating on the ground, such as UNHCR and the International Organisation on Migration, offered room to discuss fundamental rights risks and gaps. It enabled also a strategic and coordinated approach to resource management, often a pre-condition to address identified gaps. Second, regular meetings between field-based EU actors, which FRA regularly attended in Greece, fostered a common understanding on fundamental rights issues, promoting a coherent EU response.

Similarly, the implementation of the Pact involves cooperation between multiple national actors as well as monitoring through independent mechanisms. A regular forum where operational challenges, including on fundamental rights risks and gaps, may be equally important.

FRA issues this report at a time when ongoing conflict in neighbouring regions may trigger new displacement movements towards the EU. In order to be prepared to respond effectively under the provisions of the Pact and in full respect for its fundamental rights safeguards, the lessons learnt from the hotspot response, as set out here, should not be forgotten.

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