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Refugee and migrant children face increased violence at EU borders

Despite a significant drop in refugee and migrant arrivals, children still face excessive police violence at the EU's borders, and find it increasingly hard to access asylum or reunite with their parents.

Refugee and migrant arrivals in Europe have tested the ability of countries to manage migration flows while ensuring the full respect of fundamental rights and international obligations. While challenges with rescue operations during dangerous sea arrivals are well known, the attitude and behaviour of border guards at the land borders is not as well documented.

Countries have the prerogative to control and regulate who is entering or leaving their territory, but they do not have the right to commit systemic and brutal acts of violence against people trying to access their right to asylum, and especially against children and vulnerable families.

In the Western Balkans, refugees and migrants attempting to reach Greece, Hungary, Croatia, Romania, Bulgaria, Serbia, Albania, Kosovo*¹ and Macedonia (FYROM) in order to apply for asylum are often violently pushed back across borders.

Save the Children's partner organization in Belgrade collected 1,376 testimonies of push backs involving children in 2018, out of which 934 cases were reported by unaccompanied and separated children. Excessive use of force by police/guards was reported in 515 cases involving children, out of which 436 cases involved children travelling alone².

The largest number of push backs involving children in 2018 was reported at the border between Serbia and Croatia (274), while the largest number of violent push backs³ was reported at the borders between Bulgaria and Turkey (154), FYROM and Greece (87), Greece and Turkey (85), Croatia and Serbia (48).

Children travelling with their families or alone report being threatened, in some cases with weapons and being beaten by border guards, who were hitting and kicking them, often using batons. They testify to being chased and bitten by dogs and humiliated, sometimes forced to take off their clothes and shoes. According to the testimonies, some border guards were using pepper sprays,

¹* under UN Security Council Resolution 1244

² Serbian NGO Praxis, doing outreach work in Serbian capital Belgrade (www.praxis.org.rs), collected 6,340 reports on irregular push backs from 5,683 people, refugees and migrants, from January 1st to November 30th, 2018. Out of these cases, 2,212 reportedly involved violence.

³ Reports of violent push backs include not only cases in which children reporting experienced violence themselves, but also witnessed violence inflicted on others - adults and children who they were travelling with. Exposure to violence is considered to be violence against children as it has damaging effects on their health, wellbeing and development.

taking away phones from refugees and migrants and breaking them, or taking away money and other valuable possessions. Children and families testified about being held in detention sometimes deprived of water and food.

Within the European Union, due to the lack of internal safe options to move, such as relocation schemes and speedy family reunification procedures, we continue to witness unprotected movements of children and families. At other entry points to France, unaccompanied children aged between 15 and 17 years old try to bypass border controls hiding in trains or trucks. They are also known to walk along the railways embarking on dangerous mountain routes, seriously risking their safety and well-being. Children should be protected wherever they are to prevent irreparable harm such as last year's tragic death of a small Afghan girl who was hit by a train near the Croatia-Serbia border crossing after reportedly being pushed back by the Croatian police.

Both countries that are within the EU and those that are not must uphold international human rights obligations at their borders. They are parties to the Convention on the Rights of the Child and they have undertaken commitments to protect children regardless of their origin or migratory status. They have an obligation to ensure that no one under their jurisdiction is subjected to torture, inhuman or degrading treatment. They are also parties to the Protocol 4 of the European Convention on Human Rights which explicitly prohibits collective expulsion of migrants. Moreover, the EU asylum acquis clearly outlines the right of people to access asylum and reception, with specific guarantees for unaccompanied children.

Testimonies

Boy, ten-years-old, from Afghanistan travelled to Croatia in a group of 19 people, his extended family, which included children, teenage girls and two older women:

We were crossing the border during the night. I was scared, and other children were as well. We couldn't see a thing. Then the police patrol appeared. They said "stop" and then searched us. We had some money and phones. They took our money – they stole it from us – and our phones as well. One of them said: "We will not beat you now, but if you come again..." and then he showed with his hand how he will beat us if we do come again. I think they are bad people.

Family from Afghanistan travelled with a one-year-old baby after spending months in a refugee centre in Greece: *We were intercepted by the Croatian police. They took our phones, broke them, and then they took our money. They gave us back our broken phones, and pushed us back to Bosnia. The Bosnian police drove us to the Serbian border and told us to go back to Serbia.*

Two seventeen-year-old boys, from Afghanistan: *We arrived in Greece from Turkey over the land border, and stayed there for around a year to work at fruit farms. At the border with Bulgaria, the border guards were hitting us, chasing us with dogs and pushing us back to Greece.*

Boy, seventeen-year-old, from Afghanistan: *The Croatian police started beating us severely. They made us return to Serbia. I came back with a swollen hand; I don't know if it's broken or not. My friend is now in a hospital; he was in a bad condition.*

Boy, fourteen-years-old, from Afghanistan: *The Hungarian police caught us, forced us to sit and then brutally beat us and humiliated us for 4-5 hours before pushing us back to Serbia. They poured cold water on us, sprayed us with pepper sprays and incited dogs to bite us.*

How to protect children crossing borders

- People residing in so-called ‘transit countries’ such as Serbia, FYROM and Bosnia and Herzegovina, should have access to adequate reception and asylum procedures. This means not only housing, medical care and education for children, but also access to clear and efficient legal procedures, including asylum, family reunification or resettlement. Asylum-seekers should be informed of existing procedures in a way they understand, and asylum services should be properly staffed to ensure the registration and processing of asylum-claims runs efficiently. The EU has several funds, such as the Asylum, Migration and Immigration Fund (AMIF) and the Instrument for Pre-Accession, which could facilitate this.
- The European Union Communication on Protecting Children in Migration calls for children in migration to be always identified and registered as children. Many EU member states deny that children enter their territory, despite countless testimonies declaring the contrary. Better mechanisms for identification and referral at borders can ensure children, victims of trafficking and other vulnerable groups have immediate access to the services that protect them.
- Countries need to work together. Better procedures for cooperation and information sharing between EU and non-EU countries, could enable more effective monitoring and consistent application of existing readmission procedures instead of resorting to violent pushbacks.
- Frontex (or the future European Border and Coast Guard Agency) should expand and maintain monitoring and capacity building operations across the Balkans with specific focus on respect for protection of the rights of children at borders. As their mandate continues to grow, Frontex should be able to organize strategic deployments at points where violent pushbacks frequently occur. Both Frontex deployments and national troops should develop proper ways of working in order to deal humanely with irregular arrivals, including establishing mechanisms to systematically refer people to existing protection and asylum services, and to immediately involve child protection authorities when children are travelling alone.
- Monitoring and accountability mechanisms for border officers who violate their legal obligations should be expanded, including by establishing functioning complaint mechanisms, reporting, investigation and penalizing.
- International human rights treaty bodies that monitor implementation of core international human rights treaties, including the Committee on the Rights of the Child, regional human rights bodies, such as the Council of Europe and OSCE should examine the human rights situation at the European borders.
- European governments should protect the space for civil society to operate and withdraw legislation which could arbitrarily restrict fundamental rights and freedoms of civil society. Civil society organisations should be able to fulfil their mandate, whether it is providing support to refugees and migrants or holding governments accountable, without fearing prosecution or threats.