



**Save the Children**

**SAFE FOR SOME:  
EUROPE'S SELECTIVE WELCOME  
TO CHILDREN ON THE MOVE**

Save the Children believes that every child deserves a future. In Europe and around the world, we work every day to give children a healthy start in life, the opportunity to learn and be protected from harm. When crisis strikes and children are most vulnerable, we are always among the first to respond and the last to leave. We ensure children's unique needs are met and their voices are heard. We deliver lasting results for millions of children, including those hardest to reach.

We do whatever it takes for children – every day and in times of crisis – transforming their lives and the future we share.

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*"On Tuesday, we saw dead bodies in the water, and I thought the same thing could happen to me. I was crying so much. The motor wasn't working. What was going to happen?"*

**Samia\*, 15, describing her experience of crossing from Morocco to the Canary Islands, Spain**

*"It was very difficult. We were walking in the woods for hours, without food or water, we were just walking and praying that everything will be fine."*

**Abbas\*, 10, from Syria now living in a camp in northern Greece**

*"I had been sleeping in the forest for four months [before attempting the crossing]. The day we were going to leave, I was by the water, we were hiding. There were a lot of people, and people started running because they thought the police were there. I was running with another girl and two boys ran after us, we were very scared, the two boys raped me and my friend."*

**Adrienne\*, 15, from Cote D'Ivoire now living in Spain**

*"Wherever we went, the police beat us, abused us physically. Iranian police, Greek, Turkish, even here [in Bosnia],"*

**AliDi\*, 16, describing his experience of crossing to Europe using the Balkan route**

*"It was bad, we stayed there for 5 months with bad food like food for dogs, journalists came and took pictures. It was like a jail. It was dirty."*

**Wiam\*, 17, describing conditions in a reception centre on the Canary Islands, Spain**

*"Every time you move you learn less and less, and it is hard to catch up at a new school. I have moved many times and I didn't have time to go to school in every city we lived in. I missed a whole year."*

**Anna\*, 10, from Syria, living in Sweden**

*"My biggest worry is that we have no money and no house. We find somewhere to live for few days and then we have to move."*

**Marie\*, 11, originally from DRC living in Greece**

*"The route to Sweden was really hard. When I heard about Ukrainians coming to Sweden, I asked them: 'How was it to get here?' They said it was chill, they took the bus the whole way to Sweden. I thought: 'This isn't fair. It isn't actually fair'."*

**Omar\*, 17, from Syria now living in Sweden**

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# EXECUTIVE SUMMARY



Mihaela Oprisan / Save the Children

The response of the European Union (EU) and European states to the arrival of refugees fleeing the conflict in Ukraine has in many ways been exemplary. European governments and institutions have proved themselves able, in their response to the largest movement of refugees in Europe since World War II, to adopt policies that effectively support children who have fled a devastating conflict.

For the first time, the EU swiftly authorised the activation of the Temporary Protection Directive (TPD), a legislative instrument for EU countries to provide immediate protection to large numbers of people seeking safety in Europe. Non-EU European countries enacted similar measures. National governments have made significant efforts and dedicated substantial resources to ensure children from Ukraine can access protection, education and healthcare.

The welcome shown to refugees from Ukraine by the EU and EU Member States puts in perspective their unwillingness to take a similar approach in the past. Almost twice as many refugees from Ukraine have claimed protection as those who applied for asylum in 2015 and 2016, when there was a significant increase in refugee arrivals. But the response to that crisis was dysfunctional at best and cruel at worst. It ushered in and hardened measures that continue to restrict the ability of children to seek asylum in the EU, to contain those who have arrived, and deter others from coming.

Drawing on Save the Children's research, interviews with children, and experience across 13 countries in

Europe, this report explores the consequences for children of the different policies the European Union (EU) and European states are implementing.

## EUROPE'S BORDERS: DEADLY AND DANGEROUS FOR CHILDREN ON THE MOVE

Whenever children are forced to flee, they are at higher risk of abuse, exploitation, trafficking and violence. Along with the immediate risks, secondary effects of displacement such as poor living conditions and the lack of education also have deep impacts on children's well-being.

Since 2019, approximately one in 50 refugees and migrants on Mediterranean routes have died or gone missing. These deaths are not inevitable, but rather the result of policy choices by European states and operational decisions by their agencies and authorities. Regular routes for children and their families seeking protection have been all but cut off: 90% of those granted international protection reach European countries irregularly, often having to rely on increasingly dangerous and often deadly journeys, including crossing seas in overcrowded and unseaworthy boats and dinghies.

Deaths at Europe's land and sea borders are also partly due to the increasing trend of European governments forcibly, illegally and often violently stopping refugees from entering their territory and even abducting and expelling those who have arrived.



Dan Stewart / Save the Children

Children are systematically subjected to violence during these operations. Children interviewed by Save the Children describe being stripped naked, forced to stand in the cold, being subjected to electric shocks and beatings with sticks. Perpetrators of the violence at Europe's borders are most commonly border police officers, but also smugglers and their accomplices. Given the almost complete lack of safe and legal routes for children to reach Europe and claim asylum, children and their families are forced to rely on often predatory and violent people smugglers, just as they are forced to take dangerous sea journeys on inappropriate vessels.

## **RESTRICTIONS ON MOVEMENT: A ROOT CAUSE OF SUFFERING OF CHILDREN**

Deterring the arrival of refugees and migrants, including families and children, has been matched with efforts to contain them once they do. Restrictions on movement have a significant impact on children, including high numbers of unaccompanied children.

On Greek Islands, the Canary Islands or Spanish enclaves of Ceuta and Melilla, southern Italy and elsewhere, these restrictions have periodically led to serious overcrowding, poor or substandard accommodation for asylum seekers and migrants, and the exposure of women, children and vulnerable people to violence and exploitation. In some instances, the response has been to detain children.

The emphasis on the "first country of asylum" in EU legislation means that children and families find it extremely difficult and cumbersome to move between EU countries. Family reunification processes are

complex and take a long time, creating bottlenecks and leading some children to attempt to reach their families on their own, increasing the risk of being harmed, trafficked and exploited.

These conditions often have serious long-term consequences on children's development, and mental and physical health, compounding the impact of their experience of traumatic events either back home, or along the journey.

## **NO PROTECTION FOR CHILDREN, AND THE IMPACT ON CHILDREN'S SERVICES**

Even when children do manage to access asylum systems in Europe, less and less are granted refugee status. Finland, Sweden, Norway, Denmark, Germany and other countries have also introduced new restrictions, such as high income or integration requirements, making it harder for children to access asylum, family reunification and to renew their permits.

Dysfunctional asylum systems leave children without protection and unable to access services. In Greece, people without an asylum applicant card have limited access to the healthcare system, and lack of legal status creates barriers to children receiving an education in the country. In Spain, the difficulties of families face in accessing the reception system for asylum seekers have led them to be denied services and even homelessness.

## **UKRAINE RESPONSE: A BLUEPRINT FOR THE FUTURE?**

Children from Ukraine face enormous challenges and faced serious risks when fleeing their country. They have fled a devastating conflict, been separated from family members and loved ones and must adapt to their countries of refuge. But they have not faced further dangers due to efforts to prevent them crossing borders, they can register for protection quickly and simply, can access expanded services more readily and move to where they have family members or where schooling is available.



Despite the fact TPD is not a long-term solution, and national governments are struggling to ensure all children from Ukraine are protected and supported, the positive impact of these efforts on children's wellbeing and prospects for the future is telling.

President of the European Commission (EC) Ursula von der Leyen said in her 2022 State of the Union speech that the welcome shown to refugees from Ukraine can be a "blueprint for going forward" and that Europe must manage migration with dignity and respect.

As the EU negotiates the EU Pact on Asylum and Migration, Save the Children calls on EU and national decision-makers to champion the rights of children and ensure that all children seeking safety in Europe are offered safe and legal routes to do so, freedom of movement, protection and support to restart their lives.



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## KEY RECOMMENDATIONS\*

European governments, EU Institutions and Member States should:

- 1. Provide long-term protection and support to all children who have fled Ukraine:**
  - Commit to provide protection to all refugees from Ukraine for as long as hostilities are ongoing in the country and until it is safe to return.
  - Expand school capacity, social services and psychosocial support, language classes and recreational activities for children from Ukraine.
- 2. Expand good practices and lessons learned in the Ukraine refugee response to all children seeking safety in Europe:**
  - Provide refugees and migrant children and their families safe and regular pathways to reach Europe, and ensure that their human rights are fully respected at borders and within the country in all circumstances.
  - Provide easy access to protection, support and services to all children seeking safety in Europe, without any discrimination and in full respect of each child's best interests.
- 3. Put children's rights at the heart of the Pact on Migration and Asylum:**
  - Ensure that the Pact provides swift access to protection and family reunification procedures, prohibits detention of children and any other policy that could lead to it, and allows freedom of movement.
  - Ensure the Pact creates a European asylum system based on solidarity between Member States, includes monitoring to ensure full compliance with human rights, and does not restrict access to protection.

\*[Full recommendations available at the end of the report](#)

# BACKGROUND

The escalation of conflict in Ukraine in February 2022 has caused massive displacement into European countries. Over 7.9 million refugees have been recorded across Europe, 40% of whom are children.<sup>1</sup> The EU swiftly authorised the Temporary Protection Directive, a measure adopted in 2001 following the conflicts in the former Yugoslavia, with the intent to provide immediate and temporary protection in cases of large numbers of displaced people from non-EU countries on the move in Europe. Other European countries which are not EU Member States also authorised similar protections for refugees from Ukraine.<sup>2</sup>

Under the TPD, refugees from Ukraine have the right to a residence permit, access to education, free movement, medical care, access to the labour market and accommodation.<sup>3</sup> During the autumn of 2022, the European Commission announced that the TPD will be automatically renewed and will therefore be in place until at least March 2024. Thereafter, a Council decision is needed to prolong the directive for another year, after which it cannot be further renewed.

In practice, ensuring children from Ukraine can enjoy these rights has posed significant challenges for EU governments. All children who have fled conflict and moved to another country have to adapt to the realities of fitting in, of being separated from loved ones, friends and relatives, and dealing with the fear and anxiety of what has happened at home, particularly if they have witnessed traumatic events. Children from Ukraine are no different.

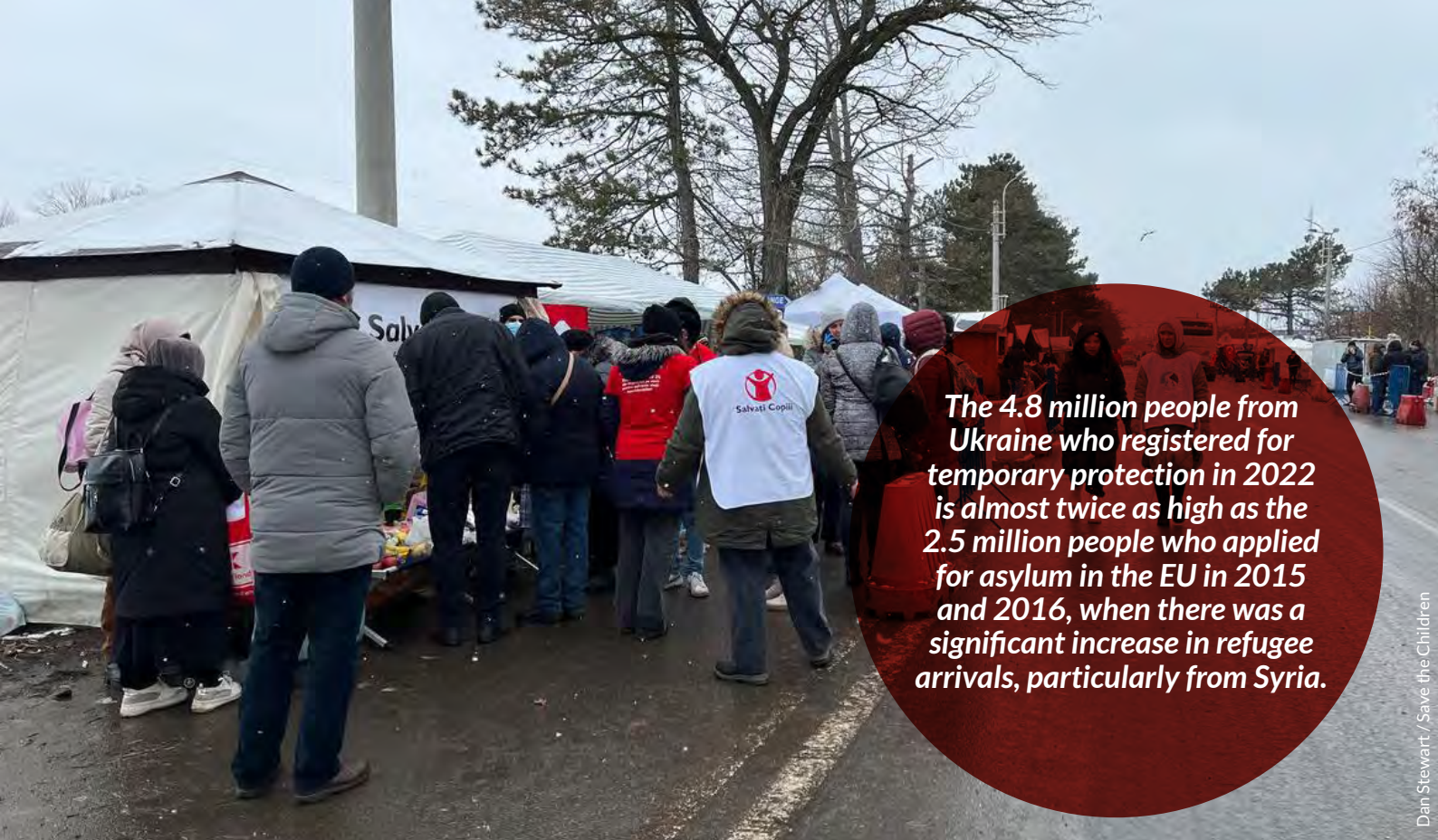
National governments have struggled to ensure children can attend school, given existing capacity gaps and the scale of arrivals.<sup>4</sup> In the initial stages following the conflict in particular, children and other vulnerable groups were subject to risks including lack of monitoring of volunteers, lack of in-depth background checks and monitoring of host families, and an increased risk of trafficking as movements out of the country and through Europe were not monitored.<sup>5</sup> Notwithstanding these challenges, the EU and its Member States have taken significant steps and dedicated substantial resources towards building a response to the refugee crisis which puts children's rights first.

But this welcome shown to refugees from Ukraine by the EU and European countries puts in perspective their unwillingness to do this in the past. The 4.8 million people from Ukraine who registered for temporary protection in 2022 is almost twice as high as the 2.5 million people who applied for asylum in the EU in 2015 and 2016, when there was a significant increase in refugee arrivals, particularly from Syria<sup>6</sup>.

The EU did not authorise the TPD in 2015. The response to that crisis was dysfunctional at best, and cruel at worst, ushering in and hardening measures that continue to restrict the ability of children to seek asylum in the EU, to contain those who have arrived, and deter others from coming.







*The 4.8 million people from Ukraine who registered for temporary protection in 2022 is almost twice as high as the 2.5 million people who applied for asylum in the EU in 2015 and 2016, when there was a significant increase in refugee arrivals, particularly from Syria.*

Dan Stewart / Save the Children

## ROUTES TO EUROPE CLOSED OFF

During the autumn of 2015 and spring of 2016, European governments started to limit access to specific nationalities. They then introduced quotas for entries, and eventually closed the borders for all refugees.

Since then, national authorities have further increased investment in building physical barriers and surveillance of borders to keep refugees and migrants from accessing their territory.<sup>7</sup> Frontex, the EU's border and coastguard agency has seen its budget and responsibilities increase dramatically since 2016, rising from €5 million in 2005 to €754 million in 2022, making it the largest EU agency.<sup>8</sup>

In March 2016, the EU also signed a “statement of cooperation” with the Turkish government, in which Türkiye would stop people travelling irregularly from Türkiye to the Greek islands, those who arrived on the islands irregularly from Türkiye could be returned there, and for every Syrian returned from the islands, EU Member States would accept one Syrian refugee who had waited inside Türkiye.<sup>9</sup> As part of the agreement, Türkiye received €6 billion annually for refugees in the country, and Turkish nationals would be granted visa-free travel to Europe.

This approach has been implemented on other routes to Europe as well. In 2017, Italy established a Memorandum of Understanding with the Libyan Government of National Accord, under which it would provide funding and “technical and technologic support to the Libyan institutions in charge of the fight against illegal immigration”.<sup>10</sup> This agreement has been renewed twice, despite the opposition of civil society. Spain has signed agreements with Algeria, Mali, Morocco and Senegal to both facilitate returns and discourage migration.<sup>11</sup>

With the right to asylum enshrined in international, national and EU law, including Art. 18 EU Charter of Fundamental Rights, other deterrence efforts by the EU and European countries have often focused on restricting access to apply for asylum in the first place, underpinned by the fact that there is no way to get a visa to an EU country to apply for asylum.

An application for a visa for a limited stay requires the applicant to show intent to only stay for the duration of the visa. If an individual indicates they will be applying for asylum, this shows intent to stay longer and is grounds for denial.<sup>12</sup> In Spain, for instance, when transit visa requirements for Palestinian and Yemeni nationals were introduced, asylum applications from both nationalities dramatically dropped. Proposals by the European Parliament (EP) to introduce humanitarian visas have not been adopted.<sup>13</sup>

## CHILD RIGHTS IN MIGRATION

All children have rights. This includes children on the move, who also have specific protections. Children have the right to be free from violence, for authorities to always act in their best interest, and to not be detained or discriminated against. All European States have obligations to protect children's rights, as signatories of the Convention on the Rights of the Child (CRC), the 1951 Refugee Convention and its Additional Protocol, and the European Convention on Human Rights<sup>14</sup>.

Article 19 of the CRC requires states to take all appropriate measures "to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse". The CRC also obliges states to prevent trafficking and sexual and other forms of exploitation, abuse and violence, and to take measures to promote recovery and social integration.<sup>15</sup>

States are required as a matter of binding international law to treat the best interests of a child as a primary consideration in all actions concerning them (art. 3 CRC).

Furthermore, children on the move should not be criminalised or subject to punitive measures because of their status, or that of their parents. Detention of children because of their or their parent's migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child,<sup>16</sup> and may constitute a particular form of cruel, inhuman or degrading treatment of children.<sup>17</sup> Unaccompanied and separated children should not, as a general rule, be detained either.<sup>18</sup>

EU Member states are additionally bound by the Charter of Fundamental Rights of the European Union, which reflects most of the above and embeds the right to asylum.



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# DEATHS, PUSHBACKS AND VIOLENCE AGAINST CHILDREN SEEKING SAFETY IN EUROPE

*“On Tuesday, we saw dead bodies in the water, and I thought the same thing could happen to me. I was crying so much. The motor wasn’t working. What was going to happen?”*

Samia, 15 years old, crossed from Morocco to the Canary Islands<sup>19</sup>

## DEADLY JOURNEYS

With regular routes all but cut off, children and their families seeking protection in Europe must cross irregularly to claim their right to asylum. 90% of those granted international protection in European countries do not reach the EU through regular pathways.<sup>20</sup>

For many, this means relying on increasingly dangerous and often deadly journeys, including crossing seas in overcrowded and unseaworthy boats and dinghies. Deaths frequently occur on land routes as well as sea routes. IOM, the UN agency for migration, recorded 55 deaths in 2021 on the Greece-Türkiye border alone, and 21 deaths of people trying to reach safety in Poland from Belarus,<sup>21</sup> including a one-year-old baby<sup>22</sup> and a 14-year-old child.<sup>23</sup> In June 2022, 23 people were killed when a group of more than 500 people attempted to enter the Spanish territory Melilla and were violently pushed back by Spanish and Moroccan border guards.<sup>24</sup>

Since 2019, 8,468 people have died or gone missing on the Mediterranean routes into Europe, out of a total of 487,142 arrivals, 20% of which were children. This means approximately 1 in 50 refugees and migrants on Mediterranean routes have died or gone missing.<sup>25</sup>

## PUSHBACKS: A EUROPE-WIDE PHENOMENON

*“They didn’t want to stop. They were driving towards us. They had fast boats. They wanted to hit the middle of our boat to stop us. No one knew what was going to happen. The coast guard wanted to hit us.”*

Omar\*, 17 years old, from Syria describing his experience crossing to Europe when he was 9.

Deaths at European borders are partly due to the increasing trend of European governments forcibly, illegally and often violently stopping refugees from entering their territory and even abducting and expelling those who have arrived.<sup>26</sup> In 2021, the UN High Commission for Refugees (UNHCR) warned that “asylum was under attack at Europe’s borders” and that pushbacks were being “carried out in a violent and apparently systematic way.”<sup>27</sup> On the Balkans route alone, in 2021, NGOs documented 1,303 children being subjected to illegal pushbacks, including 280 unaccompanied and separated children.<sup>28</sup>

In Greece, the systematic denial of entry to asylum seekers and the abduction and forced expulsion of those who have arrived on Greek territory is well documented. The UN Special Rapporteur on the Human Rights of Migrants noted that pushbacks at the land and sea borders of Greece are “*de facto* general policy”, that at least 17,000 people have been returned by force to Türkiye since 2020 and that 140,000 were “deterred” from entering the country in 6 months in 2021.<sup>29</sup> At least 17 of the 55 deaths on the Greece-Türkiye land border were related to violent pushbacks.





**Samah\*, 33, is from Syria and is currently living as a refugee in Greece with her two children.**

“We were pushed back four times and we made it the fifth. We were by the river for weeks trying to cross, we were washing ourselves in the river. The last time we were pushed back ... we stayed four days in the woods with almost no water and food.”

“We were about 100 meters from the police station and a van arrived in front of us and took us by force and put us in this bus. [...]They were speaking very aggressively to us and I told them to calm down because we have children with us and they are afraid. I had to change the nappy of my daughter and they didn’t even give me a nappy or give us some time to clean her up.”

“I was with my children and they asked us to strip naked. Despite the fact that the police person in the room was a woman we didn’t feel comfortable to strip naked in front of other women and children but we had no option. My son declined to take off his underwear.”

“Two hours later a group of masked men, dressed in black, with no insignia on them came in and started screaming to us “ela ela ela” (meaning: come come come in Greek) and took us by force to a lorry. They didn’t let us wear our shoes. A woman was breastfeeding and they took her with the baby while she was breastfeeding.”

“They took us back to the river and they had some really flimsy boats there. They separated us in

groups and forced us to get on the boats. We couldn’t see anything and I couldn’t see Abbas. I didn’t know where he was and I was screaming to the masked men that I am not going anywhere without my son. On the other side we could see among the trees a man with a gun.”

**Abbas\*, 10, Samah’s\* son, told Save the Children:**

“It was very difficult. We were walking in the woods for hours, without food or water, we were just walking and praying that everything will be fine.”

“But 100 meters before the police station a van took us. There I had a mental breakdown and I was not doing well. I couldn’t even speak. Sometimes the people with the black masks were even beating me up. The police asked us to strip naked and I refused to take everything off. When the masked men came at night and they took the group in the other room and we heard them screaming. Then they came to us and did the same.”

Samah, Abbas and Rima now live in a camp in northern Greece, where Save the Children’s partner the Greek Council for Refugees is providing them legal assistance. Abbas says: “Here in the camp they treat us in a very humane way. They are very nice to us.” He goes to the local school, has made some friends and wants to be a professional footballer when he grows up. “The main thing I want is to be able to support my mom and my sister and I want to provide everything for them,” he says.



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***“Wherever we went, the police beat us, abused us physically. Iranian police, Greek, Turkish, even here [in Bosnia],”***

AliDi\*, 16 years old

The policies of the Greek government have received active and tacit support from EU officials and agencies. When refugees from Syria arrived at the border of Greece in early 2020, and a day after the Greek government issued a decree which suspended the registration of asylum applications for one month and authorised immediate deportation, the President of the EC praised Greece as the “shield” of Europe, announced additional €700 million of funding for migration management and stated that “our first priority is to ensure order is maintained at the Greek external border.”<sup>30</sup>

In 2022, EU’s anti-fraud office found that Frontex had covered up and helped to finance illegal pushbacks of asylum-seekers in Greece.<sup>31</sup> The Director, having led the agency since 2015, stepped down because of the findings. The European Parliament has refused to grant “discharge” of Frontex’s 2020 budget, referring to the “magnitude of the committed serious misconduct”.<sup>32</sup>

In Romania, UNHCR documented 7,948 illegal pushbacks during 2021, mainly in the first three months. The Border Police prevented almost 75,000 people from entering Romania from Serbia, the EU Fundamental Rights Agency stated. The movements from Romania were predominantly northward towards Hungary.<sup>33</sup> The EU has strengthened the presence of Frontex in Serbia, Bosnia and Herzegovina, and Albania and introduced it in North

Macedonia, while Serbia signed a Memorandum of Understanding with Austria and Hungary to strengthen cooperation in the “effective fight against illegal migration” and “protect the whole of Europe,” with a focus of cooperation on readmission.

Some countries have even made attempts to codify pushbacks in national legislation. In Spain, the Spanish Foreigners Law includes a reference to the possibility to “reject” people arriving at the Ceuta and Melilla land borders in 2015.<sup>34</sup> The provision codifies pushbacks in law, despite reference to international law on human rights and international protection as limitation to the procedure in the legislation. In practice, pushbacks and denial of entry to these territories are standard. In one instance, 45 unaccompanied children who had entered Ceuta in May 2021 were forcibly and illegally handed to Moroccan Border Police without any procedural or judicial guarantee, nor any best interest assessment being made in advance.<sup>35</sup>

As Greece cooperates with the Turkish authorities on preventing arrivals, so too does the government of Spain with Moroccan authorities, who often racially profile those seeking safety in Spain.<sup>36</sup> Sub-Saharan nationals are victims of the discriminatory checks that take place at the Moroccan side of the border and are not allowed to exit the country and reach the Spanish side. Between 1 January 2015 and 31 May 2017, only 2 out of 8,972 persons seeking asylum in Ceuta and Melilla were of Sub-Saharan origin.<sup>37</sup> Following a visit in November 2021, Council of Europe Commissioner for Human Rights, Dunja Mijatović said that “in practice, there seems to be no other way to enter Melilla and seek protection with the relevant authorities other than by swimming or jumping the fence, risking one’s life.”<sup>38</sup>

In the Central Mediterranean, children seeking safety in Italy and Malta face both a treacherous journey and return to Libya, a country which the UN Secretary General has stated is not “a safe port of disembarkation for refugees and migrants” as they are “subjected systematically to arbitrary detention and torture in official and unofficial places of detention”.<sup>39</sup> The EU and its Member States are actively supporting Libyan authorities to intercept and “pull-back” people to Libya, and are financing these activities. IOM indicates that in 2021, at least 32,425 people were intercepted and returned to Libya. By May 2022, the UN reported that over 180 children were amongst





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the 4,715 people who had been intercepted at sea and returned to Libya.<sup>40</sup> The same report highlighted cases of child refugees and migrants being subjected to torture and detention in the country.

Actively pushing back children is coupled with disregard for their safety on the routes they are forced to take. On the central Mediterranean route, several IGOs and NGOs have documented in recent years that European states are applying policies and practices in contrast with their legal obligations to aid people at risk at sea. The UN Human Rights Office (OHCHR) affirmed that lack of protection of human rights of people in distress at sea “is not a tragic anomaly, but rather a consequence of concrete policy decisions and practices by the Libyan authorities, European Union Member States and institutions, and other actors that have combined to create an environment where the dignity and human rights of migrants are at risk.”<sup>41</sup> According to Médecins Sans Frontières, at least 95,000 people were returned to Libya between 2017-2021 and<sup>42</sup> “adults and children have been left to drift or drown as EU Frontex border patrol aircraft circle above, sharing their coordinates with the Libyan coastguard so that they can be returned to Libya”<sup>43</sup> while not providing this information to nearby ships, including NGO search and rescue ships who are specifically there to help save lives.

## **VIOLENCE AGAINST CHILDREN ON THE MOVE**

Recent research by Save the Children showed that children were systematically subjected to violence

on the Balkans route. The most common violence reported by children was physical violence by border police officers, most often during “pushbacks”.

Interviewed children describe being stripped naked, forced to stand in the cold, and given electric shocks and beatings with sticks, which led to serious physical injuries.<sup>44</sup> Every child who participated in the research recounted being subjected to physical, psychological, sexual or other types of violence, directly or indirectly. 16-year-old Ahmad\* told Save the Children, “For them, all refugees are the same. There is no difference if they are children, everybody is treated the same.”<sup>45</sup>

The perpetrators of the violence were most commonly border police officers, but also smugglers and their accomplices. Given the almost complete lack of safe and legal routes for children to reach Europe and claim asylum – the consequence of the policies of containment and deterrence – children and their families are forced to rely on often predatory and violent people smugglers, just as they are forced to take dangerous sea journeys on inappropriate vessels.

Omar\*, a 13-year-old boy who attempted to take the Balkan route to Western Europe aided by people smugglers, told Save the Children “when they [children] make noise, or when they don’t listen to him [the smuggler], he just slaps and slaps them.”<sup>46</sup> Some of the children interviewed by Save the Children had set out from their home country when they were 4 or 5 years old and had been travelling for 9 years, trying and failing to cross borders to safety multiple times.<sup>47</sup>



## DOUBLE STANDARDS AT BORDERS

When she was 11 years old, **Adrienne\***, from **Cote D'Ivoire** was convinced by her brother to go to Morocco to escape a forced marriage to a man from another country. Now 15 and living in Spain, she told Save the Children that she did not want to leave her country:

"I wanted to stay there, but in the end my brother and my aunt convinced me. They told me that I would spend just a short time in Morocco, that I would stay with a friend of his in Morocco."

Her brother's friend never picked her up when she arrived in Morocco, and she was left to fend for herself, sleeping on the streets for 2 or 3 months. She continued "there was racism, and little by little I was looking for work since my money was running out. Some Moroccan and African girls suggested that I work as a prostitute, I didn't want to." She found domestic work but was stabbed by the woman whose house she was working in, requiring her to go to the hospital. Adrienne did not tell the police and said to the hospital staff that she had fallen.

Her friends told her about Spain, and she decided to try to go. "I had been sleeping in the forest for four months [before attempting the crossing]. The day we were going to leave, I was by the water, we were hiding. There were a lot of people, and people started running because they thought the police were there. I was running with another girl and two boys ran after us, we were very scared, the two boys raped me and my friend."

She tried to cross again soon after. "The whole journey I felt unsafe, and I didn't know what to do. I thought my life was over." When she arrived to Spain, "we went to a place that's like a jail for one month, closed up, and later the girls went to a hotel. And I almost went crazy. I didn't know what to do, with whom, or where to go."

Looking to the future, Adrienne wants to see her family and aspires to study medicine. She would also like to travel. "I would like to visit France - I have several friends there - and England, too."<sup>48</sup>

One of the most striking examples of double standards is how EU Member States and the EU responded to arrivals of refugees and migrants from Middle Eastern and African countries, trying to enter the EU from Belarus. Both national governments and senior EU officials labelled those arriving a "hybrid threat".<sup>49</sup> The Polish government declared a state of emergency and introduced or modified existing legislation to enable "the summary expulsion of migrants from Poland, even if they apply for international protection", without any exception in case of children, whether unaccompanied or travelling with families.<sup>50</sup>

In practice, this was already the case, with reports of people seeking international protection being sent back to Belarus,<sup>51</sup> in what constitutes "mass and illegal expulsions of people rounded up in the forests", including at least 100 children, according to Polish civil society organisations.<sup>52</sup> There are also credible reports of Polish border guards separating families when some family members required hospitalisation, prior to expelling the others across the border back to Belarus, including one case of a woman being separated from her five-year-old son.<sup>53</sup> The state of emergency declared on 2 September 2021 prohibited access to the border for journalists, monitors, and civil society organisations and aid groups seeking to provide assistance to arriving refugees.<sup>54</sup>



Pedro Armentre / Save the Children



## “INSTRUMENTALISATION”

On 2 July 2021, Lithuania declared a state of emergency when little more than 2,000 refugees and asylum seekers entered the country from Belarus.<sup>55</sup> The Lithuanian parliament subsequently passed a law on the Legal Status of Foreigners, which was used to “refuse asylum claims from people who were not “authorised” to enter Lithuania” and gave border guards “total discretion in deciding who might gain access to the territory”.<sup>56</sup> Again, this legislation applied also to children, without exceptions. Notwithstanding the infringements of EU asylum law, senior EU officials supported proposals to build a border wall, praising the initiative of the Lithuanian government as a “good idea”.<sup>57</sup>

The situation on the Belarussian border has continued to reframe the debate on migration as a primarily national security issue in other European countries<sup>58</sup> and focused on the “instrumentalisation” of refugees and migrants. In Finland, this came against the backdrop of the introduction of a new border procedure,<sup>59</sup> which the government plans to fully implement in 2023, amid concerns that it may lead to detention, similar deprivations of liberty, or inadequate individual protection assessments of children and families at the border.<sup>60</sup>

The reaction to the situation in Belarus led the European Commission to state that they would not accept attempts by third countries to “instrumentalise migrants for political purposes”. This led to the Commission proposing the so-called Instrumentalisation Regulation at the end of 2021, which aims to define “instrumentalisation” as situations in which “state actors [are] artificially creating and facilitating irregular migration, using migratory flows as a tool for political purposes, to destabilise the European Union and its Member States.”<sup>61</sup> The Regulation would introduce a mechanism to allow Member States to derogate from EU asylum law. Ironically, a key driver of the “instrumentalisation” of refugee and migrant children is the very fact that European countries have prioritised deterrence at all costs: this opens the possibility for leaders of countries to attempt to extract funding or political concessions from the EU or, where this is politically unpalatable as in the case of Belarus, for European countries and the EU to effectively jettison their purported values and even commitment to the rule of law. If the overwhelming desire to keep refugees out did not exist, these other countries would not have such leverage.



**Abdul\*, from Afghanistan, told Save the Children “I have a document certifying that I am a minor. They didn’t accept me. They said, “You’re of age.”**

Save the Children has also collected direct evidence of differential treatment on the border between Italy and France, depending on the places of transit.<sup>62</sup> In Claviere, for example, unaccompanied and separated children are more likely to be admitted by the French Police Aux Frontières (PAF). In Menton, the police is reportedly still changing birth data to state the child is a person of age and therefore expel them through the “refus d’entrée”, an expulsion order.

## **LESSONS FROM THE UKRAINE RESPONSE**

The deaths, abuses and endemic violence at Europe’s borders are not inevitable, but rather the result of policy choices by European states and operational decisions by their agencies and authorities. The lack of legal pathways for children and their families to move safely across borders and obtain international protection is the main factor behind deaths on the move.

This is clearly demonstrated by children from Ukraine being able to enter the EU safely because of the visa-free agreement between the EU and Ukraine, and consequently offered automatic protection in the EU under the TPD. The political priority has been to offer children protection, which represents a major shift from the urge to “protect” external borders from them, demonstrated by the restrictive border policies mentioned above.

Countries that restricted access to asylum, when confronted with the few thousands of people at the border with Belarus, have welcomed amongst the highest numbers of those arriving from Ukraine. 8.1 million border crossings into Poland from Ukraine have been recorded since February 2022, and over 1.5 million people have registered for temporary protection.<sup>63</sup> As of October 2022, Lithuania has seen approximately 67,000 refugees from Ukraine enter the country, in contrast to its declaration of a state of emergency when 2,000 people arrived in 2021.

The results of these different policies are clear. IOM has recorded 17 deaths of Ukrainians on the move.<sup>64</sup> This is equivalent to one per 500,000 refugees arriving from Ukraine.

In addition, the children from Ukraine that Save the Children supports across Europe do not regularly report being subject to violence by police or border officials.



Pedro Armestre / Save the Children



# RESTRICTIONS ON MOVEMENT

*“It was bad, we stayed there for 5 months with bad food like food for dogs, journalists came and took pictures. It was like a jail. It was dirty.”*

Wiam\*, 17 years old, describing conditions in a reception centre on the Canary Islands.

Deterring the arrival of refugee and migrant children has been matched with efforts to contain them once they do. Central to this are restrictions on freedom of movement within the EU, within Member States territory and even to specific areas and locales where children mostly arrive. These restrictions, which do not apply to refugees from Ukraine, mean that refugee children and their families have limited options to move between countries, including to be reunified with their families, that they must apply for asylum in a restricted number of places, and that they often are effectively detained in substandard or inhumane conditions.

## RESTRICTIONS ON MOVEMENT AND DETENTION IN COUNTRIES OF FIRST ARRIVAL

In Greece, the implementation of the EU-Türkiye Statement in 2016 saw “hotspots” on the Greek islands effectively turned into detention centres, with barbed wire and fences, guarded by police and military.<sup>65</sup> This unworkable and inhumane policy was changed at the end of 2016 but was “replaced by a practice of systematic geographical restriction, i.e., an obligation not to leave the island and reside at the hotspot facility... imposed indiscriminately to every newly arrived person”,<sup>66</sup> including children. Exceptions for health reasons, unaccompanied children, and victims of gender-based violence were required to follow an often-unsuccessful process. Refugees who do not comply with the geographical restriction risk detention, being charged with a crime and restrictions on their access to asylum.<sup>67</sup>

These restrictions on movement are the root cause of the deteriorating conditions, overcrowding, inadequate services and extremely slow pace of asylum applications, which have had a significant impact on children, including high numbers of unaccompanied children. In 2017, a Save the Children report documented the impact of these policies on children’s mental health: Zarak\*, an unaccompanied child from Iran, described the conditions in Samos, “I spent four and half months in the hotspot, in a tent. The food was bad, the situation there is not good. I was scared all the time. Whenever anyone asked me anything I just shook my head.”<sup>68</sup>

Notorious camps, such as Moria on the island of Lesbos, were characterised by unsanitary conditions, overcrowding and a pervasive risk of violence for children. In the last years, as arrivals in the Eastern Aegean islands have dropped with the policy of pushbacks and deterrence, EU-funded efforts by the Greek government have retained the basic policy of heavily restricted movement. New “Closed Controlled Access Centres” (CAAC), prison-like camps that accommodate children and adult asylum seekers, have been opened or are planned to open in Samos, Chios, Kos, Leros, and Lesbos.

The new camp in Samos is heavily securitised with three layers of high barbed wire fencing, multiple watchtowers in all sections, the heavy presence of security guards communicating by walkie-talkie, loudspeakers making announcements, and cameras everywhere, including in accommodation blocks.

Children leaving the centre to go to school are subjected to body and bag searches, x-rays, and magnetic turnstiles to leave and return to the barb-wired ringed camp. In 2021, 16-year-old Ammar\* from Syria told Save the Children’s partner organisation, the Greek Council for Refugees, that he had not been to school since arriving in Samos in 2019. Furthermore, he noted that the conditions are better in the CAAC than the previous overcrowded

camp on the island, but that “in the new camp I sit in our container or I go to bring food for the family, I walk around, I don’t do anything particular...”<sup>69</sup> Far from the main town of Vathy, a newly established bus line is expensive and difficult for the camp population to afford, thereby further isolating children and their families in the centre.

In Italy, the situation varies significantly from one place of disembarkation to another. In Calabria and some places in Sicily, such as Messina, people can leave centres a few hours after disembarking. In Lampedusa, however, migrants and refugees find a very militarized situation. All movements, from disembarkation to the

transfer to the hotspot, to subsequent travel to the mainland, are closely led by guards. The hotspot is surrounded by fences and every entrance and exit is controlled by the police and military forces.

In Lithuania, children who managed to cross into Lithuanian territory from Belarus have been systematically detained, denied access to lawyers and mistreated. Amnesty International estimated that, as of June 2022, 592 children remained detained in Lithuania, out of a total of 2,647 people. The organisation also reported racist treatment and how “black women and teenage girls were subjected to torture including sexual humiliation’ in particular.”<sup>70</sup>

## THE EU’S ASYLUM AND MIGRATION PACT

In September 2020, the European Commission proposed a “Pact on Migration and Asylum”, a package of five legislative instruments covering screening, asylum procedures, transforming Eurodac into an asylum and migration database, asylum and migration management and a crisis regulation, as well as recommendations and guidance on search and rescue, resettlement, preparedness and on facilitating unauthorised entry.<sup>71</sup> In September 2022, the European Parliament and five rotating Presidencies of the EU agreed on a “roadmap” to finalise the Pact prior to the EU elections in 2024.<sup>72</sup>

The proposed Pact has a continued focus on restriction of movement at the EU’s external borders. The Asylum Procedures Regulation establishes a common European border procedure for third- country nationals reaching external borders and applying for international protection in an EU Member State.<sup>73</sup>

The proposed accelerated procedures risk leading to continued detention of children and restrictions on freedom of movement, which impacts access to proper care, education and health services. In particular, the regulation would establish an asylum or return procedure at the border, which would lead to the possibility of families with children older than 12 years old being detained procedures for up to ten months. The regulation means that these children could be forced to go through a “fast track” procedure.

The proposed Screening Regulation regulates initial contact with asylum seekers at borders and how to process their application. The proposals include the creation of a “legal fiction of non-entry”, meaning that a third-country national will only be considered to have entered the state once they have been legally approved by authorised border officers, even when they are in the EU. This risks creating transit zones where the rights of children on the move are restricted or they are either detained or de facto detained.<sup>74</sup> Both the Asylum Procedure and Screening Regulations lack adequate safeguards and procedures to ensure respect for human rights, including the rights of the child.

The Regulation on Asylum and Migration Management (AMR) aims to establish a new system of solidarity and responsibility sharing between Member States, to ensure that the responsibility of asylum seekers is more evenly distributed between members. This would replace the old “Dublin System” that created bottlenecks close to external EU borders and restricted secondary movements of children through its emphasis on ‘country of first entry’ criterion. The opportunity to rewrite rules on responsibility sharing should not be missed. Improving the current system is key to avoiding the suffering of more children and reducing the risk of trafficking and exploitation within the EU, in particular at its internal borders.





Movement of refugee and migrant children who arrive in Ceuta and Melilla, two enclaves of Spanish territory on the African continent, is also heavily restricted. Regulations applied by the authorities mean asylum applicants must wait for the decision regarding the admissibility of their claim before they can go to the Spanish peninsula and its asylum reception system, and they must also acquire an authorisation by the National Police. These limitations to the right to freedom of movement across Spanish territory have repeatedly been declared unlawful by Spanish courts but remain in practice.

As has been the case on the Aegean Islands, these restrictions have periodically led to serious overcrowding, resulting in poor or substandard reception conditions for asylum seekers and migrants, and the exposure of women and children to violence and exploitation.<sup>75</sup> In May 2021, due to the sudden and uncontrolled entry of hundreds of people into Ceuta, the available reception facilities immediately collapsed, and children and adults were initially hosted together near the Tarajal border, without enough beds, broken bathrooms, insufficient food, or clothing or covers for children.

The city of Ceuta has opened centres to accommodate unaccompanied children following their arrival to the enclave in May 2021. At certain times, more than 1,000 children have been hosted across three centres (Tarajal, Piniers, and Santa Amelia), with no other spaces being made available and no transfers to the Spanish peninsula carried out. There have been consistent reports of children hiding in the woods or running away from initial reception as they are fearful of being pushed back to Morocco.

## RESTRICTIONS ON MOVEMENT IN OTHER COUNTRIES

Restrictions on movement and regulations on where individuals can register asylum claims have also led to overcrowding in countries that are not first points of entry to the EU. In the Netherlands, asylum seekers must register at one location, Ter Apel, located in the northern part of the country and far from population centres. In August 2022, the centre was so overcrowded that 700 people had to sleep outside, including children.

In October, according to the Health and Youth Care Inspectorate, Ter Apel hosted “a large number of people, ranging from the very young to the old and some with colds or other medical conditions, staying close together in the sports hall in a place that is too small, cold and draughty”<sup>76</sup> and highlighted that the associated health risks were “most acute for the most vulnerable, such as babies and young children.”<sup>77</sup> In total, the agency responsible for reception of refugees (COA) hosted 350 children in “distressing accommodation conditions” where there is only room for 55, and many children had to sleep in chairs or on the ground for a few days.

According to the Children’s Ombudsman who visited the facility in April, “There is no education, no activities, no help, nothing...[children] get food and that is it. Staff told me that they often don’t bother to wake the children up in the morning because there is nothing for them to do.”<sup>78</sup>

In Germany, once asylum seekers have permission to reside, the applicant is territorially restricted to the district in which the responsible reception facility is located. Those considered to have poor prospects to remain are obliged to live in the reception facilities until the decision is taken, while those with good prospects to remain may initially also only remain in the area designated in their permission to reside and need permission to temporarily leave this area.<sup>79</sup> The residence obligation ceases to apply to them after three months and is then expanded to cover the entire country.

## RESTRICTIONS ON MOVEMENT BETWEEN EU COUNTRIES

There are significant restrictions on secondary movement within the EU, and emphasis on “first country of asylum”, which has created particular pressure on countries by the border and uneven responsibility for asylum seekers across European countries.

In addition, under both the Dublin Regulation and as part of regular family reunification procedures with third countries, family reunification has become increasingly challenging for children. In 2019, the German government refused around 70% of requests for family reunification from Greece under the Dublin regulation, for example. Key obstacles include short deadlines to apply for family reunification, very high-income requirements, and complicated and costly ways to prove family relations such as DNA testing.

The long waiting periods, which can take years in countries such as Greece, Italy and Spain, increase the risk of trafficking and exploitation of children as they attempt to reach families on their own.<sup>80</sup>

Such challenges are not evident for children from Ukraine. In Italy, Save the Children has observed that courts have allowed family reunifications between unaccompanied children in Italy and family members living in other EU Members States within a few days of children arriving in the country. In contrast, unaccompanied and separated children from other countries with family members in Italy or other EU countries must try to access reunification procedures that can take a year or more to conclude.

*The long waiting periods, which can take years in countries such as Greece, Italy and Spain, increase the risk of trafficking and exploitation of children as they attempt to reach families on their own.*

**Firas\*, from Afghanistan**, was 17 when he arrived in Greece then took a 5-day journey stowed away in lorry which travelled to Romania. There he asked for asylum. He said: “I couldn’t communicate with the policemen because no one was speaking English. Finally, they found someone who spoke English. They called the child protection authorities, and they took me to camp. I asked them to go to a camp or a facility with children only, but they refused. I was in a camp with adults and other unaccompanied children.

I had someone appointed by the national child protection authorities as my caretaker, but this person didn’t care about me. I was one week in the hospital because I had some heart issues, and he didn’t even come once to visit me in the hospital.

When I was in the camp I asked to be registered at school. I was already learning Romanian, but I wanted to attend the Romanian school. They told me to go to the relevant authorities, so I did. I gave them all the documents they needed including my school diplomas from Afghanistan and I was waiting to hear about when I can start. I waited one month, six months, one year. I never got an answer from them. When I called them, and I asked them what is happening they told me that they couldn’t find the documents I submitted and that when they find them, they will proceed with my application. They never called me again and now I lost my original diplomas from Afghanistan.

I stayed in the camp for one year until I was 18. The camp was very dirty. I was sharing the room with three other unaccompanied minors. I didn’t like the camp because there were people who were getting drunk and causing a lot of fights. Also, after I became 18, I had to pay in order to stay in the camp.”





Paul Wu / Save the Children

## INADEQUATE RESPONSIBILITY SHARING

Efforts at “responsibility sharing” across EU Member States have either been implemented piecemeal or have been outright failures. In 2015, the European Council adopted two Decisions establishing a “temporary and exceptional relocation mechanism” to relocate 66,400 people from Greece, out of a total of 160,000. This compulsory relocation scheme was marked by acrimony and non-compliance by Member States, and only 21,000 individuals were relocated from Greece before it ended in 2016.<sup>81</sup>

Following the failure of this scheme, some EU Member States and the European Commission have continued to make efforts to ensure refugees and asylum seekers, particularly vulnerable people and unaccompanied children, were relocated. Countries such as France, Finland, Portugal, Luxembourg and Germany, reached bilateral agreements with Greece to relocate asylum seekers.<sup>82</sup> In total, 4,401 individuals, including 1,028 unaccompanied children, were relocated by October 2021, when the scheme was due to end.

Commitments on relocation, particularly of vulnerable children, are welcome. In the cases of thousands of children, it has allowed them to build their lives in their new countries. But these commitments have also been repeatedly shown to be fragile and prey to political pressures and posturing.

In June 2022, the French Presidency introduced a voluntary solidarity mechanism aimed at supporting Member States “confronted with disembarkations following search and rescue operations.”<sup>83</sup> In December 2022, despite a total pledge of 8,000,

EU Member States had only relocated 117 asylum seekers.<sup>84</sup> Following Italy’s decision to not allow boats with 234 people (including 57 children) to disembark, France, after allowing the boat to disembark, stated that it would be “suspending all relocations [...] and calls on all other participants in the EU mechanism, notably Germany, to do the same.”<sup>85</sup>

## LESSONS FROM THE UKRAINE RESPONSE

Refugees from Ukraine, because of the visa-free agreement and the protection afforded under the TPD, have not been restricted by the Dublin Regulation and have been able to choose their country of destination freely. The movement of Ukrainian refugees across borders has not been perceived as a threat, and therefore has not been actively prevented by Member States. Although Member States have held discussions on responsibility sharing, those were mainly aimed at coordinating reception and providing solutions to support the countries that were struggling with accommodation availability.<sup>86</sup>

The arrival of refugees from Ukraine has shown that secondary movement does not create an unmanageable situation. Rather, freedom of movement and access to quick registration has meant that strains on the asylum system are lessened. More importantly, being able to choose where to live helps asylum seekers be near people they know outside of their immediate family, where they may know the language, and for children to live where school is available. This increases their prospects for successfully integrating into their host society of choice.

# LIMITS TO PROTECTION AND THE IMPACT ON SERVICES FOR CHILDREN

*“My biggest worry is that we have no money and no house. We find somewhere to live for few days and then we have to move.”*

Marie\*, 11 years old, originally from DRC living in Greece

*“Every time you move you learn less and less, and it is hard to catch up at a new school. I have moved many times and I didn’t have time to go to school in every city we lived in. I missed a whole year”.*

Anna\*, 10 years old, from Syria, has lived in Sweden 8 years

Even when children manage to access asylum systems in Europe, very few are granted refugee status. Moreover, the difficulties children and their families face in accessing protection undermines their ability to claim services they are entitled to and disrupts their education. Finland, Sweden, Norway, Denmark, Germany and other countries have recently introduced new restrictions such as high income and integration requirements, making it harder for children to access asylum, family reunification and renew their permits.<sup>87</sup>

Last year, the government of Denmark began revoking the residency permits of some refugees from Syria, in a move to force them back to Syria.<sup>88</sup> Reports emerged in December 2022 that the immigration service was sending letters to child refugees, including children who had spent most of their life in Denmark, encouraging them to leave, stating “If you do not leave voluntarily, you can be forcibly sent to Syria.”<sup>89</sup> The temporary residency permits some refugees from Syria were granted are linked to the general security situation in the country, and not individual circumstances, despite the clear risks returning refugees face.<sup>90</sup> Importantly, Ukrainians, who are

granted residency permits under the Special Act on displaced persons from Ukraine, would not necessarily qualify as refugees in Denmark as part of Ukraine would be considered sufficiently safe under national refugee legislation.<sup>91</sup>

In June 2021, a Joint Ministerial Decision in Greece further restricted the right to asylum, by designating Türkiye as a “safe third country” for people from Afghanistan, Bangladesh, Pakistan, Somalia, as well as Syria.<sup>92</sup>

Furthermore, for much of 2021, the asylum application system in mainland Greece was effectively not functioning. All asylum seekers who arrived in Greece, who had not undergone first reception procedures, nor been detained by the police, simply could not register their asylum application. The procedure for individuals wishing to register a subsequent asylum application was equally problematic, as they were required to make an appointment through Skype, a system which almost never worked. On average, individuals tried to make their appointment for 14 months.<sup>93</sup> Worryingly, people without an asylum applicant card have limited access to the healthcare system, and lack of legal status creates barriers to children receiving an education in the country.<sup>94</sup> Similarly, in Spain the difficulties families face in accessing a dysfunctional asylum reception system have led them to be denied services and even to homelessness.<sup>95</sup>

In non-EU countries such as Serbia, significant challenges include the length of the asylum procedure, uncertainties surrounding its outcome,<sup>96</sup> and the





Oksana Parfeniuk / Save the Children

**The availability of a straightforward process means children from Ukraine have swifter access to housing, education, services and documents to stay in the EU, with positive impact on their integration in their host community.**

low share of asylum seekers granted protection. The system's deficiencies, which haven't been resolved for years, include a lengthy period for obtaining a work permit (nine months after the asylum request has been submitted) and a lack of valid travel documents for those who receive asylum.<sup>97</sup>

Restrictions on parents' ability to work, and lengthy waiting times to receive residence permits, has a significant impact on children. Edvin\*, who is 15 years old from Ethiopia, came to Sweden 3 years ago, and said that his mother is waiting for a resident permit and unable to work, so "just sits at home all the time, not going out. It is messed up. It is hard. I get really stressed." In the same focus group discussion, Emma\*, who is 12 years old from Afghanistan, and has been in Sweden with her family for seven years, agreed: "What are you supposed to do at home? Just sit and eat and sleep, or what? Can you just not get to go to work?"

## **LESSONS FROM THE UKRAINE RESPONSE**

### **Straightforward access to protection**

Claiming protection under the Temporary Protection Directive is straightforward for all Ukrainians, and governments have made additional efforts to ensure this happens smoothly.

In Norway, for example, the police are responsible for registering refugees from Ukraine and a 'simplified' procedure was introduced, constituting an ID check

and no more than a brief conversation. Normally, all asylum seekers arriving to Norway are required to register at the national reception centre outside of Oslo. To register refugees from Ukraine faster, it is now possible for them to register at several local police stations across Norway.<sup>98</sup> Spain, Finland and other countries introduced similar procedures to expedite registration.

### **Recent positive policy and practice solutions for refugees from Ukraine with regards to access to services**

Governments have quickly expanded reception capacity to accommodate the increase in arrivals from Ukraine. Finland, for example, expanded the number of reception centres from 20 to 92, with one additional unit for unaccompanied and separated children.

National governments have also introduced a number of special provisions for refugees from Ukraine, which resulted in expanded support for children with a very positive impact on their experience in the EU.<sup>99</sup>

- **Additional free services**

Several countries have allowed Ukrainians to use public transportation for free and to some museums and recreational facilities.<sup>100</sup>

- **Increased financial support**

Some countries are providing cash support for Ukrainians, with allowances for children. In Italy, the Italian Civil Protection published an ordinance granting a €300 monthly allowance and additional €150 per child for each Ukrainian household not accommodated in reception centres. In Spain, similarly, the government issued a decree which provides a €400 allowance for vulnerable Ukrainian families and €100 more per child per month, recognising that a high number of Ukrainians live in private accommodation. Other countries altered existing policies to ensure families from Ukraine could access financial assistance.

- **Providing policy clarity and guidance on child protection:**

In Spain, recommendations regarding the protection of children from Ukraine were swiftly issued by the Ministry of Social Rights and regional authorities to ensure that there are child-friendly spaces, that the separation of families is avoided, and that the location of children is controlled. Recommendations from the Juvenile Prosecutor's Office aimed at unifying the criteria for action, of the different prosecutors at regional level, for the protection of unaccompanied and separated children. The central guidance from the prosecutor's office helped ensure that, in the case of Ukrainian children, there were no systematic separations and closer attention was paid to how prosecutors were registering children as unaccompanied or separated.

The Italian government appointed a delegate Commissioner who worked closely with stakeholders to draft a plan to define and coordinate the activities of institutional bodies involved in the reception of unaccompanied children coming from Ukraine.

- **Adapting reception and accommodation policies**

In Finland, the Finnish Immigration Service created a municipal model for accommodation services, where people who have fled from Ukraine can receive accommodation services from a municipality without a reception centre being established in the municipality.<sup>101</sup> This model provides an opportunity for newly arriving people to live in locations where they already have family, friends, employment or other ties.

In Norway, the government has adapted policies to allow more flexibility for municipalities and enable Ukrainian refugees to find their own accommodation, instead of living in reception centres or in housing allocated by the municipality. Ukrainian refugees that choose private accommodation also have the right to receive government allowances and support, which has not been the case previously for refugees from other countries.<sup>102</sup>

- **Expanding education capacity and adapting policy**

Countries such as Poland have made significant efforts to accept large numbers of refugee children in national schools.<sup>103</sup>



Anna Pantella / Save the Children



## PRIORITISATION OF REFUGEES FROM UKRAINE

The Spanish Ministry of Education also adopted a Contingency Plan for the schooling of Ukrainian students, which increased the number of language immersion classes, immediate enrolment of children, and provided subsidies for the hiring of Ukrainian or Ukrainian-speaking personnel.

Changes have also been made to existing policy so children from Ukraine can continue their schooling. In Denmark, for example, a special dispensation was made by the government so children from Ukraine could be taught in English or Ukrainian, exempting them from the requirement for the main language of instruction to be Danish.

- **Encouraging citizen solidarity**

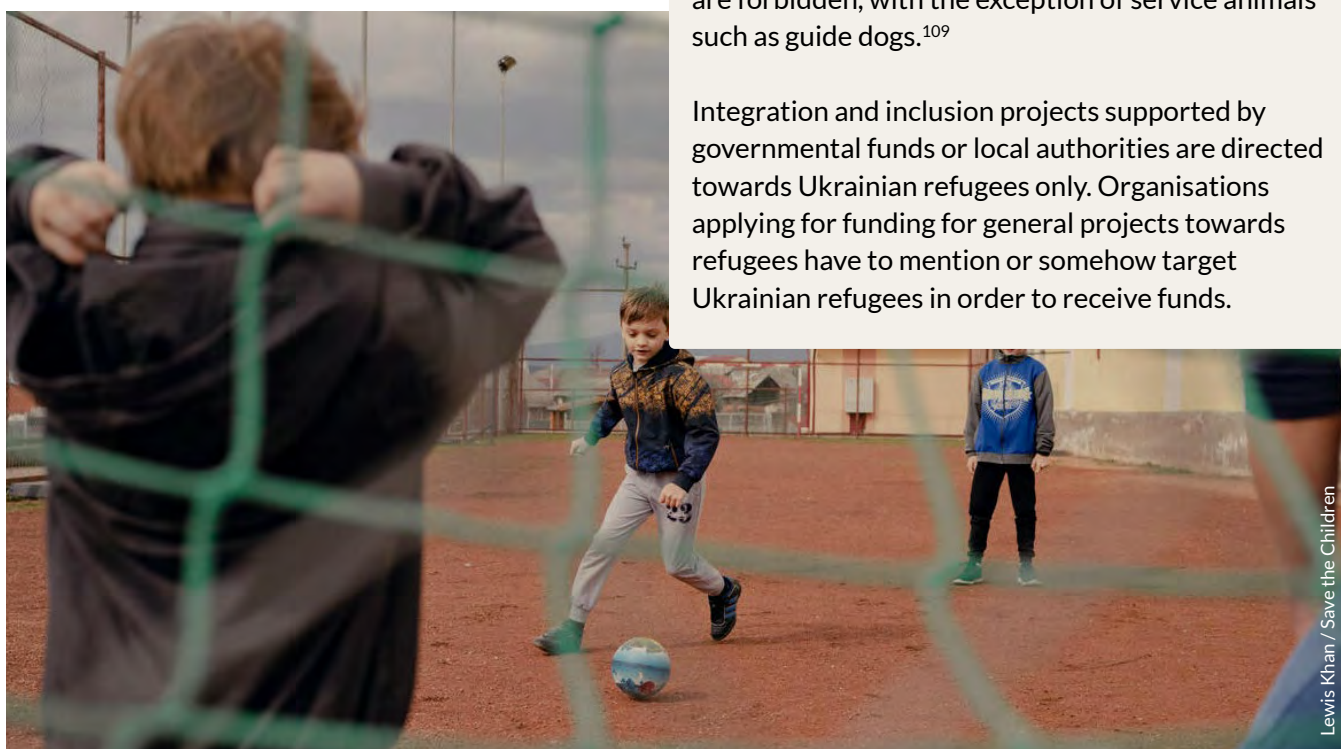
There has been much emphasis on the depth of solidarity shown to refugees from Ukraine by citizens in European countries. However, it is clear that this is both encouraged and allowed, which is not the case with all refugees. In Denmark and Italy, for example, private citizens are allowed to open their homes for Ukrainian refugees and are eligible for public financial support if they do so. This is not the case for refugees from other countries.<sup>104</sup> In Finland, recruitment procedures in some large companies have also been targeted at refugees from Ukraine.<sup>105</sup>

The expansion of services and special initiatives for refugee children from Ukraine is something European governments, the EU and European citizens should be proud of. In a limited number of instances, however, it has come at the direct expense of refugees from other countries or their exclusion from initiatives.

Save the Children Germany received several reports of families living in public-run accommodation being notified to leave their apartment, to create capacity for the new incoming refugees from Ukraine. This is due to poor planning by the German authorities. According to press reports, this displacement and prioritisation has included “children who were moved to locations far from their respective schools.”<sup>106</sup> In Greece, reports emerged in March that refugees in Serres camp in Northern Greece were forced to leave the containers in which they stayed and move to a dilapidated part of the camp, to make space for newly arrived Ukrainians.<sup>107</sup>

Differences in welcome are expressed in more subtle ways. In several reception locations for Ukrainian refugees in the Netherlands, for example, pets are welcome and Ukrainians with pets will get referred to those centres as much as possible.<sup>108</sup> For other refugees and asylum seekers, pets and animals are forbidden, with the exception of service animals such as guide dogs.<sup>109</sup>

Integration and inclusion projects supported by governmental funds or local authorities are directed towards Ukrainian refugees only. Organisations applying for funding for general projects towards refugees have to mention or somehow target Ukrainian refugees in order to receive funds.



Lewis Khan / Save the Children



## Omar's\* story

Omar is 17 years old, from Syria, and he came to Sweden when he was 9 years old. He described to Save the Children the reality of his life before he fled, and his journey to Sweden.

He remembered going to the dentist for a check up, just "like every child does", except a "soldier came into the dentist...I was shocked. I couldn't move. They had guns pointed at me. I had had my mouth open 10 minutes before they came because the dentist had joked about how I had to keep it open. I couldn't close my mouth. It was a little strange actually. One of them put a gun in my mouth and one pointed an AK47 at my head. How is a little boy supposed to register that? I was in shock. I didn't cry. I couldn't. Even after they left, I couldn't close my mouth for a day."

Another time, at school, "We heard a bomb. It wasn't a normal bomb, it was a rocket. Imagine a rocket in the middle of the schoolyard. And the schoolyard is in the middle of the school so you can't leave. The first bomb came from further away from the school and we ducked under our desks. After like three minutes there was one in the school yard."

His family decided to flee. His father and younger brother went to Libya to try to cross to Europe. He remembers fearing they would die. "It took them 18 days to get from Libya to Italy. I didn't know what had happened to them. We heard that they had left Libya and were at sea. After a while, my dad called and said: 'We survived. We are in Italy now.' You get happy, but not only that. It is a weird feeling."

"My dad was first in Italy and then he came to Sweden. We heard that it would take a long time before we could get there. Around 2-3 years. We thought, no, we will take the same route but through Turkey. It was hard to take that chance, to decide that we should try it. Really hard actually".

The entire journey for Omar and his family was long and dangerous. They were stopped at the first military checkpoint and he was beaten. The car his family was travelling in was shot at: "Those who shot at us. They do not think. Are there children? Are there old men? They don't know, they just shoot".

Omar and his family stayed in Turkey for a month before making an attempt to cross to Greece. "It was horrible when we left the hotel to go to the

ocean. Be quiet. No sound. We couldn't say anything. It was scary."

The rubber dinghy they were in was intercepted by a coast guard vessel: "They didn't want to stop. They were driving towards us. They had fast boats. They wanted to hit the middle of our boat to stop us. No one knew what was going to happen. The coast guard wanted to hit us. We were lucky cause the guy steering our boat sped up, so he didn't hit us. They took the guy steering and beat him a lot in front of us."

They tried again after 20 days. This time, "the engine didn't really work, only for a little bit. So, we had to steer with oars the whole time. They were heavy. It felt like two meters forward, four meters back. We were more than 50 people on a boat made for 40 and water came in. Us small children – me, my sister, and my little brother – sat in the middle and all adults were surrounding us. We were squished actually. Bags and everything were on top of us."

"We were like 20 meters from a coastline of rocks. It was deep. I only had on half my life jacket and I couldn't swim. The boat was sinking....I was on the side that was letting in water. Those who could swim jumped in and tried to push the boat. I fell in and I was close to drowning... It was very scary.", Omar said. "We heard a lot of people died in that sea."

On arrival in Greece, "we stayed in a place where animals are – a stable – for seven days. We didn't get anything." They made it to the capital of Greece, Athens, and from there walked about 20-30 km every day until they came to Serbia, where they started taking the train.

He eventually arrived in Sweden and his family were reunited, but Omar said he had difficulties integrating in his new country. "The first year was ok because I didn't talk to anyone. Second year people were a bit racist towards me. Then I had learned the language and I tried to talk to them. I was in fifth grade. They talked about my religion and said racist words."

"The route to Sweden was really hard." Omar concluded. Unprompted, he said "when I heard about Ukrainians coming to Sweden, I asked them: how was it to get here? They said it was chill, they took the bus the whole way to Sweden. I thought: This isn't fair. It isn't actually fair".

# EUROPEAN POLICIES TOLL ON CHILDREN'S MENTAL HEALTH

Children fleeing violence to another country face innumerable risks. By definition, they are at risk of death, injury or persecution in their home country, but also often risk being separated from their families, being exposed to traumatic events, and having to take dangerous journeys to safety. On arrival, children have to adapt to unfamiliar societies, often without the extended social and familial networks which existed in their home countries, and restart their disrupted education in a language they do not yet know. This often has a significant impact on children's mental health and wellbeing.

The containment and deterrence policies, and related violence, restrictions on movement and poor conditions that refugee children often find themselves in, at a moment where they should be offered safety and support, compounds the impact of their experience of traumatic events either back home, or along the journey. Research by Save the Children in Greece found that Save the Children staff have "witnessed an increase in suicide attempts and self-harm amongst children as young as nine", reliance on drugs and alcohol, and increases in aggressive behaviour.<sup>110</sup>

In research published in 2022, all the children interviewed by Save the Children had experienced violence and a series of traumatic events on their journey along the Balkans route, and displayed symptoms associated with prolonged exposure to such events. Younger children exposed to violence were excessively fearful, had difficulty falling and staying asleep, and experienced somatisation of tension. Older children reported that they had flashbacks of traumatic experiences, felt helpless and resigned, that they lacked prospects, and had lost their previously held values, beliefs and views.<sup>111</sup>

Save the Children raised concerns regarding the mental health of children who had arrived on the Canary Islands<sup>112</sup> – a Spanish archipelago close to the coast of Africa – which periodically sees peaks in arrivals, many of whom have taken perilous journeys of up to ten days from West African states such as Senegal and Mauritania, often in unseaworthy inflatable boats.<sup>113</sup> With restricted movement again causing overcrowding in reception facilities, children who struggle with the emotional impact of their journeys have inadequate mental health and psychosocial support. There are almost no







psychologists on the islands trained to work with children on the move.<sup>114</sup>

Children trying to get to safety in the European Union are aware they are discriminated against, reporting that they commonly face ethnic and religious disrespect, and verbal abuse and humiliation, which also affects their mental health. Children have been mocked and made to feel unwanted and unsafe.<sup>115</sup> Mehdiya\* is 13 years old and from Afghanistan, and she told Save the Children “when we went to cross the border between Bosnia and Croatia, police said very hard words to us, “you Afghans are dirty people, and you don’t have the right to enter into the European Union””.

While children fleeing Ukraine receive much better protection and access to services, they are still struggling with their mental health. Save the Children research in eight European countries in the summer of 2022 found that more than one in two children surveyed felt anxious or worried about their future, with older children and those who were not attending school more likely to feel anxious or worried.<sup>116</sup> Safety at borders and swift access to protection and services has helped children from Ukraine avoid further exposure to violence and other traumatic events.

**Amelia\***, 6 years old, lived with her parents in Zaporizhzhia, Ukraine. During the first 10 days of the war, the family remained in the city. When the nuclear power plant was shelled, they decided to leave: “Zaporizhzhia is being bombed right now. So, we left. We simply packed up and left,” Amelia says.

At first, the family did not plan to leave Ukraine. They stayed in Western Ukraine, but when they realized that the war would not end soon, they decided to move on. The family travelled to Lithuania in their own car through Poland.

“I was frustrated about our leaving. My friends were there, and I realized I would lose touch with them,” Amelia said, “The most important thing I took with me was my toy bunny I sleep with. I got it from my Godmother.”

Amelia and her family stayed with a host family in Lithuania. “They have got two children, Sofia and... I forgot the boy’s name. Mykolas. We became friends later. Their neighbour has got a trampoline. We had fun together.”

They now live in an apartment and Amelia’s father has a job in a restaurant. She was aware that her mum had difficulties registering at school. “My mum had been looking for school for a long time before we found it. We registered in a queue. Finally, we got permission to attend it and we did so.”



Oksana Parafeniuk / Save the Children

# LIMITS OF TEMPORARY PROTECTION AND AN UNEVEN SYSTEM

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Although there have been many positive policies to support the arrival and integration of refugees from Ukraine in the EU, the TPD itself is not a long-term solution. The short one-year residence permits mean it can be difficult to plan for the future. It also affects

possibilities for integration and presents challenges for planning children's education. Learning a new language – a vital part of finding new friends and feeling at home – is more difficult if you do not know long you can stay. One caregiver from Ukraine who was living in the Netherlands was interviewed by Save the Children in the summer of 2022, stated “Where will we live after March 4, 2023? Children will get involved in the schooling process, learn the language, and then?”<sup>117</sup>

The protection under the TPD is not only temporary but is highly reliant on political will and can be revoked by a Council decision. When a child has received a refugee or subsidiary protection status, this status is more secure. Applying for asylum and receiving a status is a crucial part of a functioning asylum system, and the TPD protection is not a replacement for this.

Importantly, the TPD depends on the laws of Member States – after its deactivation – to integrate persons from Ukraine into the national systems. When this happens, children from Ukraine could face many of the problems inherent in the post-2015 system.

There are discrepancies at national level too. In Sweden and Finland, for example, Ukrainians offered protection under the TPD are not submitted to the popular register in the same way as other persons granted residence permits, and are therefore not granted all social and economic rights new arrivals normally are. In Sweden, those who have fled Ukraine are only entitled to emergency healthcare and receive a very limited daily financial allowance at the same level as asylum-seekers, which is considerably lower than the support provided to recognised refugees.<sup>118</sup>



Pablo Blázquez / Save the Children

# CONCLUSION AND RECOMMENDATIONS

*“Our actions towards Ukrainian refugees must not be an exception. They can be our blueprint for going forward.”*

2022 State of the European Union address, President Ursula von der Leyen

The EU’s response to the crisis in Ukraine shows that EU policies and the responses of Member States can have a strong positive effect on the well-being of children on the move. Children from Ukraine generally feel welcome in their host countries and have more hope for the future. They have generally not faced violence, pushbacks, or had to rely on smugglers to flee to safety from the violence in their country.

The Ukraine response has also shown that the EU can collaborate to create a system which has prioritised the protection of children, rather than creating barriers to those seeking to get to Europe or devolving into acrimonious division and debate.

Looking to the future, migration will, despite years of inhumane deterrence policies being put in place, continue. There are record numbers of displaced people in the world, including 35.6 million children.<sup>119</sup> Conflict, climate change and inequality will keep fuelling displacement and migration, with some estimating that tens of millions of people across the globe will be displaced by climate change by 2050.<sup>120</sup> Climate change contributed to the devastating floods in Pakistan last year, which displaced up to half a million people and left 33 million in need of assistance.<sup>121</sup>

Against this backdrop, European political leaders, Member States and the EU must commit to migration and asylum policies that extend a humane and rights-based approach to all children on the move. Children and their families seeking safety and a better life should never be dehumanised as “hybrid threats”, and the violations of children’s rights at borders and in inhumane and overcrowded camps and receptions centres must stop.

The proposed EU Asylum and Migration Pact must move away from the deterrence and containment approach which has characterised EU and Member State approaches to children seeking safety in Europe. The positive elements, such as shared responsibility for asylum seekers and new proposals for a resettlement framework, must not be watered down or jettisoned in inter EU Member State debates. It must reflect the positive elements introduced in Member States under the TPD and the broader reception of Ukrainian children and use them as best practice.

Fundamentally, children fleeing violence must be offered safe and legal routes to safety, freedom of movement, protection and support to rebuild their lives. The response to the crisis in Ukraine has shown that this is possible.



# ALL EUROPEAN GOVERNMENTS, EU INSTITUTIONS AND MEMBER STATES SHOULD:

## 1. Provide long-term protection and support to all children who have fled Ukraine

- Commit to provide protection to all refugees from Ukraine for as long as hostilities are ongoing in the country and until it is safe to return, by extending the application of the Temporary Protection Directive or providing international protection as appropriate
- Expand school capacity, social services and psychosocial support, language classes and recreational activities for children from Ukraine so that they can thrive in their host societies

## 2. Expand good practices and lessons learned in the Ukraine refugee response to all children seeking safety in Europe

- Commit to providing additional and equitable support, access to protection, suitable accommodation and freedom of movement for all children from first arrival
- Refrain from any discriminatory rhetoric and practice wrongfully distinguishing between children seeking safety in European countries
- Reverse policies and halt practices that are leading to violations of children's rights, including unlawful pushbacks and restrictions on access to asylum
- Have in place procedural safeguards and an individual assessment of the best interests of each child claiming asylum or protection
- Ensure all border policies and operations are compliant with human rights law, including the specific protections afforded to children, and the principle of non-refoulement
- Ensure that child refugees and migrants who have been victims of violence and torture or other ill-treatment have access to justice
- Effectively monitor the rights of all migrant, refugee and asylum-seeking children in Europe
- Simplify procedures to obtain residence permits and international protection for eligible asylum seekers, in particular children and families
- Provide refugee and migrant children and their families with access to safe, regular and legal migration pathways. EU institutions should encourage the use of humanitarian visas and the development of straightforward national procedures to obtain them



Anna Pantelia / Save the Children



Pedro Armestre / Save the Children



Anna Pantelia / Save the Children



Oksana Parafeniuk / Save the Children

### 3. Put children's rights at the heart of the Pact on Migration and Asylum

- Prohibit the detention of children in migration, as detention is never in the child's best interest
- Refrain from introducing border procedures for children that are likely to result in systematic detention at borders
- Abandon the criteria designating the country of first entry as responsible for asylum claims
- Fully establish a solidarity and fair share mechanism that includes mandatory relocation, and which prioritises vulnerability and individual protection needs over any other consideration
- Allow freedom of movement for children on the move, both within national territories and across the EU. Ensure there are no sanctions or punishments if children or their families engage in so-called "secondary movements" or fail to meet any other sort of procedural obligation.
- Expand the definition of family reunification to allow children to be reunited with any family present in the EU if this is in their best interest
- Establish an independent border monitoring mechanism to ensure all border policies and operations implemented at Member State level are compliant with human rights law
- Ensure that any EU or bilateral agreement with countries of origin and transit related to migration is guided by human rights and children's rights. Do not financially support policies and/or bodies violating human rights
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