



POLICY BRIEF

VIOLENCE AT THE BORDERS AGAINST MIGRANT CHILDREN AND YOUTH : RECOMMENDATIONS FOR CHILD PROTECTION AT THE PEACE-MIGRATION NEXUS

2022



Save the Children

swiss
peace

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Based on a Capstone Research Project with the Graduate Institute Geneva (2021)

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INTRODUCTION

This executive summary is a condensed version of the research *Violence at borders against migrant children and youth*¹ carried out by a group of four students of the Graduate Institute of Geneva in collaboration with swisspeace and Save the Children Switzerland. It captures the main findings, conclusions, and recommendations of the research.

There is general acknowledgement that children and youth on the move are particularly vulnerable to violence, abuse and exploitation and the interplay between violence and migration is relatively well-studied. **Yet, attention to how violence at borders may create new challenges and risks, specifically for children and youth, is limited.** In this context, this research aimed to start filling this gap in knowledge and provide recommendations to practitioners, organisations and policymakers willing to:

- Effectively promote peace at the nexus of migration, conflict, and violence, through a better understanding of violence at borders against migrant children and youth and its consequences for peace policy and conflict dynamics.
- Develop and implement comprehensive programmatic responses that take into account the needs of the children and youth, through a better understanding of the forms of violence perpetrated at the borders against them.

The research focused on the state of violence against children at three geographically distinct borders: Croatia-Bosnia, Ethiopia-Eritrea and United States-Mexico. For each of these contexts, the research intended to identify commonalities and highlight differences by looking at four main points: the types of violence perpetrated against children and youth at each border, the normative frameworks/policies sustaining or mitigating violence at borders, the protection systems available for children and youth as well as the level of coordination between stakeholders.

The principal limitation of this piece of work is that it doesn't include a field-based analysis. The findings and conclusions are based on an extensive desk review which was complemented by 12 Key Informant Interviews with practitioners, government officials and professionals working at borders. Moreover, the research was informed by the practical experience of Save the Children and swisspeace's toolbox on migration in peacebuilding.

¹ Bracco, I., Carlos, A. C., Reed, C. & Rosales, R. (s. d.). Violence at borders against migrant children and youth [Capstone Project]. Graduate Institute Geneva.

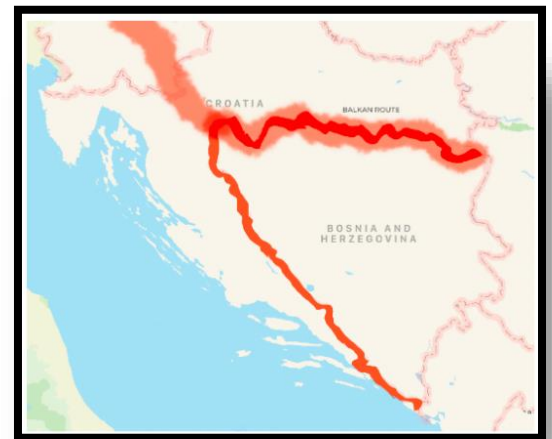
CASE STUDIES

“No matter what form of violence a child is exposed to, his/her experience may lead to serious and lifelong consequences (...). At a broader level, violence can stunt the potential for personal development and achievement in life, and present heavy costs to society as a whole”²

Croatia – Bosnia

Situation at border: The Balkan route currently represents one of the most used pathways for migrants wanting to reach Europe. Among them, around 200'000-300'000 are children, with 25% being separated or unaccompanied. People on the move using this route mostly originate from the Middle East and South Asia.

The Croatia-Bosnia border is heavily securitized. As a result, borders are exacerbating the use of violence against refugees and other migrants, denying their basic



Types of violence against migrant children and youth at border: Since 2016, after the closure of the Balkan corridor, numerous cases of violations of children's basic human rights were documented:

- Violent and non-violent pushbacks³. Among the recorded acts of violence, the most prominent ones are the pushbacks against children originating from Afghanistan, Iraq and Pakistan. Pushbacks are used by both sides of the border.
- Children suffer humiliation, intimidation, inhumane treatment, physical violence, sexual abuse, robbery and in some cases even torture. Acts of violence also include exposure to extreme high and low temperatures in cars and vans, threatening with guns, forcing to undress, and kicking.
- There are cases where children have witnessed their parents being beaten or molested.
- The testimony of one child usually contains several types of violence.

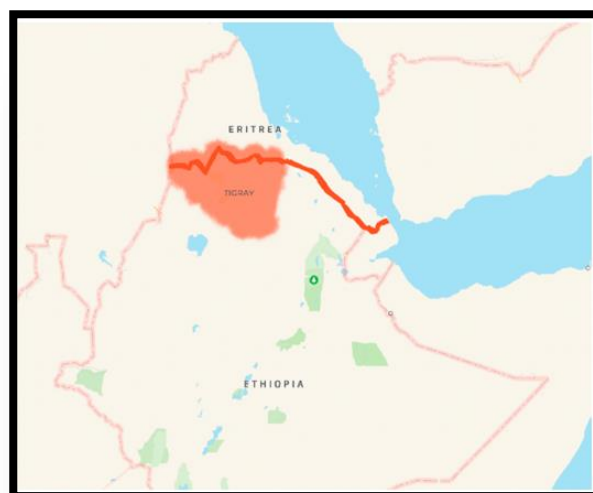
Protection systems and level of coordination: There are no protection mechanisms at the border to ensure children have their rights guaranteed. Additionally, the asylum laws and migration policies are insufficient to address protection needs. These gaps are worsened by the criminalization of humanitarian aid and solidarity. An organization or person providing support can be criminalized through legal mechanisms for helping migrants.

² Pinheiro, M. S. (2006). World report on violence against children. Geneva: United Nations.

³ A pushback is an informal cross-border expulsions of people or groups of people to another country. This definition is opposite to the term “deportation”, which is carried out within a legal framework.

Ethiopia – Eritrea

Situation at border: Mobility between Ethiopia and Eritrea in the Tigray region is strongly influenced by the political and security context of both countries. The increased level of insecurity at the time of the research in the region led to numerous violations of the populations' and migrants' and refugees' basic human rights. Children and youth cross from one unsafe territory into another. Often, they are considered as a security issue, hence they face heavy securitization.



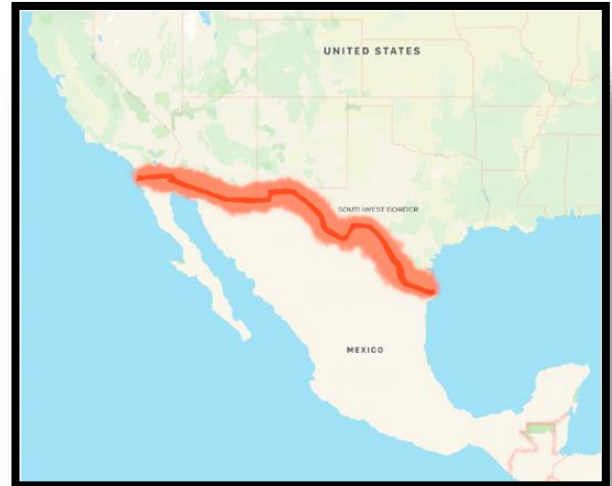
Types of violence against migrant children and youth at border: Since 2018, the region between Eritrea and Ethiopia has been the locus of numerous episodes of violence against migrant children and youth. This situation has worsened since the start of the civil war in Tigray:

- Children and youth are disproportionately affected by the conflict and are particularly vulnerable to all kinds of abuses, including sexual violence, physical injuries, and indiscriminate killings.
- Girls and young women are at risk of SGBV, with verbal and sexual harassment being part of their daily experience.
- Some children have seen their parents being shot in front of their eyes.
- Although violence at borders against migrant children affects all ethnic groups, Eritrean children face greater risks of death, abductions, rape, robbery, kidnapping and family separation.

Protection systems and level of coordination: The deterioration of the security situation due to the Tigray crisis has strongly limited the available humanitarian assistance and information at field level. Assistance and protection to children are rarely available because of security issues, access constraints, and operational limitations imposed by local authorities.

United States – Mexico

Situation at border: The majority of those trying to cross the Mexican-USA border are unaccompanied children and separated families composed of single mothers and their children. On the US side, immigration restrictions are tightening since 2018, while in Mexico, there are confusion and political limitations in implementing reformed migration laws. This leads to increased securitization of migration and subjects children to serious human rights violations.



Types of violence against migrant children and youth at border: With the US Government’s “Remain in Mexico” program, children have been subjected to human rights violations including indiscriminate refoulement, deportation and family separation. On the northern border in Mexico, various forms of violence are being observed, such as:

- The widespread presence of organized crime structures enhances opportunities for human trafficking that culminates in forced labor and sexual exploitation, and extortion where for instance food is offered in exchange for the sale of children.
- Sexual violence against migrant children, generally in shelters, some of which are run by organized crime structures.

At the southwest border, the detention of migrants, including children, by the Mexican authorities has been a continuous practice despite hundreds of documented cases of verbal and physical assault, abuse and deaths due to medical negligence.

Protection systems and level of coordination: The protection gaps are primarily due to lack of political will, institutional challenges, lack of harmonization of protocols, procedures and regulations, lack of financial, technical and technological resources. There is a general lack of coordination between government entities and levels. The situation is worsened by the presence and activities of organised crime groups.

Authors of violence – Source of violence: In all three case studies, violence occurring at borders is primarily linked to state actors (border officials, border police, security personnel, etc.). The growing securitization applied to border management leads to increased instances of human rights violations at borders. Moreover, the level of violence faced by migrant children and youth at borders is heightened by the activities of smugglers and traffickers at these key junctures.

- In the case of Croatia-Bosnia, violence at border is sustained by the securitization policies and narratives developed by political leaderships and the fact that Balkan countries are financially and politically empowered by the EU to act as the gatekeeper of Europe's borders.
- In the case of Eritrea-Ethiopia, there are instances where violence at border is the fact of armed militias operating in the area, and the level of violence at border is influenced by the overall security situation as well.
- In the case of USA-Mexico, violence at border is also carried out by organised crime networks that operate in the border areas.

It is important to note that due to the lack of data and the challenges for migrant children and youth to consistently recognise the authors of violence against them or peers travelling with them, it is not always possible to identify the perpetrators specifically and systematically.

MAIN FINDINGS

The number of migrant children and youth suffering from State-sanctioned abuse at borders continues to rise and almost no protection schemes are offered.⁴

Forms and patterns of violence at borders

- Border crossings are dangerous as the level of violence is heightened through the presence of state and non-state armed actors and securitized border policies and practices. Thus, **violence at borders amplifies the risks and vulnerabilities faced by migrant children and youth** during their journey.
- Violence at borders takes place on a **recurring and widespread basis**. According to several respondents and testimonies, violence at border is most of the time indiscriminate. Migrants trying to cross are pushed back independently of their individual situations and whether they are minors, pregnant women, elderly, etc. However, due to the immense gap in data available, it is not possible to properly grasp the incidence of gender, ethnicity and other factors on the violence perpetrated. No matter what, **children are disproportionately affected**, especially when they cross the border unaccompanied.
- **Violence at borders is multifaceted** and ranges from structural, cultural to physical violence: there are reports of verbal, physical and sexual violence as well as torture, detainment, and cases of murder at all borders. Migrants trying to cross the borders are often victims of pushbacks, deprivation of liberty in detention centers characterized by overcrowded and unsanitary conditions, but also forced family separation which increases the number of children who are left unaccompanied at borders.
- **Pushbacks without prior assessment of their case not only prevents children from accessing the international protection and human rights to which they are entitled but exposes them to further violence and violations of their rights**. These practices endanger their physical and mental wellbeing and protection as in most cases, migrant children and youth fled because of violence in their countries of origin and already endured numerous violations of their rights during their migration journey.
- **While violence occurs at all three borders, the forms of violence differ depending on the context**. Much of the violence occurring at the Ethiopia-Eritrea border is influenced by the armed conflict taking place in the Tigray region, while in the US-Mexico case, border violence is characterized by the collusion of private and state violence. The situation at the Croatia-Bosnia border is highly influenced by the securitization of European borders, particularly the Hungarian one, aimed at preventing immigration using hard security measures.
- A commonality of the violence perpetrated against migrant children and youth at all three borders is that they are **often perpetrated by state actors**. This includes border agents and state military or police.

⁴ Capstone research project, "Violence at borders against migrant children and youth", Graduate Institute of Geneva, 2021.

Coordination and assistance to migrant children and youth at borders

- The **lack of legal pathways to entry and asylum procedures** is a major challenge and gap faced by migrant children and youth at all three borders. This protection gap includes blatant denial of the asylum application processes which then prevents migrant children and youth from being awarded protection and services they are entitled to. It moreover often leads to pushbacks, forced return to the country of origin, and family separations.
- There's a **limited availability of humanitarian aid** caused by either its criminalization (Croatia-Serbia), access constraints (Ethiopia-Eritrea) or by the presence of organized crime groups around border areas (Mexico-USA).
- In the three case studies, there's a **limited or absence of specific services for migrant children and youth**. Whereby, in most cases civil society is filling gaps in service provision and child protection.
- All borders experience a need for **child-friendly information and child participation** in the processes that affect their lives. Children are most of the time left unaware of their rights and unable to take part in the decisions that directly affect them, with the absence of trained personnel and age-appropriate information that they could access to understand and claim the rights they are entitled to.
- There is a **shortfall of disaggregated data on child and youth migrants** and experiences of violence due to lack of legal pathways. This is particularly pronounced at the Ethiopia-Eritrea border due to the recent changes in the national asylum policy which excludes migrant children. In all cases, however, there is a lack of information on criteria such as gender, age, sexuality, race, and disabilities. This not only leads to **underreporting and underestimation of instances of violence**, but also **limits the ability of children at borders to position themselves as active rights holders** and access the protection and services they are entitled to.
- The research highlights **the issue of poor coordination** for all three contexts. The lack of coordination and sharing of responsibilities regarding child and youth protection and violence prevention is evident at all levels, as well as between authorities, civil society and international organizations.

Regulatory environments and policies

- The analysis of the regulatory structures that apply to each border region shows that **most states have ratified international human rights treaties**. However, they all maintain a general stand of non-compliance with human rights standards in relation to human mobility processes, children rights, and equality and non-discrimination clauses.
- In all three case studies, a **securitization lens is applied to migration governance**, which leads to restrictive immigration policies, violent pushbacks, use of military force and closure of borders. Measures of securitization implemented at all borders allow for **systemic violations of the human rights of migrants** and reveals a serious fracture of democratic states.

- **Local and national legislation** are directly relevant in perpetrating violence at borders.
- At all borders, **impunity** is a major factor sustaining and perpetuating violence against migrant children. There is a persistence of **inefficient and non-transparent monitoring mechanisms** be it due to budgetary, political, human and/or technical shortcomings. Thus, **violence at borders is not sufficiently documented and monitored** and leads to prevalent impunity in the whole system.
- In all cases, **democratic fragility and the erosion of the rule of law** to enhance political and/or economic interests was observed. **This collusion of governance and interest plays a preponderant role in both sustaining and justifying violence against migrant children at borders and is worsened by armed conflict, political corruption, and structural inequalities.**

RECOMMENDATIONS

It is key to start developing joint programming on child protection and peacebuilding in migration settings, including at international borders. In this sense, migration projects should include a peacebuilding component (specifically or as mainstreamed, i.e., conflict sensitivity) while peacebuilding efforts should include children and especially migrant children as one of the core target group and as agents of peace.⁵

Programmatic level

- Consider children and youth migrants as a **core audience** in national and transnational migration programming and ensure **their participation** in matters affecting them.
- Increase the availability of trained personnel and specialized services addressing the needs of migrant children and youth crossing borders in terms of **mental and physical health, psychosocial and psychological support, educational assistance, legal support**.
- Include a component related to strengthening **social cohesion**, on and between both sides of the border, as a **prevention and response measure** to help decreasing stigmatization and protection risks faced by children and young people crossing borders.
- Take into account **the political, societal and historical context of the border migration regime** as well as the specificities of the migration route in question to better understand **related conflict dynamics** (e.g., by conducting integrated analysis of migration and conflict dynamics).
- **Revise and adapt the swisspeace migration in peacebuilding toolbox** to include a child protection lens.

Coordination level

- Facilitate **transnational and multi-sectoral collaboration and coordination mechanisms** between governments, INGOs, national NGOs, CSOs in cross-border programming, where peacebuilding actors could play a convening, facilitating or mediating role, to ensure information sharing and law enforcement, to build trust among actors including migrant children and youth, and thus ensure that child migrants' rights are fulfilled. In this process, it is important to clearly establish the competencies and roles of each stakeholder, and special attention should be given to **ensure the participation of children**.
- **Support and empower local civil society organizations**, as they are usually the first respondents in situations of emergencies such as those presented in the report, making sure humanitarian standards are respected and basic needs are met.

⁵ Capstone research project, "Violence at borders against migrant children and youth", Graduate Institute of Geneva, 2021.

- Promote information sharing and coordination between **on-going formal and informal peace processes and migration policy and practice at borders**, to understand how they interact and what implications violence at borders might have for peace processes, including with specialists in the protection of children and youth.
- Strengthen partnerships between governments, civil society organizations, national and international NGOs and actors in order to **adapt and transform international and national frameworks into concrete actions** (train border staff, increase the availability of specialists in the protection of children and youth, etc.).

Advocacy and research

- Increase advocacy efforts aiming at **raising awareness about children's rights violations at borders and addressing the specific needs of migrant children crossing borders** (incl. the need to create/implement safe and rapid legal pathways for asylum applications, unlawfulness of pushbacks, end of criminalization of humanitarian aid, etc.).
- Intensify advocacy efforts for **the effective implementation of safe legal pathways to both entry and asylum procedures for all children** crossing a border, in accordance with international and national laws and legislations.
- Increase advocacy efforts towards **the creation of more independent and multi-stakeholder border monitoring mechanisms** (e.g., by supporting human rights defenders).
- Invest in research and advocacy efforts that **frame violence perpetrated at borders as results of 'mobility conflicts'** rather than through a securitization lens, in order to develop stronger arguments to hold liberal states accountable for their violent (in-)actions at borders and increase peacebuilding efforts at borders.
- **Adapt international human rights standards to local frameworks** to make sure that different local realities are taken into consideration in their implementation.
- **Facilitate the collection of disaggregated data** on violence at borders against migrant children and youth to make violations more visible and facilitate actions to hold perpetrators accountable.
- **Invest in continued and additional data collection and foment the creation and update of publications (e.g., cross-country studies)** to enhance the understanding of and the response to the needs and rights of migrant children and youth crossing borders. This should include a specific focus on understanding **the interface between violence at borders and broader conflict dynamics and peace efforts.**, i.e. the implications of structural, cultural and direct violence perpetrated against children and youth at borders in the context of 'mobility conflicts' within the migration regime more broadly (e.g. how it might create obstacles to achieving a lasting peace or interfere with on-going peace processes or how it might be used as a strategic 'weapon of war' in certain contexts).