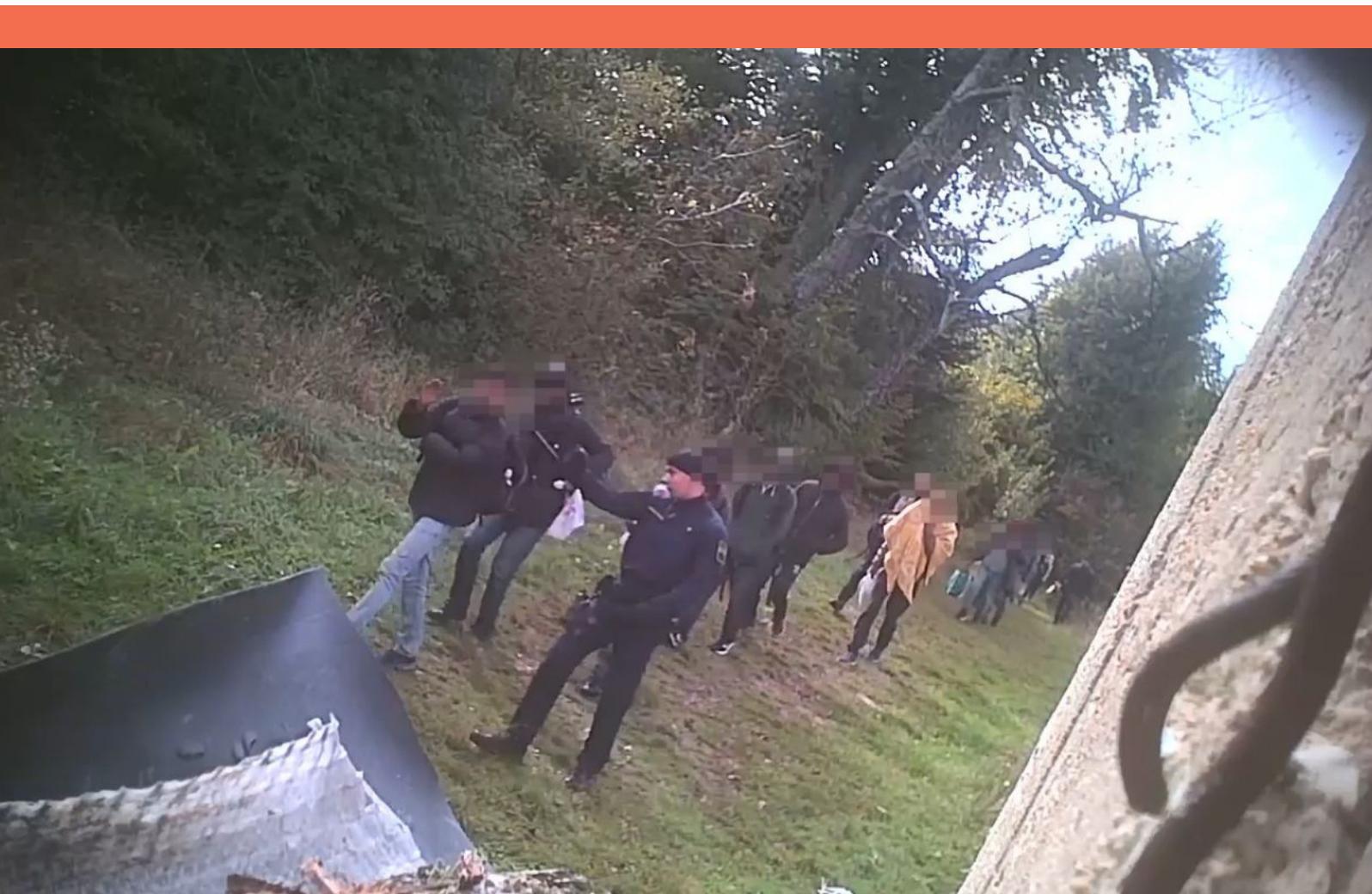




**Border Violence
Monitoring Network**

SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

**2021 DAY OF GENERAL DISCUSSION
CHILDRENS'S RIGHTS AND ALTERNATIVE CARE**





I. Reporting Organisation

Border Violence Monitoring Network (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions and police violence along the EU's external borders since the network's formulation in 2016. Our reporting countries include Croatia, Greece, Bosnia-Herzegovina, Serbia, Slovenia and Turkey. The collection of data on illegal pushbacks and police violence is done by a consortium of independent field volunteers who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

II. Executive Summary

Summary of Findings

BVMN attests that pushbacks often result in unnecessary separation of children from their families. Moreover, when children are already unavoidably separated, as is the case with unaccompanied minors, pushbacks systematically and by design, deny children the right to access procedures, thus hindering their access to family reunification processes, appropriate protection systems and deny them their right to "be provided with alternative care".[1]

BVMN first demonstrates that pushbacks separate families and, due to the level of violence and inhuman treatment used, damage families' abilities to care for children. BVMN then details how pushbacks deny children access to procedure, including family reunification processes and protection mechanisms. Finally BVMN will highlight that pushbacks often include arbitrary detention. BVMN identifies pushbacks as a root cause and driver of family separation and an inhumane and illegal response to children who have been unavoidably separated.[2]

Defining terminology

"Pushback" is a common term to denote the action of a State forcibly returning an individual or a group across borders to another country without due process and subsequently preventing or restricting them access to protection mechanisms. Pushbacks encompass the legal concept of non-refoulement which are implicitly prohibited under Article 3, 6, 20 and 37 of the CRC[3] and are explicitly prohibited by General Comment 6 of the CRC.[4]

Throughout this submission we use the term "migrant" as an all-encompassing term for people-on-the-move whose legal status could not be determined at the time of reporting.

III. Pushbacks disrupting intact families through separation and death ^[5]

There is a plethora of legislation that is designed to protect families and prevent separation. For instance, the right to family life is drawn from rights accorded to children under international law, including Articles 3, 5, 9, 10, 18 and 20 CRC. Such rights include both positive and negative obligations. For example, the CRC requires that: priority should be given to support children's parents and family to enable them to care adequately and prevent unnecessary separation,^[6] including "necessary protection and assistance"^[7] and that "States must respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community".^[8] It is therefore widely accepted that States should not only prevent the unnecessary separation of children from their parents but also provide support to families in their caregiving role.^[9] Yet, what makes such legislation ineffective in practice is its lack of application at the borders of BVMN's reporting countries. Pushbacks are an acute example of a systemic disregard for legislation and policies which are designed to strengthen families and prevent separation.

Pushbacks, when resulting in family separation, constitute a violation of Article 9(1) CRC^[10] and place States who perform them in variance with basic norms of the Rights of the Child which require "that all necessary measures should be taken to prevent the separation of the child from her/his family".^[11] For example, in 2019 BVMN recorded a testimony of two 16 and 20-year-olds who were apprehended in Kastav, Croatia. They had left their larger transit group, which included the respondent's younger brother, to buy food in the nearby town. When questioned by the police as to the location of the transit group, and fearing something bad would happen to them, the respondent explained to BVMN, "**I know where my brother is but I am scared to tell them**". Consequently, the respondent was separated from his younger minor brother and at the time of reporting they remained separated.^[12]

Death to family members

During pushbacks, families and children are frequently exposed to violence, with severe instances resulting in death to members of the pushback group. This places pushbacks both in variance with basic Alternative Care standards, as they result in the death and therefore the destruction of family units, but also Article 19 CRC, which states that children must be protected from all forms of violence, abuse and neglect in all settings.

In 2019, BVMN recorded various testimonies recalling deaths during pushbacks.^[13] For example, two testimonies, possibly of the same event, reported that during a pushback from Slovenia to Bosnia a 19-year-old drowned in the river, **'He couldn't get out anymore and drowned in front of his friend's eyes without them being able to help him'**.^[14]

In 2020, BVMN continued to record testimonies of people dying during pushbacks.^[15] For example, a respondent said how people **"died like insects"** during a pushback from Greece to Turkey. The group was abandoned by Greek border forces on an island in the Maritsa River and later died there.^[16] Likewise, in May 2020 BVMN partner Josoor was contacted by the mother of a 16-year-old boy from Pakistan who had crossed to Greece with a larger transit group in April and was pushed back. Instead of being pushed back to the Turkish side of the Evros/Meric river, the Greek authorities abandoned the group on an islet in the river. One group member was able to hide his phone and the boy was able to

call his mother from the islet. He told her that most of the others would swim to the Turkish side but he and two others were not able to swim and were desperate about what to do. She never heard from him again.[17]

In 2021, BVMN have continued to record testimonies of people dying during pushbacks.[18] For example, one man explained “[the officer] meant to let us die, to drown in the river” after someone in his migratory group drowned after being pushed back across the Evros river from Greece to Turkey.[19]

The fear and threat of drowning is frequently mentioned in testimonies at the Evros/Meriç/Maritsa River, both at the Greek-Turkish and Bulgarian-Turkish border.[20] Multiple pushback testimonies recount Greek officers using unstable dinghies to take groups across the river to Turkey.[21] Others report on the difficulty of swimming across the river after being dropped in the middle, due to the strength of the current.[22] A trend emerged in 2020 in which Greek authorities purposefully push groups not to the Turkish shore but to islets in the river, leaving them stranded for days.[23]

Children and their families are also regularly put at risk of drowning in pushbacks on the Aegean Sea, even after reaching Greek land, as Greek authorities abandon them at sea in life rafts.[24]

BVMN asserts that pushbacks represent an antithesis to all accepted notions of alternative care as well as unnecessarily separating families by causing death and family separation.

Torture, trauma and the inability to fulfil familial care

There is a multitude of legislation and guidance that outline states’ positive obligations to ensure that families are adequately equipped to care for their children, carry out their parental duties and avoid the need for children to go into alternative care.[25] However, with pushbacks, not only are these obligations absent, the actions of state actors contribute to parents’ inability to perform their parental responsibilities.

Analysis of BVMN’s testimony database, revealed that in 2020 up to 85% of pushbacks across all reporting countries contain one or more instance of torture, inhuman or degrading treatment.[26] For instance, 37% of all testimonies contained the use of forced undressing;[27] 27% contained inhuman treatment in police vehicles;[28] and 23% of reports included the use of a firearm, including assault with the firearm, using firearms to hold mock executions and discharging the firearm at or in close proximity to the victim.[29]

Experiencing pushbacks, and suffering torture, inhuman and degrading treatment can have severe and long-lasting impacts, including trauma and PTSD.[30] The impact of trauma extends beyond the harm caused to the individual and can negatively impact the family unit. Caregivers and children suffering from the impacts of torture may cause strain on the family unit, perhaps even leaving some unable to effectively carry out their parental responsibilities and provide a safe and nurturing environment for children. For example, parents report **“the way that children have a heightened fear of the dark, have difficulty sleeping, or suddenly wake up crying during the night”**. [31] Moreover, pushbacks may well return people to persecution and human rights violations, thus challenging families’ abilities to care for children.



The UN Guidelines For the Alternative Care of Children highlights that, “States must take all necessary measures to prevent such practices [torture, cruel, inhuman or degrading treatment] and ensure they are punishable by law”.^[32] During pushbacks children are both witness to and victims of violence, torture and inhuman and degrading treatment. Taking Croatia as a case study, BVMN found that from 2018 to 2020 an average of 40% of pushback groups contained children. In 2020, BVMN identified that 88% of all pushbacks involving children contained one or more forms of torture or inhuman treatment. For example, in 2021, BVMN recorded a testimony where a three-year-old and ten-year-old watched as a Croatian police officer held a knife to their father’s throat threatening to kill him and later hit him on the head with the knife’s handle. When the children started crying they were told to “shut up” by one of the officers.^[33] In too many instances, children are themselves victims of violence and inhuman and degrading treatment, including forced undressings^[34] and beatings.^[35]

IV. Appropriate ways to respond to separation where it is unavoidable including identification of unaccompanied or separated children and access to procedure.^[36]



In *D.D. v. Spain* (No. 4/2016) the Committee held that States are required “to take all necessary measures to identify children as being unaccompanied or separated at the earliest possible stage, including at the border”. Failing to do so before refusing entry would violate the best interest of the child (Article 3) and the right to freedom from torture (Article 37). As best interest assessments require access to territory, access constitutes a prerequisite to the initial assessment process by the authorities.^[37] This is in line with basic standards for Alternative Care which require States to ensure “that all decisions, initiatives and approaches related to children without parental care are made on a case-by-case basis [...] grounded in the best interests and rights of the child”.^[38] In a migratory context, this requires “States to establish rigorous screening procedures through national and local authorities [...]”^[39] which include child protection authorities being “promptly informed and assigned to participate in procedures for the determination of the best interests of the child once an unaccompanied or separated child crosses an international border”.^[40]

Families and children cross borders to seek safety and reunite with family. Yet, they are frequently pushed back from, and within, Europe’s borders. The systematic use of pushbacks, which by design deny children access to the territory, an assessment of their best interest, their identification as unaccompanied and/or separated child, access to protection systems and access to family reunification processes, ipso facto violates Articles 3, and 9 of the CRC and Alternative Care standards highlighted in paragraph 19. Additionally, pushbacks of unaccompanied children violate the right to special protection for children without families as stipulated by Article 20 CRC. Moreover, when unaccompanied children are pushed back, their access to family reunification processes are stifled, thus forcing them to remain alone and vulnerable.

BVMN have reported multiple pushback testimonies from children. One incident in 2018 recounted four unaccompanied children from Afghanistan who were beaten by Croatian officers and pushed back to Serbia.^[41] A similar pushback occurred in 2019 where three unaccompanied minors were severely beaten by Croatian officers, **“from closed fists lasting approximately 5 minutes”**.^[42] Another 17-year-old unaccompanied minor from Palestine explained how he was violently pushed back from Hungary to Serbia in 2020 despite his expression to seek asylum.^[43] In 2021, a 15 year old Afghan minor was subjected to a chain pushback from Croatia to Slovenia, then from Slovenia to Serbia. They were deprived of food and water by officers, despite not having eaten for two days.^[44]

Under the Dublin III regulation, family is considered the most crucial criteria for determining which EU member state should be responsible for examining an asylum application.[45] When any family member, be that a child or adult, is pushed back, access to these protection mechanisms are prohibited, which in turn prolongs, if not prevents, the reunification of families and forces children to remain unaccompanied. Therefore pushbacks are a leading factor which causes and prolongs family separation.

V. Use of extralegal detention of minors during pushbacks ^[46]

An integral element to the modus operandi of pushbacks is arbitrary detention, that is neither prescribed by law or reviewable by an administrative or judicial body. Such detention often entails the use of blacksites.[47] 38% of BVMN testimonies involve inhuman treatment conditions in detention,[48] including mass forced undressing and violent beatings.[49] Not only does such detention represent a disregard for appropriate care models, it is in variance with international law including Article 37 and 3 of the CRC. In 2019, the UN Advocacy Group on Children Without Parental Care was deeply concerned that children are placed in 'unregistered, unregulated alternative care in violation of international standards [...] without proper assessment, care plans, and review processes in place'.[50] Likewise, BVMN is deeply concerned many children are placed in unregistered and unregulated detention, without review processes, a clearly unsuitable arrangement for unaccompanied and separated children.

The Global Study concluded that, "States should adopt all necessary measures in order to eradicate any form of immigration detention of children and families".[51] This is not only true for regulated detention which "for children can never be considered as a measure of last resort",[52] but is especially pertinent for cases of arbitrary detention.



VI. Recommendations [53]

BVMN recommends that:



A. The EU border monitoring mechanism strengthens “national and cross-border child protection systems that have the capacity to assess the unique needs of vulnerable children and families, determine the best interests of the child, make referrals to local resources [...]”. [54]



B. State parties refrain from implementing any measures, including pushbacks, that adversely affect the best interest of children, especially within the context of migration and border control.



C. If a child is travelling unaccompanied or in the company of adults, the child's best interest takes precedence over a States migration management objectives.



D. Children-on-the-move, whether they be unaccompanied, separated or with family, are identified and granted access to essential services and protection mechanisms.



E. Appropriate legislative mechanisms are fully implemented to prevent forced separation of migrants and refugees.



F. To ensure family unity, the practice of pushbacks must be immediately ceased.



G. The Border Violence Monitoring Network respectfully recommends that the Committee implement a future Day of General Discussion on the rights of children-on-the-move. We cordially suggest this includes, but is not limited to, the issue of the pushback, collective expulsion and refoulement of children.



[1] Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 6.18, p.492. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].

[2] See the United Nations Global Study on Children Deprived of Liberty which recommends that States actively target the causes of children being separated from their families and provide necessary measures to prevent this through support for families, strengthening child protection and social support systems, Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 8.1. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].

[3] UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. Available at: <https://www.refworld.org/docid/3ae6b38f0.html> [Accessed 30 April 2021].

[4] The Committee outlined in General Comment 6 that States 'must fully respect non-refoulement obligations deriving from international human rights, humanitarian and refugee law', and that 'States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child, such as, but by no means limited to, those contemplated under articles 6 and 37 of the Convention, either in the country to which removal is to be effected or in any country to which the child may subsequently be removed [...] The assessment of the risk of such serious violations should be conducted in an age and gender-sensitive manner' UNCRC. UNCRC General Comment No.6 [26-27] Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, 1 September 2005. Available at: https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC_General_Comment_6_2005.pdf. [Accessed 1 May 2021].

[5] In answer to the guiding question, What are examples of legislation, policies or programmes that effectively strengthen families and prevent separation? What is it that makes them effective?

[6] UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Article 18.2. Available at: <https://www.refworld.org/docid/3ae6b38f0.html> [Accessed 30 April 2021].

[7] UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Preamble. Available at: <https://www.refworld.org/docid/3ae6b38f0.html> [Accessed 30 April 2021].

[8] UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Article 5. Available at: <https://www.refworld.org/docid/3ae6b38f0.html> [Accessed 30 April 2021].

[9] UN General Assembly. (2019). Resolution on the Rights of the Child. See also: Resolution adopted by the General Assembly on 18 December 2019 on the Rights of Child, which requires States "Adopting and enforcing laws and improving the implementation of policies and programmes, budget allocation and human resources to support children, [...] to address the root causes of unnecessary family separation and ensure that they are cared for effectively by their own families and communities" UN General Assembly. (2019). "Resolution adopted by the General Assembly on 18 December 2019 on the Rights of Child". Available at: https://bettercarenetwork.org/sites/default/files/2020-01/A_RES_74_133_E.pdf [Accessed 09/06/2021].

[10] 'States Parties shall ensure that a child shall not be separated from his or her parents against their will' UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Article 9(1). Available at: <https://www.refworld.org/docid/3ae6b38f0.html> [Accessed 30 April 2021].

[11] Committee on the Rights of the Child. (2006). "Fortieth Session, September 2005. Day of General Discussion. Children Without Parental Care". Paragraph 649. Available at: <https://www.ohchr.org/en/hrbodies/crc/pages/discussiondays.aspx>; See also: UN General Assembly. (2019). "Resolution adopted by the General Assembly on 18 December 2019 on the Rights of Child". Paragraphs 34 and 35(s). Available at: https://bettercarenetwork.org/sites/default/files/2020-01/A_RES_74_133_E.pdf [Accessed 09/06/2021].

[12] Border Violence Monitoring Network. (2019). "I know where my brother is but I am scared to tell them". Available at: <https://www.borderviolence.eu/violence-reports/november-22-2019-1630-kastav-croatia/> [Accessed 30 April 2021].

[13] See: "I know that many people died in this river. Too many people died, I know from five persons in the last months. There is never anything about that in the news, they are refugee people, who cares? They think we are animals." Border Violence Monitoring Network. (2019). "This is Mental Torture". Available at: <https://www.borderviolence.eu/violence-reports/april-16-2019-1030-croatian-bosnian-border-next-to-staro-selo/>; "When the guards showed up in the morning [...] the men was dead." Border Violence Monitoring Network. (2019). "How Long I Have To Stay In This Prison". Available at: <https://www.borderviolence.eu/violence-reports/june-6-2019-0000-bosnian-montenegrin-border-crossing-scepan-polje/>; Border Violence Monitoring Network. (2019). "They Ran Away and Suddenly Heard One Of Them, 27 Year Old Oussama Scream." Available at: <https://www.borderviolence.eu/violence-reports/march-30-2019-0> [Accessed 01/06/2021].

[14] Border Violence Monitoring Network. (2019). "When the 19-year-old Moroccan Tried to Cross It, He Was Carried Away by the River". Available at: <https://www.borderviolence.eu/violence-reports/march-23-2019-0900-near-fara-slovenia/>; see also Border Violence Monitoring Network. (2019). "19-Year-Old Moroccan Drowned In the Border River". Available at: <https://www.borderviolence.eu/violence-reports/march-24-2019-0800-near-velika-kladusa-municipality-bosnia-and-herzegovina/> [Accessed 01/06/2021].

[15] See for example: "They drove us to the middle of the river - and then they told us to jump. Into the water. Some couldn't swim and we told them, but they did not care!". The two other friends the respondents had crossed the border with disappeared in the river, and he has not heard from them since. Border Violence Monitoring Network. (2020). "I Got Drunk For The First Time In My Life To Have The Courage To Tell Them, But I Can't. How Can I Tell Them Their Son is Dead". Available at: <https://www.borderviolence.eu/violence-reports/september-6-2020-1700-alexandropouli-bus-station/>; "Only two Algerians knew how to swim, you saw people walk but the current took them away [...] The people who couldn't swim were shouting"[...] He has not heard from his four friends who disappeared in the river and believes they must have drowned. Border Violence Monitoring Network. (2020). "I Saw People Walk Into The River And the Current Took Them Away". Available at: <https://www.borderviolence.eu/violence-reports/october-30-2020-0000-neavyssa/>

[16] Border Violence Monitoring Network. (2020). "They Died Like Insects". Available at: <https://www.borderviolence.eu/violence-reports/december-13-2020-0000-greek-turkish-border-near-edirne/> [Accessed 02/06/2021].

[17] Josoor. (2020). "They Left Them on an Island, He Couldn't Swim, He Called His Mother One Last Time". Available at: <https://www.josoor.net/post/they-left-them-on-an-island-he-couldnt-swim-he-called-his-mother-one-last-time-greece-has-become-hell-for-refugees>

[18] "[...] the officers checked them all and took everything from them. The respondent explained sadly that "one of us sank in the river. He died. We couldn't find him later"". Border Violence Monitoring Network. (2021). "One Of Us Sank In The River. He Died. We Couldn't Find Him Later". Available at: <https://www.borderviolence.eu/violence-reports/january-3-2021-0200-dilofos-kapikule/>; "[...] two people died during the pushback, one Pakistani, and one Palestinian who was his friend. This incident took place within a period of three days in which multiple pushbacks to several islets of the Evros/Meriç river were conducted. Border Violence Monitoring Network. (2021). "If Anyone Can Speak English, You Can Come Work For The, [Greek Police] For Six Months And Then You Will Be Given Papers For Asylum". Available at: <https://www.borderviolence.eu/violence-reports/april-8-2021-0600-island-near-karayusuflu/> [Accessed 06/06/2021].

[19] The following day [...] [a] Palestinian man did try to make his way through the water following the indication given by the Greek officer but he drowned in the river. The whole group got stuck on this island for two days with no food and no water. Among the group, there were Syrian children, aged 6, 7, and 10 years old. There was also an old man in his sixties. Border Violence Monitoring Network. (2021) "They Kept Saying To Us "Arab Dog". You Can't Imagine How Much Hatred Was There. It Felt Like It Was A Retaliation". Available at: <https://www.borderviolence.eu/violence-reports/april-10-2021-0000-soufli-to-nasuhbey-via-evros-meric-river/> [Accessed 06/06/2021].

[20] Border Violence Monitoring Network. (2021). "Fourteen male officers, including alleged Frontex Officers, with 4 dogs and brass knuckles, beat and stripped a group of 12 men and women". Available at: <https://www.borderviolence.eu/violence-reports/may-7-2021-0000-malko-tarnovo-to-sukrupasa/> [Accessed 05/06/2021].

[21] Border Violence Monitoring Network. (2021). "They left the two women in pyjamas and beat them with a tree branch". Available at: <https://www.borderviolence.eu/violence-reports/may-17-2021-0000-dilofos-kapikule/> [Accessed 09/06/2021]; Border Violence Monitoring Network. (2021). "The way they treated us was so racist and humiliating, my body still hurts where they beat me". Available at: <https://www.borderviolence.eu/violence-reports/april-26-2021-0300-on-the-maritsa-river-from-orestiada-to-doyran/> [Accessed 09/06/2021].

[22] Border Violence Monitoring Network. (2021). "Fourteen male officers, including alleged Frontex Officers, with 4 dogs and brass knuckles, beat and stripped a group of 12 men and women". Available at: <https://www.borderviolence.eu/violence-reports/may-7-2021-0000-malko-tarnovo-to-sukrupasa/> [Accessed 05/06/2021]; Border Violence Monitoring Network. (2021). "They asked us to jump over the river, we could have drowned". Available at: <https://www.borderviolence.eu/violence-reports/march-5-2021-1700-near-highway-e71-in-croatia/> [Accessed 08/06/2021].

[23] Josoor. (2021). "33 People Currently Stranded on an Island, Possible Death". Available at: <https://www.josoor.net/post/breaking-33-people-currently-stranded-on-island-possible-death>;

Border Violence Monitoring Network (2020): "Frontex Ignore Rights Violations at the Evros Border". Available at: <https://www.borderviolence.eu/frontex-ignore-rights-violations-at-the-evros-border/> [Accessed 06/06/2021].

[24] Niamh Keady-Tabbal, Itamar Mann (2020): "Tents at Sea. How Greek Officials Use Rescue Equipment for Illegal Pushbacks." Available at: <https://www.justsecurity.org/70309/tents-at-sea-how-greek-officials-use-rescue-equipment-for-illegal-deportations/>

- [25] Committee on the Rights of the Child. (2006). "Fortieth Session, September 2005. Day of General Discussion. Children Without Parental Care". Paragraph 649. Available at: <https://www.ohchr.org/en/hrbodies/crc/pages/discussiondays.aspx>; See also "The Committee highlights States parties' responsibility to protect the child and her/his parents and to provide the parents with appropriate assistance." Committee on the Rights of the Child. (2006). "Fortieth Session, September 2005. Day of General Discussion. Children Without Parental Care". Paragraph 651. Available at: <https://www.ohchr.org/en/hrbodies/crc/pages/discussiondays.aspx>.
- [26] Border Violence Monitoring Network. (2021). "Annual Torture Report 2020". Page 4. Available at: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf> [Accessed 09/06/2021].
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- [28] Border Violence Monitoring Network. (2021). "Annual Torture Report 2020". Page 11. Available at: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf> [Accessed 09/06/2021].
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- [31] Border Violence Monitoring Network. (2020). "Illegal Pushbacks and Violence Reports, November 2020". Available at: <https://www.borderviolence.eu/wp-content/uploads/BVMN-November-Report.pdf> [Accessed 09/06/2021].
- [32] UN General Assembly. (2010). Guidelines for the Alternative Care of Children: Resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142.
- [33] Border Violence Monitoring Network. (2021). "He put a knife to my throat while my kids were watching".. Available at: <https://www.borderviolence.eu/violence-reports/april-1-2021-0000-maljevac-croatia/> [Accessed 30 April 2021].
- [34] Border Violence Monitoring Network. (2021). "Getting beaten up is not even the worst part, it's the psychological torture that destroys you". Available at: <https://www.borderviolence.eu/violence-reports/february-24-2021-2100-near-highway-r401/> [Accessed 07/06/2021].
- [35] Border Violence Monitoring Network. (2018). "The police officer started verbally attacking him, hitting him in the head and slapped his face several times". Available at: <https://www.borderviolence.eu/violence-reports/june-13-2018-1330-zelj-slovenia/> [Accessed 06/06/2021]; Border Violence Monitoring Network. (2018) "When the 4 minors asked for asylum they were kicked again". Available at: <https://www.borderviolence.eu/violence-reports/march-13-2018-1200-serbo-croatian-border-at-the-bordercrossing/> [Accessed 08/06/2021].
- [36] In answer to the guiding question, What are examples of successful family reunification, and what factors contribute to their success (or failure)?
- [37] See also: "[...] considerable weight must be attached to what serves the child's best interest. Considerations such as those relating to general migration control cannot override best interests considerations". Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 6.13, p.492. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].; "States are obliged, in line with Article 3 CRC, to ensure that any decision to return a child to his or her country of origin, or to transfer a child to a third country, is based on evidentiary considerations on a case-by-case basis and pursuant to a procedure with appropriate due process safeguards, including a robust individual assessment, the right to be heard, and access to legal assistance." Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 6.29, p.494. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].
- [38] Coalition of Organisations. (2019). "Key Recommendations for the 2019 UNGA Resolution on the Rights of the Child with a focus on children without parental care". Recommendation 3(g). Available at: <https://bettercarenetwork.org/sites/default/files/2019-12/English%20Key%20Recommendations%20for%20UNGA%202019.pdf> [Online]. [Accessed 08/06/2021]; "Every child is unique and the separation from parents [...] should always be looked at case by case" Committee on the Rights of the Child. (2006). "Fortieth Session, September 2005. Day of General Discussion. Children Without Parental Care". Paragraph 667. Available at: <https://www.ohchr.org/en/hrbodies/crc/pages/discussiondays.aspx>.
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[40] Recommendations of 2019 UNGA Resolution on the Rights of the Child paragraph 35(p); See also: "States should design and implement child-sensitive screening processes to ensure prompt identification of children who come into contact with migration authorities" Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 6.5, p.491. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021]; 'Unaccompanied and separated children should be referred to the regular domestic child protection system for appropriate attention, protection, and care' Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 6.7, p.491. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].

[41] Border Violence Monitoring Network. (2018). "When the 4 minors asked for asylum they were kicked again". Available at: <https://www.borderviolence.eu/violence-reports/march-13-2018-1200-serbo-croatian-border-at-the-bordercrossing/> [Accessed 09/06/2021].

[42] Border Violence Monitoring Network. (2018). "Inside one Croatian Officer said just for joking that he think about me like animals. Joking like they come to hit by boxing, by stick. After that laughing, everything". Available at: <https://www.borderviolence.eu/violence-reports/october-31-2019-0930-bcp-bajakovo-hr/> [Accessed 09/06/2021].

[43] Border Violence Monitoring Network. (2020). "I showed them my papers but they pushed me back" Available at: <https://www.borderviolence.eu/violence-reports/december-5-2020-1100-in-the-area-of-horgos-serbia/> [Accessed 09/06/2021].

[44] Border Violence Monitoring Network. (2021). "When we asked for asylum, they (the Slovenian Officers) got angry and they shut the door in our faces". Available at: <https://www.borderviolence.eu/violence-reports/january-27-2021-1700-near-batrovci-serbia/> [Accessed 09/06/2021].

[45] European Parliament. (2013). Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R0604-20130629> [Accessed 09/06/2021].

[46] In answer to the guiding question, What are suitable alternative care arrangements for unaccompanied and separated children, including refugee children, children on the move, or in emergencies?

[47] See: Border Violence Monitoring Network. (2021). "Annual Torture Report 2020". Page 12. Available at: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf> which states: "BVMN is increasingly concerned about the use of unofficial detention sites and [...] incommunicado detention. Numerous testimonies from both Greece and Croatia indicate the widespread and frequent use of barns, garages or abandoned buildings being used to detain, house or process people-on-the-move. [Which] [...] serve[s] as a mechanism allowing police to escape legal or administrative oversight whilst conducting pushbacks".

[48] Border Violence Monitoring Network. (2021). "Annual Torture Report 2020". Page 12. Available at: <https://www.borderviolence.eu/wp-content/uploads/Annual-Torture-Report-2020-BVMN.pdf> [Accessed 09/06/2021].

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[51] Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 6.10, p.491. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].

[52] Manfred Nowak. (2019). "The United Nations Global Study of Children Deprived of Liberty". Recommendation 7, p.699. Available at: <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/1>. [Online]. [Accessed 09/06/2021].

[53] In answer to the guiding questions, Based on the experiences in the context where you work, what kind of support, guidance and processes would be helpful in the future?

[54] Coalition of Organisations. (2019). "Key Recommendations for the 2019 UNGA Resolution on the Rights of the Child with a focus on children without parental care". Recommendation 5(d). Available at: <https://bettercarenetwork.org/sites/default/files/2019-12/English%20Key%20Recommendations%20for%20UNGA%202019.pdf> [Online]. [Accessed 08/06/2021].