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“Loose Cannon”
- A Child Protection Emergency -
Sexual Violence Towards Children on the Move.
A Comparative Study of Hungary, Italy, and Germany.

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Abstract

We know that there is sexual violence towards Children on the Move.

We know that this violence already affects children in their country of origin.

We know that children are exposed to special dangers on their journey, and we know that children continue to experience these acts at their destination.

But we do not know how many children are survivors and we can only assume what is happening.

This thesis is a comparative study of the countries Hungary, Italy and Germany and deals with the topic of sexual violence towards children on the move. The work is based on eight interviews with experts from the three countries and other sources. The aim is to illustrate how the individual countries intercept children who have experienced sexual violence on their way to Europe and where they expose these children to even more danger. The individual phenomena and locations are discussed, and the reader is given a comprehensive view of what the children must experience on their way to Europe. The aim is to create awareness that action must be taken, otherwise we will not only abandon the children who come to us, but also create a danger for the next generation.

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List of Abbreviations:

AIDA	Asylum Information Database
ASGI	Associazione per gli Studi Giuridici sull'Immigrazione
ASNA	Agenzia Nazionale Stampa Associata
CJEU	Court of Justice of the European Union
CRC	Committee on the Rights of the Child
ECRE	European Council of Refugees and Exiles
EU	European Union
EUROPOL	European Union's law enforcement agency
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICAT	Inter-agency Coordination Group against Trafficking in Persons
IFCR	International Federation of Red Cross and Red Crescent Societies
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
MYRIA	Independent National Rapporteur that analyses trafficking and smuggling of human beings in Belgium
SGBV	Sexual and Gender-based Violence
UN	United Nations
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UNHCR	United Nations Refugee Agency
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organization
WRC	Work Rights Consortium

1. Introduction

It is difficult and distressing to even imagine that sexual violence towards children exists. The thought of it is often pushed aside by many. The social sense of decency does not want to deal with these inhuman issues. Sexuality is a difficult subject, but violence in this context is much more unpleasant. Not only survivors and offenders find it difficult to talk about an act of sexual violence, but even outsiders do not want to imagine or let these acts touch them. To make matters worse, sexual violence towards children on the move is the crowning unpleasantness. I have heard more than once from people I have spoken to in my environment that they cannot and do not want to imagine these things. They always talked about the poor people and as if they had not already experienced enough suffering. They were shocked at how much suffering one person can experience and how much suffering humans can bring to others. Many did not want to hear it and asked me to stop talking about it because they felt uncomfortable. However, we are not talking about bad individual cases here, we are talking about a burden that many children carry when they reach Europe. Statistics show that sexual violence towards children is alarmingly common in general.¹ Meta-analyses indicate that worldwide, sexual violence against boys ranges from 3 to 17 per cent, and against girls from 8 to 31 per cent.² It is estimated that one in five children in Europe (Council of Europe ONE in FIVE Campaign)³ faces sexual abuse and exploitation. However, there is limited to no information about sexual violence towards children on the move.

“We know that it happens quite often. The children on the move speak less about it than others and since they move the data collection is even worse”

Mikaël Poutiers, Secretary to the Lanzarote Committee⁴

In 2020 an estimated of 35 million children below the age of 18, are children on the move, which makes up 42% of all displaceable people.⁵ Most of them left their countries in the Middle East, Africa and South Asia escaping from armed conflicts, mass killing and

¹ UNICEF UK, *Children in Danger: Act to End Violence Against Children*, 2014, p. 26.

² J. Barth, L. Bermetz, E. Heim, S. Trelle, T. Tonia, *The current prevalence of child sexual abuse worldwide: a systematic review and meta-analysis*, 2012, pp. 469-483.

³ Council of Europe, *One in Five Campaign*, <https://www.coe.int/en/web/children/campaign-materials1>, accessed 14.07.2021.

⁴ Interview with Mikaël Poutiers, 02.06.2021.

⁵ UNHCR, Statistics 2021, <https://www.unhcr.org/refugee-statistics/>- 06.07.2021.

persecution and pervasive sexual and gender- based violence (SGBV),⁶ simply looking for a better life in Europe.

Although the international human rights law system asks states to provide each child, no matter of what nationality or moving background, with a general level of care and protection, it is not always the case. This is because certain access requirements are not applicable, or the systems are critically strained or not followed.⁷ However, protection systems that cannot work also mean that dramatic consequences can arise for children, especially on the safety and well-being.⁸ Sexual violence that has happened to the children cannot be detected and potential risk factors cannot be identified. Furthermore, Children on the Move are more vulnerable to violence and exploitation, during their journey and once they arrive at their destination.⁹ Globally 68% of all people on the move came from only five countries, Syria Arab Republic (6.7 million), Venezuela (4.0 million), Afghanistan (2.6 million), South Sudan (2.2 million) and Myanmar (1.1 million).¹⁰ Of these, 39% are hosted or in transit in Turkey, Colombia, Pakistan, Uganda, and Germany. These children must face hazards and risks on their journey and must deal with varying availability of services and different forms of protection.

And if the situation were not desperate enough, the world now must contend with a pandemic and its effects. Europol has made it clear that after the pandemic an economic imbalance can arise, and the risk of human trafficking (sexual and labor exploitation) is always higher in economically difficult situations.¹¹ In addition, the Covid-19 situation is also expected to improve smugglers' business. Due to the border closures, Children on the Move and People on the Move in general are more dependent on smugglers.¹² The emergency of the children in their countries of origin has not changed because of Covid-19. Even if the numbers of registered People and Children on the Move show a reduction, there is absolutely no reason to assume that the situation has improved. On the contrary, it is likely that the conditions have become even more dangerous and the routes more hazardous.¹³ The fatal thing about this situation is only that authorities and NGOs has less influence, and the children disappear more

⁶ UNHCR, UNFPA, WRC, *Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis*, 2016, p. 3.

⁷ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 18.

⁸ Harvard FXB, *Emergency Within an Emergency: The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece*, 2017, p. 6.

⁹ Save the Children, *Protecting Children on the move*, 2018, p. 8.

¹⁰ UNHCR Statistics 2021, <https://www.unhcr.org/refugee-statistics/>- 06.07.2021.

¹¹ EUROPOL, *Beyond the pandemic: how COVID-19 will shape the serious and organized crime landscape in the EU*, 2020.

¹² UNODC, *How COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America*, research brief, 2020.

¹³ MYRIA, *Report 2020 Trafficking and smuggling of human beings: Behind closed doors*, 2020, p. 36.

quickly into the underworld. For this reason, it is particularly important that society wake up and not push the issue aside. We must all develop a watchful eye for the issue because the impact of sexual violence is like a "loose cannon" and can at some point affect us all as a society.

2. Research Aims and Methodology

2.1 Research Aims

The aim of this thesis is to draw attention to the fact that Children on the Move have often experienced sexual violence or are at high risk of experiencing it due to their special and vulnerable situation. This can happen in the country of origin, during the journey, in the transit country or in the destination country. Studies that deal with the issue of sexual violence towards Children on the Move are very limited because of limited and reliable sources. They often focus on Greece and the accommodation situation there. Furthermore, there are only a few papers that focus on the situation in Italy, Hungary and Germany and illustrate/compare how sexual violence against Children on the Move is handled here and what problems social workers must deal with. This thesis should give a small insight on how prepared the countries of Italy, Hungary and Germany are to protect/support these children and how they deal with this very sensitive issue in general. Furthermore, it should be shown how differently sexual violence towards Children on the Move occurs and which different phenomena the countries must deal with. In addition, due to my work with children who have experienced sexual violence it is more than important to me to keep focusing on these children and raising awareness of sexual violence. My aim was to provide a more accurate picture based on the limited data available through the experiences and impressions of people in the field.

2.2 Methodology

The research for this thesis took place in Italy between March and July 2021. In addition to field research in Germany, the research was based on the analysis and evaluation of publicly available sources, databases, and documents on the living situation of refugee children and young people and their families, on the reception system in the federal states and on the corresponding legal provisions. The research in refugee shelters, which had also been planned, could not be carried out because the limited time, safety measures and poor travel possibilities in the Covid-19 pandemic did not allow this. A total of eight interviews were conducted, one of them in writing, with full-time and voluntary workers, psychologists, and lawyers, who were and still are active in official and civil society structures in the field of

receiving refugees - especially families or children and young people, from NGOs or as school social workers. The selection of interview partners was based on the need to obtain comprehensive descriptions and accounts from different perspectives.

Furthermore, I implement other statements of interviewees and add them to the thesis. They are based on interviews conducted by other reporters and were also quoted in reports. The primary reason for this was that it was very important to me to give children and survivors of sexual violence a voice even if I could not interview them for my work. I think it is important to establish a personal closeness between readers and survivors in order to raise real awareness of the problem. This included, among other things, the consideration of various documentaries that moved me personally and experience reports from children themselves.

To understand the topic and the urgency for actions – as the title says “loose cannon” - I wanted to give a small insight/rough impression of the vicious circle of sexual violence and what risks it can have for society in future etc.

At the beginning I dealt with the reports of the Lanzarote Committee, which deal with the danger of sexual abuse and exploitation of children affected by the refugee crises. In this context, I came across the need for action and the difficulties in Hungary. Italy has preoccupied me because of its role as one of the main transit countries in Europe. Germany was chosen by me because I am German myself and this country is considered by so many families and children as the main destination. Thereby I have searched interview partners in the respective countries.

Based on the content and experiences I received from the interview partners, I selected the most important points for me from this large field - sexual violence towards children - and researched further content based on this. The interviews gave me the impulse for further research. This was especially important in the construction of the comparative categories of the countries, but also to go into important framework information, for example the different travel routes.

Furthermore, I analyze the situation in the different countries based on reports from NGOs and Authorities, Newspaper Articles. The individual interviews lasted between 60 and 90 minutes each. The interviews were held via Zoom one interview partner was met in person and via Zoom.

After I have gathered all this information, I started to compare the different forms and sites of sexual violence towards children, experience and impressions of the interviewees and examine common approaches, difficulties, support systems but also differences of the country in that area.

Based on an interview with a secretary of the Lanzarote Committee, I was able to see the situation from a European and International Law perspective. This was important to me to round up my work and to make real recommendations that came to me during the writing.

My Interview partners were:

Hungary:

- Dóra Gottgeisl, Social Worker from Budapest for the *Oltalom Charity Society* – 13.05.2021
- Lakatos Zsombor, Social Worker from Budapest, *Menedék Assosiation for Migrants* – 11.06.2021
- Marti Meszaros, Psychologist from Budapest, *Cordelia Foundation* – written answers

Italy:

- Niccolò Gargaglia, Social Worker, Protection of Migrant Children, Head of Unit North- Italy, *Save the Children Italy* – 28.06.2021
- Valentina Polizzi, Lawyer, Regional Program Coordinator for Lombardy and Liguria, *Save the Children Italy* – 28.06.2021

Germany:

- Marilena Mueller, Political Scientist, *ECPAT Germany* – 28.06.2021
- Anuscha Mamedi, former Social Worker and aspiring Psychologist in Euskirchen (NRW), *German Red Cross and Caritas Association* – 03.06.2021 and 01.07.2021

Lanzarote Committee:

- Mikaël Poutiers, Secretary to the Lanzarote Committee, *Children's Rights Division*, Council of Europe – 02.06.2021

More information about the organizations is provided in the Annex. In addition, the interview questions can also be found there. For Mikael Pourtiers, I have asked special questions because of his position. However, the interviews were conducted freely. In the course of the interviews new aspects have developed again and again on which I wanted to deal. All interviews have been recorded by me with the consent of the interview partners and are stored for comparison on my computer and an external hard drive. In addition, I inspected an accommodation with Anuscha Mamedi (03.06.2021). The accommodation was only inspected from the outside. Since no interview questions were asked here, there is no protocol for this. The official interview on 01.07.2021 was recorded. The answered interview questions of Martin Meszaros are also stored on my e-mail server and my hard disk.

2.3 Challenges and limitations

This thesis does not provide a full and exhaustive analyze of the situation. But it gives useful information about the situation and experiences of sexual violence and the different challenges for Children on the Move. Basically, there is very limited data on this topic, so that it is already based on pure assumptions and reports. Due to the Covid 19 pandemic, the data that was otherwise made available was even less available and meaningful. Many borders were closed during the pandemic, so that no or only few recordings could be registered. Thus, one has received an even more opaque picture.

It was very difficult to find a suitable interview partner to get answers to my interview questions. Long waits for E-mail responses were the norm at the beginning of the work, so I struggled with my time management towards the end. So far, I still have five potential interview partners pending.

Furthermore, it was particularly difficult to find interview partners in Germany. In retrospect, I am very surprised about this, as I thought that as a German, I would be able to better assess the structures in Germany and quickly find the right contact person. However, that was not the case at all. I was passed from contact person to contact person and put off. Many wanted to help me but told me they were not responsible for this case. I encountered bureaucracy at its best, which was very demotivating. It is possible, of course, that the Covid-19 Pandemic situation meant that many people were working in their home offices and that additional

interviews with students were simply not feasible given the already tense situation during the pandemic.

Interviews with children and adolescents as well as their families were not conducted within the framework of the research, as it was not possible to ensure the necessary methodological and ethical requirements following the code of conduct for interviewing children and adolescents and people in a marginalized situation within the framework of this project.

3. Children on the Move and Sexual Violence

3.1. Children on the Move

There is an ever-increasing mobility of children across the world. Prolonged crises and conflicts, environmental degradation caused by climate change, more frequent disasters, and expanding global inequities are forcing an increasing number of children to leave their homes.¹⁴ The Inter-Agency Working Group on Children on the Move has defined children on the move as: “Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence”.¹⁵ Children on the move can be identified as refugees, internally displaced persons, unaccompanied children and/or voluntary migrants, asylum seeking children, trafficked children, street children, Roma children, and children from other nomadic communities.¹⁶ There is rarely a boundary to distinguish the different forms of children on the move. Often the forms intermingle during the journey and for example consensual child migration becomes forced child trafficking.¹⁷ Accompanied refugees become unaccompanied refugee children, and exploited workers become economic migrant children. It is difficult to apply the different protection mechanisms that are in place to these children. The lines are fluid, the children are hard to identify, and it is not uncommon for children to fall through the system because potential assistance is not applicable. All these children fall under the umbrella term „children on the move“ and have three things in common: they are in a situation of mobility, they are particularly vulnerable and they have "a special view of themselves and their life".¹⁸

¹⁴ Save the Children, *Protecting Children on the move*, 2018, p. 8.

¹⁵ Inter-Agency Group on Children on the Move, *Why Children Matter*, 2013, p. 2.

¹⁶ Save the Children, *Protecting Children on the move*, 2018, p. 12.

¹⁷ Jacqueline Bhabha, UNESCO, *Too Much Disappointing: The Quest for Protection by Unaccompanied Migrant Children Outside Europe*, 2010, p. 93.

¹⁸ Mario project, *Analysis of the situation of children on the move: assessing the capacity and the adequacy of the child protection system in Hungary to ensure the protection of children on the move*, 2014, p. 25.

It is difficult to go into all these subgroups of children, so this thesis will mainly focus on the following categories of children on the move.

3.1.1 Migrant Children

A migrant's definition isn't universally agreed upon. The term is commonly believed to refer to a situation in which an individual has freely chosen to relocate for reasons of "personal convenience," with no external compelling cause. As a result, this phrase refers to children and their families who relocate to another country or region in order to improve their material or social circumstances.¹⁹ An illegal migrant child is someone who is without legal status in a transit or host nation due to illegal arrival or the expiration of a visa. The word refers to migrants who break a country's admittance criteria, as well as anyone who is not allowed to stay in the country where they are already residing.²⁰

3.1.2 Refugee Children / Asylum seeking children / Internally displaced person

The United Nations Convention Relating to the Status of Refugees from 1951 defines a refugee as a person displaced from their country because they have been “persecuted” on the grounds of their “race, religion, nationality, membership of a particular social group or political opinion” and they are “unable or unwilling” to gain protection from their home country.²¹ About 42% of the 82.4 million people who are refugees or in refugee-like situations are younger than 18.²²

Asylum seeking children are children who are attempting to enter a country as refugees and are awaiting a determination on their refugee status application under relevant international and national instruments.²³ Unless they are granted permission to stay on humanitarian or other reasons, they must leave the country and may be deported if their application is denied. Internally displaced Children are individuals who have been forced or forced to leave their homes, usually as a result of or in order to avoid the effects of armed conflict, situations of widespread violence, human rights violations, or natural or human-made disasters, and who have not crossed an officially acknowledged State border.²⁴

¹⁹ IOM, *International Migration Law: Glossary on Migration*, 2016.

²⁰ Ibid.

²¹ UN General Assembly, Convention Relating to the Status of Refugees, Resolution 429(V), July 28, 1951, <http://www.unhcr.org/refworld/docid/3b00f08a27.html>, later amended by the 1967 Protocol, accessed 07.07.2021.

²² UNHCR Germany, <https://www.uno-fluechtlingshilfe.de/hilfe-weltweit/fluechtlingschutz/fluechtlingskinder/unbegleitete-minderjaehrige-in-deutschland>. Accessed 01.07.2021

²³ IOM, *International Migration Law: Glossary on Migration*, 2016.

²⁴ Ibid.

The particular risk of this subgroup of children is that most are left in "transit". They live in overcrowded and improvised refugee camps, which are anything but what is or should be allowed by law.²⁵ None of the existing frameworks does show emphasize or a reaction to the isolation and invisibility of children in transit situations.²⁶

3.1.3 Unaccompanied Children

“Unaccompanied Children/Minors are children who have been separated from both parents and relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so” (UNHCR Guidelines on Formal Determination on the Best Interests of the Child).²⁷

The Dublin Regulation refers the term unaccompanied to Children who arrive in a European member state without an adult, who is responsible for him/her or left alone by this person, weather the adult is responsible by law or by practice of the European member State.²⁸

The parties to the Lanzarote Committee have a different understanding of unaccompanied children. Some of them just follow the Dublin Regulation Definition without specifying or any interpretation (Hungary).²⁹ Others try to define the term of responsible adult as the person “who is entitled to bring the child up” (Germany).³⁰ According to the FRA (European Union for Fundamental Rights) it is more than difficult to identify a child who is unaccompanied by the own states definition, when the child arrives the territory with adults around him/her.³¹ This subgroup of children is at a high risk to become the prey of child trafficking and sexual violence.

3.1.4 Smuggled Children

The UN Protocol against the Smuggling of Migrants by Land, Sea and Air, which entered into force in 2004 defines smuggling as a facilitated migration arranged to secure a non-exploitative objective.³² Smuggling is a crime, and those who engage in it are aware of this. As a result, they try diligently to avoid being discovered and the children's travel

²⁵ Elizabeth Holzer, *What Happens to Law in a Refugee Camp?*, 2013, p. 843.

²⁶ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 17.

²⁷ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 11.

²⁸ Article 2 – Regulation EU No 604/2013 – „Dublin Regulation”.

²⁹ Lanzarote Committee, 2017, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 11.

³⁰ *Ibid.*, p. 11.

³¹ European Union Agency for Fundamental Rights (FRA), *Thematic Focus: Children*, 2016.

³² Lanzarote Committee, 2017, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 8.

circumstances are hazardous and unsafe.³³ In Africa, most people are smuggled on the move to Libya for payment. There are also smugglers in Europe who want to bring people from Greece or Italy to Northern Europe in trucks and other means of transport. However, many people and children on the move on the Balkan route are on foot

“Many times the family sold their properties to cover the cost of the travel. They pay a lot of money for a smuggler to help the children during their trip.”

*Mari Meszaros, Psychologist in Hungary.*³⁴

3.1.5 Trafficked children

In the UN Convention against Transnational Organized Crime (Palermo Convention) from 2000 and its supplementary Protocol to Prevent, Suppress and Punish trafficking in Persons, the term trafficking is defined as “the act of recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation either within or outside a country”.³⁵ Coercion is not needed as a third element of the definition and irrelevant but only in the case of children, who can never consent to exploitative migration facilitated by intermediaries. Trafficking is a complex problem that includes migration and exploitation.³⁶ It is not the same as smuggling, two phrases that are frequently interchanged. Trafficking does not necessitate cross-border migration and is concentrated on exploitation, whereas smuggling centers on transportation. A child may be trafficked and victimized even in their own household.³⁷ It is grounded in a duality between criminals (traffickers) and victims (trafficked persons).³⁸ Whereby the child is exposed to a very special and considerable danger. The Palermo Protocol is applicable to trafficked children whether they crossed a border and whether they fall victim of an organized criminal group. States are required to take care of the physical safety of victims while they are on state territory. This includes adequate accommodation, counselling and information in a known language, medical and psychological care and material support.³⁹ Furthermore, in trafficking cases where the age of the victim is in dispute, it is required that it should be assumed (until

³³ SOS Children’s Villages: Support and protection for smuggled migrant children in Botswana <https://www.sos-childrensvillages.org/news/support-and-protection-for-smuggled-migrant-childr>, Accessed 07.07.2021.

³⁴ Interview with Marti Meszaros received written answers on 28.05.2021.

³⁵ UN General Assembly, Convention against Transnational Organized Crime [Palermo Convention] and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Supplementing the UN Convention against Transnational Organized Crime [Trafficking Protocol], GA Res. 55/25, November 15, 2000; Trafficking Protocol at Annex II, quotation from Article 3 of the Protocol.

³⁶ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 8.

³⁷ Save the Children, Child Trafficking: Myth vs. Fact, <https://www.savethechildren.org/us/charity-stories/child-trafficking-myths-vs-facts>, accessed: 07.07.2021.

³⁸ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017., p. 8.

³⁹ Ibid., p. 9.

proven otherwise) that a person is a minor.⁴⁰ This is particularly important as a person who agrees to migrate for the purpose of exploitation is only considered a victim if they are under 18 years of age.⁴¹ The dangers of the wrong assessment of age and the associated failure to ensure assistance is not only a problem in the case of child trafficking, but a general problem in all cases of children on the move.

3.2 Routes

There are millions of children on the move worldwide but in this thesis focuses on children on the move who are on their journey to Europe. Two main routes of travel have emerged.

“We have to deal with two main ways how they reach Italy and also with two different forms of violence towards children”

Niccolò Gargaglia, Social Worker in Italy⁴²

Already this year, almost 40,000 people have reached Europe via the Balkan or Mediterranean route (Last updated 06.07.2021).⁴³ These are the people who are officially registered. However, the number of unreported cases is much higher. It can be assumed that almost 23% of the total arrivals are children.⁴⁴ But also this figure does not reflect the unknown cases.

The routes differ not only geographically but also in terms of the sexual violence in the countries of origin and dangers in the field of sexual violence that the children experience on the journey.

“The Balkan Route is connected to the physical violence by the police and border control, whereas the Mediterranean Route is connected to sexual violence. Mostly in Libya and mostly against girls.”

Valentina Polizzi, Lawyer in Italy⁴⁵

⁴⁰ UNODC, *International Law of Migrant Smuggling: Legislative Guides for Implementation Against Transnational Organized Crime*, 2004, p. 289.

⁴¹ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 9.

⁴² Interview with Niccolò Gargaglia, 28.06.2021.

⁴³ UNHCR, Most common nationalities of Mediterranean Sea and land arrivals from January 2021, <https://data2.unhcr.org/en/situations/mediterranean>, accessed 07.07.2021.

⁴⁴ Ibid, accessed: 07.07.2021.

⁴⁵ Interview with Valentina Polizzi, 28.06.2021.

3.2.1 Mediterranean Route

Every year, thousands of children try to take this route to arrive in „safe“ Europe.⁴⁶ It is estimated that in 2020, approximately 95.774 people will come to Europe via the Mediterranean route. The Mediterranean route can be divided into 3 main routes. There is the Western Mediterranean Route, Eastern Mediterranean Route, and the Central Mediterranean Route. Each route has several steps and during the travel the minors usually reach cities of gathering from where they then continue their journey. Countries with a sustained migration flow are Tunisia, Egypt, Eritrea, Somalia, Sudan, Mali, Gambia, Ivory Coast, Guinea, and Senegal.⁴⁷ For each nationality it is possible to have a migration profile and a specific way of travelling. The Eastern Mediterranean route is mainly chosen by people from Eritrea, Egypt, Somalia and Sudan.⁴⁸ They travel via Egypt either to Israel and try the Balkan route to Europe or they choose the route via Libya and Italy across the Mediterranean Sea. The Central Mediterranean Route is mainly chosen by people from Nigeria, Niger, and Ghana. This route goes via Libya to Europe. The Western Migration Route is chosen by people coming from Senegal, Gambia, Guinea, Mali, and the Ivory Coast.⁴⁹ They also travel mainly via Libya to Europe.

The Central Mediterranean Migration Route is one of the most dangerous and deadly routes in the world for children and adults. The most dangerous part starts at the southern border of Libya, 1000 km towards the Mediterranean coast, through the desert.

Almost all the children and women said that the smugglers took them from their home country to Libya. Here they had to find ways to earn money so that they could pay the next smuggler to take them to the other side of the Mediterranean.⁵⁰

“I left Niger two and a half years ago. I wanted to cross the sea, look for work, work hard to earn a bit of money, to help my five brothers back home. My father collected money for my journey, he wished me good luck and then let me go.”

Issaa (14) arrived in Libya from Niger alone and is now in detention.

⁴⁶ UNICEF, *A deadly journey for children, the central Mediterranean migration route*, 2017, p. 3.

⁴⁷ Valentina Polizzi, Lecture Power Point Slides, Save the Children, Phenomenology and Migration Routes, 23.03.2021.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ UNICEF, *A deadly journey for children, the central Mediterranean migration route*, 2017, p. 8.

Few information is known, but from interviews through IOCEA it is has been reported that children and women who had to find a job in Libya to finance their onward journey are brought to Europe by human traffickers who exploit them there for prostitution.⁵¹ They tell the Children and Women that they have jobs for them in Europe and they can pay back the journey costs when they have enough money together.⁵² The promised job turns out to be a victim of forced prostitution. However, there are also reports that show that girls of 14/15 years pay smugglers for their service with sex already in Libya.⁵³ Girls also fall victim to the local militias themselves and are abused by them or forced to serve the ever-growing sex tourist business in Libya.⁵⁴

“The link between smuggling and trafficking on the route through Libya is unmistakable.”
*Inter-Agency Coordination Group*⁵⁵

Libya itself, still marked by conflict, is occupied by different military groups in the country. These groups have their own rules, control borders and exploit people on the move. Each military group sets up its own detention camps, because each group wants to make a business out of dealing with people on the move.⁵⁶ They capture children and adults on the move and extort money from the families in the countries of origin. Not all families can afford the money, and their relatives are stuck in detention centers in northern Libya.

“Some of the people talk about torture, traffickers and coast guards ask for ransom and put the children in detention camps, in order to have this money, they often organize some forms of torture against the children and adults to convince the family at home (...) sexual violence mainly is used against girls”

*Niccolò Gargaglia, Social Worker in Italy*⁵⁷

Approximately 34 detention centers were found in Libya. Of these, the Libyan government maintains 24 detention camps. The number of detention camps run by unofficial military

⁵¹ UNDOC, *Global Report on Trafficking in Persons*, 2014, p. 56.

⁵² Interview with Valentina Polizzi, 28.06.2021.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ ICAT, What is the difference between trafficking in persons and smuggling of migrants? 2016.

⁵⁶ Ibid., p. 8.

⁵⁷ Interview with Niccolò Gargaglia, 28.06.2021.

groups is uncertain.⁵⁸ In the detention camps themselves, the children are accommodated in cells. Most of the time, they share cells with other adults, which increases the risk of sexual violence.⁵⁹ Many children report that they have not been victims of sexual violence (probably because they are ashamed to tell their own story) themselves, but that they have observed sexual violence.⁶⁰ Especially young girls are more likely to become a victim in the detention centers because they are living with men and boys together in the cells and are not separated.⁶¹

The conditions there are appalling and very worrying.

“In Nigeria there is Boko Haram, there is death. I did not want to die. I was afraid. My journey from Nigeria to Libya was horrible and dangerous. Only God saved me in the desert, no food, no water, nothing. The guy who was sitting next to me on the trip died. And once one dies in the desert, they throw away the body and that’s it. I have been here [in the detention centre] for seven months. Here they treat us like chickens. They beat us, they do not give us good water and good food. They harass us. So many people are dying here, dying from disease, freezing to death.”

Jon 15, an unaccompanied child from Nigeria who is in detention in Libya 2017⁶²

The married women who reached Europe with their husbands and families brought at least one child with them. However, it should be highly emphasized that more children were left behind by their parents in Libya than children arrived in Europe.⁶³ These children are easy prey for smugglers and traffickers. The helplessness and sadness of being left behind by the parents are exploited by criminal groups – this can be military groups from the Middle East, but also traffickers who promise the children a better future in Europe. There is no accurate data of child sexual abuse in Libya, however, over half of the children who have been interviewed by UNICEF stated that they have experienced sexual violence, at multiple locations and often multiple times.⁶⁴

⁵⁸ UN Support Mission in Libya- *Detained and Dehumanised – Report on human rights abuses against migrants in Libya*, 2016, p. 13.

⁵⁹ UNICEF, *A deadly journey for children, the central Mediterranean migration route*, 2017, p. 8.

⁶⁰ Interview with Niccolò Gargaglia, 28.06.2021.

⁶¹ Ibid.

⁶² UNICEF, *A deadly journey for children, the central Mediterranean migration route*, 2017, p. 3.

⁶³ Ibid., p. 4.

⁶⁴ Ibid., p. 5.

To sum it up, Nine out of ten children who came to Europe via the Mediterranean were unaccompanied children and 75 percent of the children report having experienced some form of violence (physical, psychological, sexual).⁶⁵ The children who finally arrived in Europe stated that they mainly relied on the smugglers or other adults for their journey.⁶⁶ They travelled in trucks, private cars, taxis and on animals. Almost half of them walked many sections of the journey. Children reported that they did not always have enough to drink or get enough food. Children offered sex to get food/water or to be let on by the militias at border crossings and checkpoints (survival sex).⁶⁷ In this context, girls report having experienced more sexual violence than boys. This does not necessarily mean that the number of sexual violence towards boys is lower. There was just less of it reported.

3.2.2 Balkan Route

The People on the Move call the Balkan Route “the Game”.⁶⁸ They call it that because, like a board game, crossing borders is a move from field to field. In some cases, you are lucky and succeed in the move, but it can also happen that you are sent back to the beginning and must start your journey again. The countries that are passed on the Balkan Route change frequently.⁶⁹ Most of the routes include Greece to Bulgaria, North Macedonia, Serbia crossing into Hungary or Croatia.⁷⁰ Sometimes people move from Greece to Albania, Montenegro, Bosnia and Herzegovina.⁷¹ In the last few months about a fifth of all new arrivals to Serbia coming through the route Albania- Kosovo.⁷²

Almost every person who tries to reach Italy by sea is met and registered at the coast. The risk of being registered on the land route via Trieste, Northern Italy is much lower. People doesn't want to be registered, because of the Dublin-Regulation they must stay in this country for a long time. Due to these difficulties, in registration and the refugee accommodation allocation experienced on the Mediterranean Route (final step to Italy), the trend has emerged that more people from Africa, who would otherwise have travelled via the Mediterranean Sea, try to reach Europe via the Balkan Route (1st Egypt/Libya/Tunisia 2nd Turkey/Greece/Albania – 3rd Bulgaria).

⁶⁵ Ibid., p.2.

⁶⁶ Interview with Anuscha Mamedi, 01.07.2021.

⁶⁷ UNICEF, *A deadly journey for children, the central Mediterranean migration route*, 2017, p. 5.

⁶⁸ Interview with Niccolò Gargaglia, 28.06.2021.

⁶⁹ Save the Children, *Girls on the Move in the Balkans*, 2020, p. 29.

⁷⁰ Ibid., p.29.

⁷¹ Ibid., p.29.

⁷² Ibid., p.29.

Most of the children who take the Balkan Route come from Afghanistan, Pakistan, Bangladesh, and Syria. A distinction must be made here between boys and girls. There are almost no girls travelling alone, which is different to the Mediterranean Route, because here are a few girls traveling alone. Girls travel with their families. They travel with their parents, siblings, or other close relatives.⁷³

Boys who travel with their families are mostly from Syria.⁷⁴ Still around 90% of unaccompanied children are boys. They are sent to Europe to build a better life and support the family back home. The unaccompanied boys are often the family's oldest male children who are able to travel and whose parents believe they are mature enough to be responsible for their own and the family's well-being.⁷⁵ Boys travel with other boys, they have met along the way or with friends from home.⁷⁶ Sometimes the journeys together are very short. It can happen are picked up by the police and go their separate ways again. Furthermore, it has been reported that the children have experienced a lot of forms of violence on their way to Europe.

“The conditions are horrible during their journey, it is a dangerous, and they face with a lot of difficulties. Policemen are abusive at the Turkish- Iranian border, also many children were beaten in Bulgaria, Greece, Macedonia. Policeman took their money and their phones”

Marti Meszaros, Psychologist from Hungary.⁷⁷

Unlike the Mediterranean Route, more cases of physical than sexual violence are reported on the Balkan Route. Very alarming is the behavior of the police in Croatia and Bulgaria at the moment.

“Hugh information of violence against adults and children – mainly in Bulgaria and Croatia – very traumatic report- beaten by the police also children, also girls, they often used dogs but also wooden stick, and other painful approaches.”

Niccolò Gargaglia, Social Worker in Italy⁷⁸

⁷³ Interview with Niccolò Gargaglia, 28.06.2021.

⁷⁴ Interview with Lakatos Zsombor, 11.06.2021.

⁷⁵ Save the Children, *Struggling to survive-unaccompanied and separated children travelling the Balkans Route*, 2019, p. 10.

⁷⁶ Interview with Marti Meszaros received written answers on 28.05.2021.

⁷⁷ Ibid.

⁷⁸ Interview with Niccolò Gargaglia, 28.06.2021.

Even if we do not speak of sexual violence in these cases, this form of violence increases the risks of children experiencing sexual violence. The vulnerability to become a victim and to be unprotected increases. Children are more afraid to report their experiences to authorities. A secure bond and trust cannot be built up through those actions and increase the number of unreported cases of sexual violence.

3.3 Sexual Violence

It is very difficult to find an concert and comprehensive sexual violence towards children. The Convention on the Rights of the Child (CRC) does not define “sexual violence”, but mentions “sexual abuse” in its definition of “violence” in Article 19 CRC:

“States Parties shall take all appropriate legislative, administrative, social and educational 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, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” .

Furthermore, the CRC addresses protection from sexual exploitation and sexual abuse in Article 34. The Istanbul Convention – the council of Europe Convention on Preventing and Combating Violence against and Domestic Violence- refers to “sexual violence” in its Article 36 and include in Article 3 also Girls under the age of 18.

It is important to maintain a narrower focus on specific manifestations and not to have a general too broad definition. It also helps to react correspondingly and to find the appropriate tool to help the survivor. The UN Secretary- General’s Study on Violence against children refers to sexual violence and contextualizes it in various settings for instance:

*“including, inter alia, sexual abuse, sexual exploitation, sexual harassment, and internet-related offences”.*⁷⁹

Also, reference should be made to Article 7 of the Rome Statutes. The Rome Statutes of the International Criminal Court lists under crimes against humanity Article 7g:

*"rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity".*⁸⁰

⁷⁹ Greijer, Susanna, Doek, Jaap, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, 2016, p. 13.

⁸⁰ *Ibid.*, p. 14.

The World Health Organization (WHO) defines child sexual abuse as:

*“the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.”*⁸¹

So, to sum the different sources up, sexual violence includes any harm done to children by forcing or coercing them into sexual activity.⁸² Sexual violence could be considered as umbrella term for sexual exploitation and sexual abuse, regarding acts of commission and omission and combined to physical and psychological violence.⁸³

Sexual abuse is a broader term than sexual exploitation. By this definition, it is possible for a child to be sexually abused by another child. Child sexual abuse often involves body contact. This could include sexual kissing, touching, and oral, anal or vaginal sex. Not all sexual abuse involves body contact, however. Forcing a child to witness rape and/or other acts of sexual violence, forcing children to watch pornography or show their private parts, showing a child private parts (“flashing”), verbally pressuring a child for sex, and exploiting children as prostitutes or for pornography are also acts of sexual abuse.⁸⁴ It is important to recognize that some forms of sexual abuse may even be socially promoted. One example is the early marriage of girls and young women. In many humanitarian situations, forced early marriage is the foundation for marital rape.⁸⁵ This is also the case with children on the move. Young girls are married off in refugee shelters, on the move or already in the country of origin to create protection for the family and enable later family reunions.

Child sexual exploitation, on the other hand, is a category of sexual abuse and is committed when a child is performing and/or another or others are performing on the child's sexual activities in exchange for something.⁸⁶ Survival Sex is considered as sexual exploitation.

⁸¹ WHO, *Social Change and Mental Health, Violence and Injury Prevention, Report of the Consultation on Child Abuse Prevention*, 1999, pp. 13-17.

⁸² Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 39.

⁸³ Greijer, Susanna, Doek, Jaap, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, 2016, p. 13.

⁸⁴ Ibid. p. 39.

⁸⁵ Erikson, Abigail, *Caring for Child Survivors of sexual abuse*, 2012, p. 24.

⁸⁶ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 39.

3.4 Sexual Violence and Children on the Move- Risk factors

Children on the Move experience sexual violence in many locations and situations. There is no situation that is decisive or most dangerous. Children who have already experienced sexual violence in their country of origin can fall into the trap of sexual violence again and more easily. The risk does not only exist in their countries of origin or on the journey, but also in the destination or transit country. This is because the vulnerability and foreignness of the children are often exploited.

3.4.1 Country of origin

Sexual Violence is a main push factor for migration for boys and for girls.⁸⁷

“The reason we are here is my father. My father was taking drugs and gambled (...). He wanted to sell us, me and my sister, to somebody who was much older, who already had his own family and kids and was giving a lot of money to my father (...). We spoke with my mother and we made the decision. One night we escaped...”

Moska, Afghanistan, interviewed in Greece⁸⁸

The different countries of origin show different forms of sexual abuse and differences between boys and girls. You can for sure find and report on sexual violence in any country, but to address the countries that have the most children on the move, I want to highlight and give a small insight to the situation in Afghanistan, Pakistan, and Nigeria. The reason for this choice is based on my interviews with the actors in the countries Hungary, Italy, and Germany. Furthermore, it was important to me to make clear that there are many boys who have experienced sexual violence, but do not report it and thus less attention can be paid to them and their stories.

3.4.1.1 Example: Afghanistan- Pakistan

Through an interview with a Hungarian social worker, I was introduced to the phenomenon of “Bacha Bazi”. He himself suspects to have worked with boys from Afghanistan who were held as “Batcha Baz” (translated to dancing boy).⁸⁹

⁸⁷ IFRC, *Alone and Unsafe: Children Migration and Sexual and Gender-Based Violence*, 2018, p. 15.

⁸⁸ Interview, included in: Save the Children, *Girls on the Move in the Balkans*, 2020, p. 26.

⁸⁹ Interview with Lakatos Zsombor, 11.06.2021.

In some regions of Afghanistan and Pakistan, Bacha Bazi is a slang name for a tradition that originated in Afghanistan and involves older adults sexually abusing young teenage males or boys. It is an ancient tradition that is linked to child prostitution and sexual enslavement and was banned by the Taliban.⁹⁰ Former warlords and powerful businessmen have revived this tradition in the last two decades. In a country characterized by poverty and conflict, the boys are recruited from the streets. Families are not always told what is planned for their sons. Often, they are only told that they can earn money for the family. At this point, the sons also know nothing of their fate and find themselves in a hopeless situation.

“We have difficulties. We can’t do anything. We have no choice apart from this. My family has very little money. I can’t support them. I have to do this.”

Iman, 15 years, Dancing Boy for 4 years.⁹¹

In a country where a high number of women are hidden behind a burqa, little boys take the places of women and dance for men as female substitutes.⁹² They wear women's clothes, chains, arm bands and make-up. However, it is not only a very bizarre form of entertainment, but the boys become the property of older men who make them dance at evening events, using them for sodomy and other sexual activities,⁹³ and in some cases it has even led to the murder of the boys⁹⁴.

A kind of competition has broken out among the commanders as to who holds the most beautiful and submissive boy. The owning of a dancing boy is official illegal in Afghanistan but the authorities have decide not to enforce the laws in the cases of Bacha Bazi, which lead to the increase in sexual abuse of young boys in the whole country.⁹⁵

“It started in the North, but my report shows that it is happening in the south and even in the capital of Afghanistan (...) It is clear that the man behind it are very powerful (...)

According to our research these dancing boys are used by powerful men for sex”

Nazi Alimy – YICC/UNICEF Afghanistan⁹⁶

⁹⁰ Najibullah Quraishi, Documentary: *The Dancing Boys of Afghanistan*, 2010, Minute 03:20.

⁹¹ Ibid., Minute 11:30.

⁹² Ibid., Minute 04:50.

⁹³ Ibid., Minute 25:30.

⁹⁴ Ibid., Minute 05:00.

⁹⁵ Ibid., Minute 29:03.

⁹⁶ Ibid., Minute 29:23.

The abuse is over at the time the boys turn 18 years or are no longer considered as little boys – at that time they are not seen as “desirable” anymore.⁹⁷

It is significant and terrifying to see how fast the abused one become the abuser. Many boys who are on good terms with their owners are thinking of setting up a business in this area themselves. If the children are not helped in time, they become a “loose cannon” for their environment.

“I am 15 now, so for another two or three years I’ll continue to dance and sing. After 3 years, I might be able to remain friends with these people but I will probably be too old for them so they might not like me anymore. If can afford to, I’ll probably keep between 20 and 30 boys. A boy should be 12 or 13 and of a good character. A very polite boy. They should have no other interest apart from Bacha Bazi. I want to keep them for myself. And they should also be useful for my friends.”

*Iman, 15 years, Dancing Boy for 4 years*⁹⁸

The boys are often afraid of their owners and the customers to whom they are offered. They are afraid of being raped or killed. Many of the children run away. They see their lives as completely ruined.⁹⁹ Family and friends are mostly unaware of their situation and, although it is widespread, Bacha Bazi would bring shame on them and their families. So, the boys prostitute themselves and collect money in a hidden way to break out of their nightmare and start their way to Europe.¹⁰⁰

In addition, many children on the move to Europe especially via the Balkan Route come from Pakistan or pass it on their way to Europe (Bangladesh).

This country has turned a blind eye to sexual violence towards children for many years.

Thousands of poor and vulnerable children have suffered from sexual exploitation. Statistics show that over 4 million children across Pakistan are forced to work during in early age due to poverty and almost half of them live on the streets or are on the move.¹⁰¹ A local survey estimated that 9 out of 10 Street Boys got sexual abused.¹⁰² In most cities in Pakistan, sexual

⁹⁷ Ibid., Minute 22:19.

⁹⁸ Ibid., Minute 34:50.

⁹⁹ Ibid., Minute 36:58.

¹⁰⁰ Interview with Lakatos Zsombor, 11.06.2021.

¹⁰¹ Mohammed Naqvi, Documentary: *Pakistan’s Hidden Shame*, 2014, Minute 01:42.

¹⁰² Ibid., Minute 13:04.

abuse of street boys occurs at bus and truck terminals.¹⁰³ Especially Peshawar, a town in the Northwest of Pakistan 14 min drive from Afghanistan, is a key transport hub for Central and Southern Asia.¹⁰⁴ A survey by a children charity organisation found out that 95 % of all truck and bus drivers declare that the sexual abuse of boys in Pakistan is their “main entertainment”.¹⁰⁵

“It’s a common trend (...) it means that the child is kept as a prostitute (by the bus/truck drivers on the journey)– as a sexual partner (...) Hundreds of Children who are being raped every day, they have been sold, they have been trafficked, they have been forced to prostitution, its going on everywhere, in the big cities or the small cities or towns. Everywhere this is happening. And if you say something society says we are exaggerating.”
Zia Awan, Human Rights Lawyer¹⁰⁶

Many unaccompanied children on their way to Europe end up with these bus and truck drivers, who take them on their ride and demand physical sexual payment in return. The daily struggle is just to survive or to find a way to earn money and leave for Europe. In the hopelessness in which the children find themselves, faraway Europe is like a land of milk and honey. It is the place where everything gets better. Here they will stop prostituting themselves and end their drug addiction.

“The first time I sold myself I didn’t have money (...) I was eight and a half. I was little (...) I take the drugs because I have too much on my mind.”
Naeem 14, Street boy from Peshawar¹⁰⁷

It is remarkable to see that sexual violence is a taboo subject in a conservative and traditional country like Pakistan. But in recent times journalists try to put the spot on this topic to highlight the urgency of this problem.¹⁰⁸ Already a report by UNICEF in 2010 stated that Pakistan's cultural understanding of purity and protection of women has led men to act out their sexuality more with boys.¹⁰⁹ Men cannot go out with women or have a good time with

¹⁰³ Ibid., Minute 09:20.

¹⁰⁴ Ibid., Minute 08:57.

¹⁰⁵ Ibid., Minute 12:59.

¹⁰⁶ Ibid., Minute 11:44.

¹⁰⁷ Ibid., Minute 20:40.

¹⁰⁸ Ibid., Minute 12:52.

¹⁰⁹ Ibid., Minute 29:18.

them because in public men stare at women, objectify them and see them as property.¹¹⁰ It is against good manners to show yourself in public with a woman who is not your wife. However, the wife has other duties and tasks to fulfil, which do not go together with leisure and fun. It is easier for men to meet boys and spend time with them in public. Pakistanis report that they only can have experiences and relationships with boys/men. Psychologists see the excess of sexual abuse of boys in the cultural division between men and women, too.¹¹¹

“We have kept this thing hidden and dismissed sex as evil. The more you frustrate a society it will channel its frustration in a bad way. The wrong way. In a bad way.”

Roxanna, Social Worker in Pakistan¹¹²

The problem here again, is that without the therapeutic and trauma-psychological processing of the atrocities that happened to the children, the danger for their own assaultive behaviour is very high. As already shown in Afghanistan, the risk of the victim becoming the offender is particularly high (Loose Cannon).

“Much of the problems is stamped from the past history from the abusers themselves. (...) in many cases the abusers have a history, many times they were abused as a child as well. It becomes a normal practice in their lives. They don’t consider it as a crime.”

Ghulam Qardi– Deputy Country Director -Save the Children Pakistan¹¹³

“It was before Ramadan. There was a boy about 10 or 11, younger than me. I took him to the cinema and spent money on him He was okay with it. But when we left the cinema, he said he didn’t want to do it anymore. So I grabbed his hand and forced him.”

Naeem, 15 years. Street Boy, survived sexual violence for 7 years¹¹⁴

These bad phenomena are not isolated cases. It is a problem that should not be underestimated for children on the move. The two examples of Children from Pakistan and Afghanistan should show that sexual violence is often on the agenda in the children's countries of origin. Furthermore, it should illustrate that not only girls experience sexual violence, but that the focus must be on all genders. We have to be aware of this in our work with children in

¹¹⁰ Ibid., Minute 29:48.

¹¹¹ Ibid., Minute 26:16.

¹¹² Ibid., Minute 29:10.

¹¹³ Ibid., Minute 25:01.

¹¹⁴ Ibid., Minute 34:17.

Europe, even if boys do not report sexual violence, it doesn't mean that they haven't experienced it before. Unfortunately, sexual abuse of girls is also common in the above-mentioned countries and especially girls who decide to leave the parental home are very defenseless. Hidden domestic sexual violence through the close environment and early marriages should be mentioned here in particular as form of sexual violence as well. However, it was important to me to show that boys, most of whom arrive in Europe, also experience sexual violence in their countries of origin. Children, who arrive in Europe traumatized and exhausted from their journey, are easy prey to become survivors of sexual violence again or even to commit such an atrocity themselves.

3.4.1.2 Example: Nigeria

Many girls and young women, who are on their journey to Europe, travel from Nigeria. The female children are between 15 and 18 years old at the time of their arrival. It is not clear how long they have been on the road, so at what age they started the journey. Most of these girls have come to Europe with human traffickers and smugglers. Here again, different forms can be distinguished. On the one hand there is quasi a form of forced recruitment or kidnapping right from the start.

“So normally the trafficking is organized from the countries of origin (Nigeria) there are people from criminal organizations looking for the girls and all the routes are made by them. So the girls don't pay for their journey to Europe but already on their way they got trafficked/ sexual violence. (...) So, the destiny is already from the start the human trafficking. Big criminal international organization exist and operate in Nigeria for Europe, because there is a big network of prostitution”

Valentina Polizzi, Lawyer in Italy¹¹⁵

Secondly, girls are promised by criminal organizations that they have the prospect of a modelling job or a job as a cleaner in Europe and that they can pay back the travel costs as soon as they arrive in Europe.¹¹⁶ The truth is that they are forced into prostitution and the jobs are only used as a lure. Even more perilous is when traffickers pose as smugglers and offer a complete travel package to Europe for an unbeatable price of €250. The families collect their

¹¹⁵ Interview with Valentina Polizzi, 28.06.2021.

¹¹⁶ UNHCR, UNFPA, WRC, Initial Assessment Report: *Protection Risks for Women and Girls in the European Refugee and Migrant Crisis*, 2016, p. 7.

money to send the daughter/son to Europe and the trafficker takes the money and forces the victims into prostitution.

Often the girls travel together with their tormentors. It is not clear for the authorities and NGOs in the countries of arrival whether it is really the fathers or uncle with whom the girls are traveling or whether they are actually unaccompanied.¹¹⁷ Further, there are cases where the children are brought to the border and the next traffickers are already waiting at the ports of Lampedusa or Sicily.¹¹⁸ The girls are so intimidated that they immediately flee the arrival facility centers because they are afraid that something bad will happen to their families in Nigeria.

In addition, sexual violence against girls is very common in Nigeria.

“From African countries especially Nigeria, I have been told that girls have their hair cut off and their breasts strangled so that they can leave the house alone and go to school. Otherwise, you are often attacked and raped. They were not allowed to be girls, so that nothing could happen to them.”

Anuscha Mamedi, former Social Worker and aspiring Psychologist in Germany¹¹⁹

Many girls in Nigeria are already so instructed at the beginning of their journey that they know exactly what to say and how. Often these girls lie about their age so that they do not have to become part of the child protection mechanism.¹²⁰

3.4.2 On the Journey

Throughout the journey from their country of origin to Europe. Children on the move face high risks of violence, exploitation, including rape transactional sex, human and organ trafficking and extortion.¹²¹

A study of 2017 shows that 66 % of refugee and migrant woman/girls survived one form one form of sexual violence in their countries of origin, during their journey or transit country.¹²²

¹¹⁷ Interview with Valentina Polizzi, 28.06.2021.

¹¹⁸ Ibid.

¹¹⁹ Interview with Anuscha Mamedi, 01.07.2021.

¹²⁰ Interview with Valentina Polizzi, 28.06.2021.

¹²¹ UNHCR, UNFPA, WRC, Initial Assessment Report: *Protection Risks for Women and Girls in the European Refugee and Migrant Crisis*, 2016, p. 12.

¹²² Ibid., p.7.

3.4.2.1 Child Smuggling

In 2015, more than 90 per cent of all migrants heading to Europe used the help of smugglers.¹²³ Recent numbers have shown that the situation has not changed, and the fees asked by the smugglers have tripled, which could be the result of the Covid-19 Pandemic. Families usually give their entire savings to smugglers to bring the family, parts of it or just a single child to Europe. The smuggled people live in absolute uncertainty. They are extorted and financially fleeced. Although they have paid a price at the beginning of the journey, it happens that in the further course of the route the smugglers demand more money.¹²⁴ Legal and illegal ways are used to try to get the money, either to survive in the hopeless situation or to hand over the demanded money to the smugglers in order to continue the journey.¹²⁵ Interviews with smuggled children in Serbia described the smugglers as “rude, unpredictable and often dangerous”¹²⁶.

“The contact with the smugglers was very hard. I wish no girl would ever fall in their hands.”

*Girl, sexual violence survivor interviewed in Greece*¹²⁷

Other girls reported that they got separated from their parents because they were forced to take a different car or were left behind.¹²⁸ Especially for girls the risk to become victim of rape, trading sex for basic needs and sexual harassment are very high.¹²⁹

“From the moment I left Afghanistan until I arrived here, the smugglers took advantage of me... Because I was alone with my children, I gave them more money, to take me somewhere safe, so nobody, nobody could bother us (...) But this didn’t change anything. They took my money, all my money, they also took my honor. It was at the borders between Iran and Afghanistan, they raped me. It was the worst that could ever happen to me. He called me and asked 5,000 dollars extra and said that I should not worry, they would take my family across safely, take us somewhere safe. The next morning, he called me again and I was thinking he wants us to start (the journey: our explanation) that’s why he called.

¹²³ Europol-Interpol, *Joint report: Migrant Smuggling Networks, Executive Summary*, 2016, p. 6.

¹²⁴ Harvard FXB, *Emergency Within an Emergency: The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece*, 2017, p. 22.

¹²⁵ *Ibid.*, p. 22.

¹²⁶ Save the Children, *Girls on the Move in the Balkans*, 2020, p. 32.

¹²⁷ *Ibid.*, p. 32.

¹²⁸ Save the Children, *Girls on the Move in the Balkans*, 2020, p. 33.

¹²⁹ UNHCR, UNFPA, WRC, *Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis*, 2016, p. 10.

He closed the door.”

*Nagham, young mother of four children from Afghanistan, interviewed in Greece*¹³⁰

Often boys are sent by their parents on the journey to Europe to provide for a better life. It is the main goal of these children, and they are under enormous emotional pressure not to screw up and make the family proud. Children have few opportunities to earn money on the journey. As a result, they are forced to either sell drugs, steal, or offer transactional sex to people around them or in the transit country.¹³¹ If children are offering sex not only because they want to continue their journey but also to cover their basic needs, food, or shelter it is considered as survival sex.¹³² Survival sex is probably the vilest form of sexual violence that children can experience on the move.

“I never thought I’d have to do something like this. When the money ran out, I had to learn to do this.[..]. It was the first time I do this, I had no experience.”

*Ali , aged 17*¹³³

3.4.2.2 Child Trafficking

Mentioned before, you can also suddenly become a victim of human trafficking while traveling, because you find yourself in an unsecure and hopeless situation that is exploited by human traffickers. First, you were smuggled to Libya or Greece, for example, and on the rest of the journey to central Europe you become a victim of human trafficking and experience sexual violence. Even though one might assume that the pandemic situation and the reinforcement of border controls have greatly reduced the possibility for human trafficking, the United Nations Office on Drugs and Crime (UNODC) fears by contrast a worsening of the situation for the victims.¹³⁴ Traffickers quickly found other ways to continue their crimes, which may be because authorities and NGOs also had difficulty providing essential services during the COvid-19 situation.¹³⁵ It is to be feared that due to the tense economic situation, illegal workers, seasonal workers and employees in the sex industry will be increasingly

¹³⁰ Save the Children, *Girls on the Move in the Balkans*, p. 33.

¹³¹ Harvard FXB, Emergency Within an Emergency: *The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece*, 2017, p. 22.

¹³² Susanna Greijer & Jaap Doek, ECPAT International, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, 2016, p. 32.

¹³³ Harvard FXB, Emergency Within an Emergency: *The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece*, 2017, p. 22.

¹³⁴ MYRIA, *Report 2020 Trafficking and smuggling of human beings: Behind closed doors*, p. 34.

¹³⁵ *Ibid.*, p. 34.

drawn into the swirl of human trafficking.¹³⁶ For children on the move, this means that in order to ensure their survival, to continue their journey or simply to earn some money, they can no longer accept "simple" illegal jobs because the restrictions are too high. Often, they are forced to take jobs that involve sexual violence against them. The Covid-19 Pandemic has isolated them even more.

The cases of trafficking that have been detected have decreased significantly¹³⁷ and it would be naïve to believe that trafficking has stopped.

What can be observed is that many girls become survivors of sexual violence in the context of human trafficking.¹³⁸ They are often not registered as girls because they lie about their age and disappear underground disguised as adult women. In my opinion, this is an indication that there are many more girls who experience sexual violence and are affected by human trafficking, but simply do not appear in the assistance systems.

“Mainly female children are affected - currently more German children are diagnosed. But this does not mean that no children with other backgrounds are affected. On the contrary, we know that these girls (on the move) are also affected, but it is a huge dark field. We have no data here because it is simply not reported. (...) The undetected number extremely high”

Marilena Mueller, Political Scientist in Germany¹³⁹

3.4.2.3 Accommodation facilities and detention centers

The forced situation within the accommodation facilities and detention centers in Greece, Italy, Serbia, Bulgaria, etc. for hundreds of migrants of different cultural background, genders, and ages in conditions of inhumane living, results in “anger, frustration and hostility” that can lead to acts of violence.¹⁴⁰ For children who are on the move and are accommodated in a detention center during their journey as migrants or asylum seekers becoming a victim of sexual violence is at a heightened risk. Experts claim that Sexual and Gender based Violence (SGBV) in the accommodation facilities is absolutely underreported. Often, they only find out about such a case when it is serious and the victim needs medical

¹³⁶ Ibid., p. 34.

¹³⁷ Ibid., p. 35.

¹³⁸ Interview with Niccolò Gargaglia, 28.06.2021.

¹³⁹ Interview with Marilena Mueller, 28.06.2021

¹⁴⁰ Harvard FXB, Emergency Within an Emergency: *The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece*, 2017, p.16.

care.¹⁴¹ Furthermore, the victims are afraid of reprisals, bad reputations and they blame themselves for their victimization because they feel so ashamed.¹⁴²

“When a case like this is reported to us, it takes some time before the victim is transferred to a safer place and the offender is prosecuted. They do not want to report it, because they are afraid that the offender will take revenge on them. They also do not believe that the police can help them.”

*Psychologist working in a Camp*¹⁴³

Furthermore, children on the move have just their destination country (often Germany or Sweden) on their mind and just want to come forward,¹⁴⁴ and violations are not documented because children are afraid that too much time will pass during the complaint, or they will have to remain in the transit country.

“Children on the move don’t necessary want to speak, they may fear to be stuck in the center – they may it for themselves.”

*Mikaël Poutiers, Secretary to the Lanzarote Committee*¹⁴⁵

As a result children isolate themselves even more and especially unaccompanied children become invisible and face an increased risk of becoming a victim again.

In principle, every child, both girls and boys, are at particular risk of becoming victims of sexual violence,¹⁴⁶ but unaccompanied children are at greater risk of becoming victims of sexual violence in shelters.¹⁴⁷ The offenders take advantage that they are not under proper adult supervision.¹⁴⁸ Offenders could be woman, man but also children.¹⁴⁹ However, due to the cramped and tense situation, even the accompanied children may experience sexual abuse within their own family and by others because of the camp situation. Families are forced to sleep in tents, with no separation from other families and adults. Even though there are clear guidelines that children should sleep separately from strange adults that are not family members, this is not the case on the route itself and in the reception camps in Greece, Libya

¹⁴¹ Ibid., p. 19.

¹⁴² Ibid., p. 19.

¹⁴³ Ibid., p. 20.

¹⁴⁴ Ibid., p. 19.

¹⁴⁵ Interview with Mikaël Poutiers, 02.06.2021.

¹⁴⁶ Harvard FXB, Emergency Within an Emergency: The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece, 2017, p. 13.

¹⁴⁷ Ibid., p. 17.

¹⁴⁸ Ibid., p. 19.

¹⁴⁹ Ibid., p. 19.

and even in Italy for example.

In addition to the difficult living situation, untrained workers, and insufficient specialized facilities for children in the camps, the cohabitation of adults and children, but also the cultural differences become major risks factors for sexual violence against children.¹⁵⁰

“NGO workers tend to leave the camps at 6 pm, other officials leave at 9. They return at 7am, so at night no one is there to protect the refugees.” As reported by a volunteer: “In some camps, NGO workers do night shifts, but their numbers are dwarfed by the size of the camp population. It is really scary to be inside the camps without lights during the night. I can’t even imagine how children feel“

Psychologist working in one of the main Athens camps¹⁵¹

Another point to mention in this context is that sexual violence is often a demonstration of power. It is used to establish hierarchies and to consolidate group structures in the detention camps. From detention camps in Libya, it has been reported that violence is used by the security to make children submissive to them.¹⁵²

“The children who arrive in Italy often talk about violence against others in the detention camps, sexual violence mainly against girls - direct and indirect witness violence also has a very strong impact on the children”

Niccolò Gargaglia, Social Worker in Italy¹⁵³

This form of power structures, however, is continued by the children who have experienced this violence within their own ranks. It was reported that in some detention centers in Libya, 20 migrants were crowded into 2sqm cells and forced to live there for long periods of time.¹⁵⁴ Enormous psychological illnesses can be established during this time.¹⁵⁵ There is also the risk of losing sight and hearing. In these very challenging times, old traumas can resurface. Adults and children who have already experienced sexual violence want to break out of this powerless situation. It is not surprising, that they practice exactly what they themselves have experienced. This violence does not have to be perpetrated directly at that moment, but what people experience on their way can be a trigger for later assaults. It is difficult for me to speak

¹⁵⁰ Fili, Xythali, *The Continuum of Neglect: Unaccompanied Minors in Greece*, 2017, p. 10.

¹⁵¹ Harvard FXB, *Emergency Within an Emergency: The Growing Epidemic of Sexual Exploitation and Abuse of Migrant Children in Greece*, 2017, p.13.

¹⁵² Interview with Niccolò Gargaglia, 28.06.2021.

¹⁵³ Interview with Niccolò Gargaglia, 28.06.2021.

¹⁵⁴ UNICEF, *A deadly journey for children, the central Mediterranean migration route*, 2017, p. 8.

¹⁵⁵ *Ibid.*, p. 8.

of perpetrator here, but in the end, it is the old “victim” who creates new victims. It's a never-ending vicious circle (more under 3.6 vicious circle).

3.4.2.4 Losing family members

Children who travel with their families are at lower risk than children and young people who travel alone. Furthermore, children who grow up in low-income families and are on the move are again at a higher risk of being abused than children who move from one area and have financial security.¹⁵⁶ This is mainly because these children and families are exposed to extortion attempts but are less likely to risk paying for them with their physical integrity. So a high risk factor for children on the move is when they lose their family members during their journey. Unfortunately, this is not a rare occurrence. On the one hand, this can be related to smugglers or human traffickers separating families, but it can also happen on independently organized routes.

“There was a mountain between Serbia and Bosnia and when I was climbing, at that moment, I missed my family, my mom and dad. And I was literally just sitting at the top of the mountain, and I cried and I cried and I cried until somebody from the group came and pulled me to go on, saying I could not stay there. That was the most difficult moment.”

Nilab, 14, Afghanistan, who travelled only with her sister, interviewed in BiH¹⁵⁷

The danger of becoming survivors of sexual violence in this context is that children can turn to other adults on the move for help, who take advantage of the children's difficult situation. They may run the risk of getting caught by smugglers or human traffickers or of being abused by locals in the transit country. These exploit the children's helplessness and anonymity.

3.4.2.5 Push Back Situations

Push back situations are of absolute concern and are discussed in more detail in the individual country analysis framework. However, it is a major factor that significantly tests situations within families and the safety of unaccompanied children. Often the budget is not enough to continue traveling undetected, so that children begin to prostitute themselves to be able to finance their trip or to survive at all. The children and families with children are pushed back here, although we know what kind of dangerous situations, we are pushing the people back

¹⁵⁶ Mario project, *Analysis of the situation of children on the move: assessing the capacity and the adequacy of the child protection system in Hungary to ensure the protection of children on the move*, 2014, p.26.

¹⁵⁷ Ibid., p. 35.

into. In my opinion, it is as if the industry of smugglers and human trafficking is being fed by the push back situations and as European Union member states support the criminal business.

3.4.2.6 Feeling welcomed

Another high-risk factor for children on the move, is that children do not feel welcomed in transit countries. This is evident not only in the violence of police officers, border control and authorities, but also in the way people are treated in the respective society. As it has been made clear before, children generally feel ashamed and need to build trust in order to be able to talk about their experiences. However, in a situation where they feel unwanted and unseen, they cannot open and the children do not talk about what they have already experienced or what they are currently experiencing.

3.5 Gender based differences

Reports and studies have shown that gender-based violence and sexual violence affect girls and boys in different ways.¹⁵⁸ The differences between the sexual violence towards boys and girls is mainly impacted by cultural beliefs and stereotypes of femineity and masculinity.¹⁵⁹ Girls are affected by sexual violence 3 times more than boys.¹⁶⁰ However, it must also be noted that many boys do not tell the abuse of men out of embarrassment about homosexuality. When working with children, experts experience different scenarios. It is easier to reach boys because they travel alone, but they do not dare to talk about the abuse. On the other side, it is more difficult to reach girls because they stay within their family unit, but they are more able to talk about the sexual violence.¹⁶¹

Those girls who travel alone join strange families on their way to get some form of protection or travel with their smugglers and tormentor (Human Trafficking), and do not appear as unaccompanied minors.¹⁶² That also results in less protection by the authorities. In addition, girls are not so likely to be identified as an unaccompanied child because they pretend of being married with a man and/or lie about their real age.¹⁶³ Girls who are traveling alone, try to hide their age because they didn't want to become part of the child protection system in the receiving country. They also don't want to get another person who is going to tell them where to go or to stay. Many girls who have run away from their parents because their suffer from

¹⁵⁸ Save the Children, *Girls on the Move in the Balkans* 2020, p.38.

¹⁵⁹ IRC, CCS, *Caring for Child Survivors of sexual abuse*, 2012, p. 29.

¹⁶⁰ Ibid., p. 24.

¹⁶¹ Interview with Valentina Polizzi, 28.06.2021.

¹⁶² Save the Children, *Girls on the Move in the Balkans*, 2020, p.10.

¹⁶³ Ibid., p. 27.

domestic sexual violence or their tormentors, who they have claimed to be their parents, are afraid of being brought back to them in the context of family unification.¹⁶⁴

Boys and girls face further different risks and need a different form of protection while they are on the move.¹⁶⁵ Girls, who are moving with their families, are not involved in the decision to start the journey at all. In most of the cases it is the father's decision to move. Girls were often consulted by their mothers and the mother -daughter bond become one of the most important protection mechanisms for the girls.¹⁶⁶ If they got separated from the mother they fear an increased risk. Many of the girls travelling with their parents did not know where they were going. They didn't know the route and didn't know anything about dangers and risks, etc. In the case of separation, these girls are particularly exposed to the dangers of sexual violence.

Boys on the other side, are more involved in the decision-making process. They discuss the route with the father and get to know the risks on the journey. This is because they are asked to protect the family.

For both girls and boys, a pretend marriage, but also an actual full marriage, has turned out to be a win-win situation for both sides. Many parents only allow their daughters to move if there is adequate male protection.¹⁶⁷ On the other hand, young men and boys get better support in Europe if they move with a woman. In this context, they are often no longer classified as children either, so they aren't given a guardian, because the European authorities recognize them as families/spouses.

3.6 Vicious Circle – “Loose Cannon”

The impact of sexual violence is different for boys and girls.

“It can lead to psychological disorders develop, the children themselves become perpetrators, depression manifests itself, stress disorders, many are suicidal, cannot process what happened, alcohol and drug abuse is for many the solution, they finance the drugs by prostituting themselves”

Anuscha Mamedi, former Social Worker and aspiring Psychologist in Germany¹⁶⁸

¹⁶⁴ Interview with Anuscha Mamedi, 01.07.2021.

¹⁶⁵ Save the Children, Girls on the Move in the Balkans, p. 20.

¹⁶⁶ Ibid., p. 23.

¹⁶⁷ Ibid., p. 27.

¹⁶⁸ Interview with Anuscha Mamedi, 01.07.2021.

Boys experience sexual abuse differently than girls. They feel less like a man, powerless, labelled as homosexual (even if they are sexually oriented differently) and they develop the impression that all forms of sexuality are free for men.¹⁶⁹ These are the main factors that later lead them to become perpetrator themselves. They want to feel like a man, they want to have power over the other sexual partner, clearly demonstrate their sexual orientation and probably have a diminished awareness that sexuality should have nothing in common with violence.¹⁷⁰ Girls, on the other hand, feel soiled and worthless. They question their femininity less. Powerlessness is also present here, which can often develop into a borderline disorder in adulthood, because women try to gain power over themselves or over the other person by abusing their bodies (prostitution).¹⁷¹ The decisive factor here is that they have power over their body, through self-injurious behavior or supposedly voluntary use of their body, without the "perpetrator" having control over it. If we look more into these different ways of dealing with sexual violence, we can possibly understand why men become more often offenders and women mostly remain survivors in the circle of sexual violence throughout their lives.¹⁷²

The "Victim- to- victimizer" cycle shows that a common cause for child sexual violence is that the perpetrator often is a survivor of child sexual violence.¹⁷³

For this reason, it is important to counteract this circle to protect other children. The therapeutic offer has to take effect early and risk groups have to be identified. Of course, it is not the case that every victim becomes a perpetrator. Even if one does not receive psychological help and is not supported by child protection, this does not mean that a victim will automatically become a perpetrator. However, it must be considered as a risk factor, which must also be important for the future generations in Europe. It is not a problem to be swept under the carpet, but a "Loose Cannon."

4. Situation in Hungary, Italy, and Germany

Having the mentioned situations and experiences of children in their home countries and the dangers they are exposed to until they come to Europe on my mind, it was important to me to

¹⁶⁹ IRC, CCS, *Caring for Child Survivors of sexual abuse*, 2012, p. 29.

¹⁷⁰ *Ibid.*, p. 29.

¹⁷¹ Kristalyn Salers-Pedneault, *The Relationship between Child abuse and BPD*, 2020, <https://www.verywellmind.com/the-relationship-between-child-abuse-and-bpd-425153#child-abuse-and-bpd>, access 14.07.2021; Westbrook J, Berenbaum H. Emotional awareness moderates the relationship between childhood abuse and borderline personality disorder symptom factors, 2017, p. 910-921.

¹⁷² Glasser/Kolvin/Campbell/Glasser/Leitch/Farrelly, *Cycle of child sexual abuse: links between being a victim and becoming a perpetrator*, 2001, p. 484.

¹⁷³ *Ibid.* p. 491.

see what the situation is like in the countries I chose, Italy, Hungary, and Germany, and how the countries deal with the children's experiences and protect them. In the context of comparing the three countries, it was important to examine them in an identical way. In doing so, I first wanted to give an overview of the general situation. In addition, I wanted to concentrate on points that were particularly important to me from my conversations with the interview partners and that play a decisive role in the context of sexual violence. These were forms of accommodation, push-back situations, age assessment, unaccompanied children, and psychological/therapeutic support. However, it was particularly important to me to share the experiences of my conversation partners and thereby give an indirect voice and platform to those who have experienced sexual violence.

4.1 Hungary

4.1.1 General Situation

Hungary is not seen as a destination country by most children on the move, but more as a transit country.¹⁷⁴ As already noted, most migrants arrive in Hungary via the Balkan Route. Those who reach Hungary and have their asylum application positively confirmed (2020 - 117 approved asylum applications) come mainly from Pakistan (24), Afghanistan (21) and Iraq (16).¹⁷⁵ Among them, 49.1% were children and 1.7% unaccompanied children on the move.¹⁷⁶ However, it should be mentioned that 346 applications were rejected by the Hungarian authorities in 2020¹⁷⁷ and that these low application numbers are probably due to the basic procedure in Hungary. The number of people who entered the country illegally with the help of smugglers is much higher.

Regarding to the political situation, the asylum-seeking procedure and the widespread populist mindset, children on the move do not have it easy in Hungary.

“Still the climate in Hungary is that people don’t like migrants”

Dóra Gottgeisl, social worker from Budapest¹⁷⁸

¹⁷⁴ Interview with Marti Meszaros received written answers on 28.05.2021.

¹⁷⁵ AIDA/ECRE, Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/statistics/> accessed 08.07.2021; Interview with Marti Meszaros received written answers on 28.05.2021.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Interview with Dóra Gottgeisl, 13.05.2021.

On 12 May 2017 the Lanzarote Committee decides to make use of the possibility provided for in Rule 28 of the procedures of the Lanzarote Convention.¹⁷⁹

Here it is ensured that

“If the Lanzarote Committee receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent possible serious or persistent cases of sexual exploitation and sexual abuse against children in any Party or Parties to the Convention”

*Rule 28 Lanzarote Convention*¹⁸⁰

Changes in legislation and the general treatment of children on the move were very alarming and prompted the Lanzarote Committee to act. On 7 March 2017, the Hungarian Parliament passed a law that aims to tighten border management procedures. It stipulated that all asylum seekers, except for unaccompanied children under the age of 14, must remain in the transit zones for the duration of the asylum procedure. Conversely, this means that unaccompanied refugees aged 14-18 must remain alone in the transit zones and do not longer go to child protection institutions immediately.¹⁸¹ Furthermore, Act XX of 2017 provided that migrants who have reached Hungary illegally will be denied access to an effective remedy or to challenge the deportation order.¹⁸² In this context, illegal meant that the migrants had, for example, circumvented the border fence and was not registered in the transit zone or escaped from there. Once you were in the transit zones waiting for you asylum application result you had to stay and were not allowed to leave the transit zones, even if Hungary slightly changed the procedure over the years children were taken into custody with their families for up to 30 days (Section 31/A of Hungarian Act LXXX of 2007 on Asylum).¹⁸³ The 30 days were only the time in the transit zones, the time in the pre-transit zones or the time in Serbia is not taken into account. For a while now, the procedure has changed, and people are considered as illegal when an “embassy procedure” (information under 4.1.1.1) has not been carried out properly. Even though the transit zone regime has come to an end on 21.05.2021, it is

¹⁷⁹ Ibid.

¹⁸⁰ Lanzarote Committee, *Lanzarote Convention: Rules of Procedure*, adopted 2012/revised 2016, p. 24.

¹⁸¹ Lanzarote Committee, *Special Report: Further to a visit undertaken by delegation of the Lanzarote Committee to Transit zones at the Serbian/Hungarian Border*, 2017, p. 6.

¹⁸² Ibid., p.6.

¹⁸³ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, p. 27.

important to go into the conditions and to clarify the dangerous situation.¹⁸⁴ Approximately 300 people, including children and young people, were accommodated to open facilities in Hungary after the 21. 05.2021. They carry with them the experiences from the transit zones.

4.1.1.1 Transit Zone/ Embassy procedure

The so-called transit zones were in Tompa and Rözke (border with Serbia), as well as in Beremend and Letenye (border with Croatia). The situation can be imagined in such a way that a barbed wire fence was erected along 175 km of the border and containers were placed in some places, in which responsible persons registered the arriving people and took their asylum applications.¹⁸⁵ These areas were also called "transit zones". Before they could apply for asylum in the containers and to discuss the further procedure (medical and psychological care, police services), the people on the move, 1/3 of whom were children, spent a long time in pre-transit zones. These were areas that are on Hungarian territory and are once again sealed off from Serbia by a fence. Although we are talking about Hungarian territory, according to Hungarian law the pre-transit areas were considered as no-man's land, that doesn't exist under international law and where conditions were inhumane and contemptuous.¹⁸⁶ These areas, marked by high fences on Hungarian side, were completely overcrowded as people jammed between the border with Serbia and the Hungarian transit zone.¹⁸⁷ People spent months here without any support or food. The health and hygiene situation were disastrous. The procedure was abolished in autumn 2016 and the pre-transit zones were only used to allow asylum seekers to wait in them one day before reception interviews.¹⁸⁸ The rest of the time they spent in facilities in Serbia. However, the waiting time for an invitation to the pre-transit zone and an initial interview for filing an asylum application could take a year.¹⁸⁹ The Hungarian authorities issued a quota that only allowed a certain number of migrants to enter the country per day (e.g. 10 migrants per 5 working days a week),¹⁹⁰ although since December 2019, the trend has developed that in some zones (Tompa) no migrants could enter at all. The Covid-19 Pandemic was given as the reason for this, whereas the authorities argued that they found a presumed link between growing Covid-

¹⁸⁴ AIDA/ECRE, Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/overview-main-changes-previous-report-update/>, accessed 11.07.2021.

¹⁸⁵ AIDA/ECRE, Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Hungarian Helsinki Committee, *No Country for Refugees – New asylum rules deny protection to refugees and lead to unprecedented human rights violations in Hungary*, p. 2.

19 cases and migrants.¹⁹¹ As a result of these long and complicated entering conditions important time has been lost, time that the children lacked in coming to terms with their problems and time in which they often had to wait unprotected from sexual violence in the waiting areas near the border in Serbia. The conditions in Serbia were and are not humane either.

“I heard some tuff stories about Serbia. In some places people live without food. If we pushed a people back to Serbia and we push back also children, they are not in a good situation”

Lakatos Zsombor, social worker from Budapest, Hungary¹⁹²

Once people arrived in the transit zones and applied for asylum, they had to spend a long time locked up in the transit zones.¹⁹³ In the case of approved asylum applications, the families are accommodated in additional centers where they can move around freely.¹⁹⁴ Here they have 30 days to sort out their situation, i.e. find a place to live and a job.¹⁹⁵ For families who have just come out of the closed transit zones, this is a challenging task. Unaccompanied refugees over 14 are accommodated in Fót, a town close to Budapest. There is an institution “Karolyi Istvan Children’s Centre“ that is part of the Hungarian child care system.¹⁹⁶ For unaccompanied children on the move there is only this accommodation in Hungary. Unaccompanied refugees under 14 were placed in Fót right from the start and didn’t had to wait for an application approval in the reception centers.

On 17.12.2020, the CJEU ruled (C-808/18) that the reception procedure, the denial of international protection and the unlawful detention of people on the move in transit zones is a violation of European law and fundamental rights.¹⁹⁷ Another judgment of the CJEU of 14.05.2020 (C-924/19 PPU and C-925/19 PPU) qualified the placement of asylum seekers in transit zones, where they are waiting for their applications to be confirmed, as unlawful

¹⁹¹ Info Migrant/ ASNA, *Coronavirus: Hungary suspends admission of asylum seekers*, <https://www.infomigrants.net/en/post/23169/coronavirus-hungary-suspends-admission-of-asylum-seeker>, accessed 09.07.2021.

¹⁹² Interview with Lakatos Zsombor, 11.06.2021.

¹⁹³ Hungarian Helsinki Committee, *No Country for Refugees – New asylum rules deny protection to refugees and lead to unprecedented human rights violations in Hungary*, 2015, p. 4.

¹⁹⁴ Interview with Lakatos Zsombor, 11.06.2021.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ AIDA/ECRE, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

detention.¹⁹⁸ Furthermore, it was criticized that people who had entered illegally were often taken back to the border area and no longer had the possibility to make a legal application.¹⁹⁹ It must be considered that Hungary is still the 4th largest entry gate to Europe²⁰⁰ and the hopeless entry policy still drives people to enter Hungary illegally. The fear of being caught by the authorities in an all-or-nothing situation and never having the chance to find the legal way to Hungary again consequently is unbearable considering the situation people find themselves in and found themselves in the past.

In the framework of the CJEU ruling (already the fifth case in the Hungarian asylum policy), the Hungarian government reacted by closing all transit zones.²⁰¹ An attempt was made to create a new system called the "embassy system" (Section 2 (3)-(4) of Government Decree 233/2020. (V. 26.) and Section 268 (3)-(4) of the Transitional Act).²⁰² Under the new system, foreigners must personally submit a statement of intent to the respective Hungarian embassy in Belgrade or Kiev, where they must request that they apply for asylum, which will be examined within 60 days. From a distance, the Hungarian authority can interview the asylum seeker. If the application is approved, the asylum seeker must enter Hungary within 30 days and report to the border authorities.²⁰³ Within another 24 hours, the asylum seeker is then presented to the asylum authorities, to whom he or she can then finally apply for asylum.²⁰⁴ At first glance, the procedure seems orderly, transit zones are abolished, and one might get the impression that the rush and desperate situation at the border will be improved. However, this is only the first impression. If you look behind the facade and the rules of this new procedure, you will see that it is in no way inferior to the old procedure in terms of hostility towards asylum seekers and human rights violations.

First, the Hungarian authorities' account does not make clear that the Hungarian embassies in Kiev and Belgrade can decide how many statements of intent they want to approve or not.²⁰⁵ Often the potential asylum seekers are turned away and referred to undefinable waiting lists. This means that the statements of intent are not counted, because they are not submitted in the first place. The asylum seekers have language deficits and cannot understand appointment E-

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Frontex, *Migratory routes map*, <http://bit.ly/1FZMUYU>, accessed 07.07.2021.

²⁰¹ AIDA/ECRE, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

mails for preliminary interviews, etc.²⁰⁶ In this context, they do not receive any support from the authorities in Hungary itself. Only NGOs try to help. In 2020, only 26 statements of intent were received, of which only “ONE” statement of intent was positively assessed, so that the person (in this case a family) was allowed to enter and then apply for Asylum. The European Union also saw the danger of this new procedure and again initiated an infringement procedure.²⁰⁷

Furthermore, in the course of this work, one must draw attention to the danger for Children on the Move. It starts with knowing about the procedure in the first place and going via the embassies in Kiev and Belgrade. This procedure so complicated and difficult to implement for Children on the Move, makes them easy prey for criminal prostitution rings due to their hopelessness, helplessness, language barriers, homelessness, etc. Just imagine the frustration of arriving at the border in Hungary after a long journey and having to travel back to the embassies in Kiev and Belgrade. Personally, cannot imagine that the often-traumatized people can make their way through such an official authority jungle without any assistance and without wishing to imply any malicious intent, I cannot imagine that the Hungarian legislators did not know this. It is an arduous journey for families with many children, adults in general, and especially unaccompanied children. In many cases they are illiterate or understand only one language. They do not understand the further procedure within the framework of the English/Hungarian E-mails sent. In addition, people on the move need accommodation in Belgrade and Kiev while they wait for their statement of intent decision or even get the invitation to make such a statement. There is no information where the people and children stay. Even if they make it to the embassy in Kiev or Belgrade, submit a statement of intent and are invited to Hungary for an asylum-seeking application interview, people only have 30 days to do so. They must pay for this trip themselves and the way to the Hungarian border is long and tough (Kiev- Hungarian Border 750 km and Belgrade- Hungarian Border 180 km).

In my opinion, this procedure drives people, especially children, into illegality and into the hands of smugglers and human traffickers. An over-bureaucratized procedure which is difficult to understand even for me as a European citizen with a law background. One gets the

²⁰⁶ Ibid.

²⁰⁷ Lili Bayer, *How Orbán broke the EU — and got away with it*, <https://www.politico.eu/article/how-viktor-orban-broke-the-eu-and-got-away-with-it-hungary-rule-of-law/>, accessed 09.07.2021; ECRE, *Hungary: Facing Fifth Infringement Procedure Related to Asylum Since 2015*, <https://www.ecre.org/hungary-facing-fifth-infringement-procedure-related-to-asylum-since-2015/>, accessed 09.07.2021.

impression that Hungary is always coming up with new tricks to make itself less attractive as a transit country. It cannot completely shirk its European responsibility, but every loophole is exploited to avoid having to receive people/children on the move. As soon as the European Court of Justice criticizes a procedure, and passes judgement on it, a new uncooperative procedure is found. This cycle, court - new regulation, has already taken place five times and one does not get the impression that Hungary is in any way interested in asylum-friendly policies or solutions.

4.1.1.2 Push-Back Situation

Since 05.07.2016, Hungarian police have been able to push asylum seekers caught within an 8-kilometer radius of the Serbian-Hungarian or Croatian-Hungarian border to the outside of the previous transit zones without registering their data.²⁰⁸ 19.057 migrants were denied entry to Hungary in 2016 and were taken back to Serbia. Most of them came from conflict zones, they were unable to seek for international protection (Syria, Iraq and Afghanistan).²⁰⁹ In 2020, 25.603 migrants were sent back and 14.151 were denied entrance, with minors accounting for around 30-50 percent of the total.²¹⁰

The Group of Experts on Human Trafficking (GRETA) discovered that irregular migrants and asylum seekers are more vulnerable to human trafficking.²¹¹ As a result, collective deportations have a negative impact on the identification of trafficking victims among them, raising serious concerns about Hungary's compliance with certain obligations of the Council of Europe Convention on Action against Trafficking in Human Beings, including positive obligations to identify trafficking victims, ensure the obligation of non-refoulement is respected and refer them to assistance, as well as risk assessments.²¹²

Violence against migrants is also on the rise and there is reluctance to stop, whether they are children or adults. According to reports, the perpetrators have been wearing uniforms that match those of Hungarian police officers and the Hungarian military²¹³. On 10 February 2020, the UN Committee on the Rights of the Child called on Hungary to stop violence against

²⁰⁸ AIDA/ECRE, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

²⁰⁹ Hungarian Helsinki Committee, *Hungary: Access denied*, 2016, p. 1.

²¹⁰ AIDA/ECRE, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

²¹¹ Ibid.

²¹² GRETA, *Report on Hungary 2018*, 2018, pp. 13-15.

²¹³ AIDA/ECRE, Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

children.²¹⁴ There have been reports of police dogs attacking children, causing facial bites.²¹⁵ There is no precise data on whether children have experienced sexual violence in this context by authorities, however, this approach shows the general image of the child and as long as sexual violence remains a sign of demonstration of power, it cannot be excluded that children have to offer survival sex in hopeless situations or survive sexual violence.

Although the ECJ ruling has led to the abandonment of the transit zones, it has not helped to reduce PUSH-Back actions. Since the ruling of 17.12.2020, 4.400 migrants have been pushed back again.²¹⁶

4.1.2 Age Verification Procedure

Article 11 § 2 of the Lanzarote Convention provides that when the age of a survivor of sexual violence cannot be determined exactly, the convention and all protective measures resulting from it shall be applicable though.²¹⁷ The general principle means that the benefit of the doubt should first apply to the person and he/she should be considered as a minor, in the meantime there should be an age verification procedure and only if it is proven that they are not children the protection system is not applicable anymore.²¹⁸

However, in Hungary during the age verification procedure, children are treated as adults. If the authorities are unsure about the age, the children are classified as adults and a medical examination can be carried out to prove the contrary. This is based on a general examination of the person's physical condition, a dental examination, and an x-ray.²¹⁹ These examinations are voluntary, and if the child does not consent to them, he or she will continue to be classified as an adult. This initial classification as an adult or child is made on arrival at the reception center based on a brief eye examination. It must be said that the children concerned often do not understand what the first conversation is about. They give the wrong age because they have been advised to do so (smugglers, Family, traffickers). They are exhausted and distraught from the journey. Therefore, the child must stay in the reception centers. There are also other adults here. The child is left unprotected. Especially children who have experienced the most severe forms of sexual violence on the journey, through smugglers or child

²¹⁴ Committee on the Rights of the Child, Concluding observations on the sixth periodic report of Hungary, 2020, p. 11.

²¹⁵ AIDA/ECRE, Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 09.07.2021.

²¹⁶ Ibid.

²¹⁷ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 9.

²¹⁸ Ibid., p. 9.

²¹⁹ Ibid., p. 85.

traffickers, or already in their country of origin, can find all forms of examination stressful and refuse to undergo them. Furthermore, children who would like to undergo an age examination to show that they are minors must be prepared to wait. During this time, they are already classified as adults, even if they are willing to undergo examinations. Already in 2015, the Lanzarote Committee urged the Hungarian Government to ensure that laws are implemented, that provide all children the benefit of the doubt.

In the transit zones, age examinations were ordered almost permanently. In the case of unaccompanied children, the examinations were even ordered before a guardian was appointed and on site.²²⁰

4.1.3 Unaccompanied Minors

Children from “third countries” are considered as unaccompanied minors when they are under 18 and entered the Hungarian territory without an adult responsible for his/her supervision (§ 2 f of Hungarian Act LXXX of 2007 on Asylum).²²¹ Supervision is given by law or custom. In 2021 only 1.7 % of the approved asylum-seeking application were unaccompanied children.

“Many things changed since the beginning () there are much less unaccompanied minors arriving to Hungary in the last 3 years. It’s probably because of the transit zones. I won’t mention more about it”

Lakatos Zsombor, social worker in Budapest, Hungary²²²

In Hungary, the biggest risk factors were that unaccompanied children aged 14-18 lived with adults in transit zones. Currently, it is not clear where unaccompanied refugees are. No cases have been recorded under the Embassy procedure.

4.1.4 Sexual Violence and Experiences

According to the psychologists and staff in Hungary I have spoken to, the greatest danger is that the children on the move fall through the cracks and receive no help. They enter Hungary under the radar and with full fear of the Hungarian authorities and try to make their way to Northern Europe. They try everything not to stand out or be recognized. Psychological care

²²⁰ AIDA/ECRE. Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/guarantees-vulnerable-groups/identification/>, accessed 11.07.2021.

²²¹ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 48.

²²² Interview with Lakatos Zsombor, 11.06.2021.

and talking about their past are the last things on these children's agenda. Even families travelling with their children have no interest in asking for help for their children in a country where deportation and xenophobia are on the agenda.

“Many times the family sold their properties to cover the cost of the travel. They pay a lot of money for a smuggler to help for the child during their trip. The conditions are horrible during their journey, it is dangerous, and they face with a lot of difficulties. Policemen are abusive at the Turkish-Iranian border, also many children were beaten in Bulgaria, Greece, Macedonia. Policemen took their money and their phones “

*Marti Meszaros, Psychologist from Hungary*²²³

There are reports that children have experienced sexual violence in Serbia.²²⁴ It is particularly dangerous when children were accommodated in the transit zones and could no longer stand the waiting there. Out of frustration, many returned to Serbia.²²⁵ Here, however, they were once again defenseless and without prospects. The danger of becoming victims of child trafficking and general sexual violence is particularly high in these situations.

When families were housed in transit zones in the past, children were housed together with adults in one transit zone area. Even though it was clarified by the Hungarian authorities that unaccompanied children and families were separated from other unaccompanied travelers, because they had their own container, the delegation of the Lanzarote Committee had reason to believe that the information should be treated critical.²²⁶ The environment of such shelters and the close living together offers many opportunities to inflict sexual violence towards children, and it is important not to lose sight of the sexual violence among children.²²⁷ In addition, the delegation of the Lanzarote Committee criticized the fact that unaccompanied girls have been undermined in the family containers.²²⁸ There were few cases of unaccompanied girls entering at all, but it is particularly dangerous for them to be placed with strange adults.

²²³ Interview with Marti Meszaros received written answers on 28.05.2021.

²²⁴ Lanzarote Committee, *Special Report: Further to a visit undertaken by delegation of the Lanzarote Committee to Transit zones at the Serbian/Hungarian Border*, 2017, p. 31.

²²⁵ Interview with Lakatos Zsombor, 11.06.2021.

²²⁶ Lanzarote Committee, *Special Report: Further to a visit undertaken by delegation of the Lanzarote Committee to Transit zones at the Serbian/Hungarian Border*, 2017, p. 22.

²²⁷ *Ibid.*, p. 22.

²²⁸ *Ibid.*, p. 25.

Accommodation with unfamiliar adults is dangerous for children, even if they are travelling with their parents. Children between 14 – 18, who had to stay in the transit zones were particularly at risk. Adults were also often accommodated with them in the minors-areas, mainly because adults sometimes lied about their real age to get protection.²²⁹ So sometimes children as young as 14 (maybe even younger because they were misjudged) were housed with men over 18. However, it could also happen that child under 18 were mistaken for adults and accommodated with men over 18 travelling alone, as in Hungary the benefit of doubt is not applied in the best interests of the child. The exact data is missing, but sexual violence here is almost impossible to exclude.

Families who enter legally or follow the new embassy system do not receive any help from the state in Kiev or Belgrade. Many be homeless or in shelters in Serbia or Ukraine. Here, too, there is an enormous risk of becoming survivors of sexual violence for both children in the family network and unaccompanied children. They are particularly at risk of survival sex here.

Families who entered Hungary with their children only have a limited time to organize themselves (30 days rule). It has not yet become apparent to me whether the children entering Hungary are subjected to an initial psychological examination to exclude experiences of sexual violence and to prevent potential sexual violence in the families. So far, however, only one application in the embassy procedure has been approved and one family was able to enter the country. However, I personally do not assume that these children will receive special psychological care.

In the situations in which children have been accommodated in Fót (child protection institution for unaccompanied minors under the age of 14), about 90 % of them are boys. According to the UNHCR, there has been at least one incidence of sexual abuse among peers.²³⁰

As already shown, a lot of the boys came from Afghanistan.

A social worker who worked with these children in the 2015/2016 high seasons reported that he had the impression that some of them had experienced sexual violence. In at least one case,

²²⁹ Interview with Lakatos Zsombor, 11.06.2021.

²³⁰ Lanzarote Committee, *Special Report: Further to a visit undertaken by delegation of the Lanzarote Committee to Transit zones at the Serbian/Hungarian Border*, 2017, p. 32.

he was confronted with an alleged survivor of Batcha Bazi.²³¹ He noticed that the boys treated certain boys differently. He thinks that these boys often could not accurately assess their sexual orientation. Furthermore, he saw a very great danger that even if the children were placed in Fót, many would simply disappear.²³² At times there were up to 150 children in the summer and by winter there were only 8. The danger in these cases is that the children will become survivors of sexual violence and prostitute themselves to survive.²³³

“I talked to a social worker in the Netherlands and sometimes boys with this background (Batcha Bazi) who arrived there (Netherlands) and their sexual orientation is not that clear for them it is super common to become male prostitutes. Because that was a way how they were raised in their childhood, that’s how they get along and could get money and that’s a way they think could move on”

Lakatos Zsombor, social worker in Budapest, Hungary²³⁴

Others of my interviewees also saw the greatest danger in the children either becoming invisible from the beginning or always having been so.

“A lot!(children are missing) when they leave the camp after 1 month the police try to find them officially they are missing persons, but after they just close their cases, and they just disappear. Nobody knows exactly how many children are lost in the system. Thousands of children are missing.”

Marti Meszaros, Psychologist from Hungary²³⁵

For Marti Meszaros, it is also particularly risky if you are a girl and travelling alone.²³⁶ Even if the numbers don't show it, there are girls who are on the move alone in Hungary and don't show up in the system. The danger of child trafficking for prostitution rings is indicated here. Furthermore, children with disabilities are particularly vulnerable to sexual violence in the accommodations.²³⁷ But for her also LGBTQI people are in a great danger in many countries. Many of them who arrived in Hungary were raped in Russia, Chechnya, Iran, Uganda, etc..²³⁸

²³¹ Interview with Lakatos Zsombor, 11.06.2021.

²³² Ibid.

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Interview with Marti Meszaros received written answers on 28.05.2021.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

In summary, all genders report sexual violence in Hungary. They have experienced it either in Hungary itself, on the journey or already in their countries of origin. Many of the children are boys from Afghanistan and Pakistan. I have already illustrated the particularly disturbing conditions above.

4.1.5 Identification of the Survivors and Support System

In the context of the urgent monitoring round of the Lanzarote committee, Hungary stated that it is often difficult to identify children survived sexual violence as such, as they only stay in the countries for a very short time. They suggested the fastest possible support at the earliest possible stage.²³⁹ Every two months a child protection conference is held in Budapest in which information is exchanged between the stakeholders so that childcare warning systems and alarming systems come closer together and quick solutions can be worked out.²⁴⁰ However, the Hungarian government states in the monitoring round of the Lanzarote committee that there were no sexual assaults in the context of children affected by the refugee crises.

“It cannot be that there are no children suffering in Hungary -alone in terms of probability etc., but the Hungarian authorities either did not want to register, or the children did not want to speak because they felt unsafe or not welcomed.”

Mikaël Poutiers, Secretary to the Lanzarote Committee²⁴¹

The CRC Committee is concerned about the lack of information on a national effort to reduce and highlight all forms of violence against children, including sexual abuse, with specific measures aimed at girls, Roma children, asylum-seekers and migrant children.²⁴²

But according to the procedure protocol of the Hungarian Asylum Act there are procedures and approaches. A psychologist can be consulted during the age determination interviews with the children if there is a suspicion of sexual violence. However, this has never been

²³⁹ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, p.17.

²⁴⁰ Ibid., p.79.

²⁴¹ Interview with Mikaël Poutiers, 02.06.2021.

²⁴² Committee on the Rights of the Child, *Concluding observations on the sixth periodic report of Hungary, 10 February 2020*, p.6.

officially ordered.²⁴³

In principle, the Hungarian Asylum Act considers persons with special needs and addresses their needs. These include people who are particularly young or old, pregnant women, single parents, people who have experienced torture, rape and other forms of serious psychological, physical or sexual violence.²⁴⁴ What is notable, however, is that Hungarian law does not explicitly include people who have been trafficked or suffer from a serious illness, they are not considered to have special needs.²⁴⁵

There are no clear guidelines on how to address the special needs and how to identify them. There are also no time limits for determining whether a person needs special protection.²⁴⁶

„Currently there are no standard operating procedures (SOPs) on sexual and gender-based violence available and used in migration facilities in Hungary. The lack of clear guidance on prevention and referral mechanisms makes the identification of victims and potential victims of SGBV among asylum-seekers and refugees difficult and thus the provision of appropriate support to those who are in need of assistance is not ensured.”

Mapping Report of IOM²⁴⁷

Social workers in the transit zones did not speak the language of the children and spend their working hours in their offices at the entrance of the container area. They were not scheduled in the areas where the families with children or the unaccompanied minors lived. They usually did not leave their offices during their working hours and hardly used the opportunity to build a relationship with the children.²⁴⁸

In cases where it is recognized that the children have survived sexual violence, it is the NGOs that try to help. As shown above, there were no cases of sexual abuse for the state authorities, but professionals reported to me that they encountered children in shelters but also illegally on the move, whom they helped.²⁴⁹ So for sure sexual violence towards children is existing. NGOs support them.

²⁴³ AIDA/ECRE. Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/guarantees-vulnerable-groups/identification/>, 11.07.2021.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ IOM, *Mapping Report on Legal Frameworks and Assistance Available to Migrant Victims of Sexual and Gender-based Violence (SGBV)*, 2019, p. 46.

²⁴⁸ Lanzarote Committee, *Special Report: Further to a visit undertaken by delegation of the Lanzarote Committee to Transit zones at the Serbian/Hungarian Border*, 2017, p. 27.

²⁴⁹ Interview with Marti Meszaros received written answers on 28.05.2021.

“Yes, Helsinki lawyers are frequently visit Fót and talk with the children about their possibilities, they help them during their legal process. Their work is free of charge.”

*Marti Meszaros, Psychologist from Hungary*²⁵⁰

But unfortunately, children on the move only have limited access to therapeutic services.²⁵¹ For the children who survived sexual violence there are no protection concepts implemented.²⁵² So, the NGOs told me that they built up their own guidelines to follow and they work together.²⁵³

“We got a PTSD training but it is not special on sexual violence but on all traumas. If I have the feeling that a child need special help, there are NGOs and I contact them. But the training or the information how to work with these children is more among NGOs and not coming from the government. But the NGOs help each other.”

*Lakatos Zsombor, social worker in Budapest, Hungary*²⁵⁴

It is disturbing that the NGOs, which apparently take over a large part of the social tasks of the state, are so little supported by the state.

“It is really difficult to work as an NGO at the moment. My employer was actually a church, but it was deprived of its church affiliation, so it is now an NGO. As a result, the money was cut off”.

*Dóra Gottgeisl, social worker from Budapest*²⁵⁵

4.2 Italy

4.2.1 General Situation

In 2020, Italy had 26.963 approved asylum applications.²⁵⁶ A further 33.636 applications were on hold by the end of the year and almost 35.000 applications were rejected. Most of the positively answered applications were filed by people from Pakistan, Nigeria, and

²⁵⁰ Ibid.

²⁵¹ Ibid.

²⁵² AIDA/ECRE. Helsinki Committee, <https://asylumineurope.org/reports/country/hungary/asylum-procedure/guarantees-vulnerable-groups/identification/>, 11.07.2021.

²⁵³ Interview with Dóra Gottgeisl, 13.05.2021.

²⁵⁴ Interview with Lakatos Zsombor, 11.06.2021.

²⁵⁵ Ibid.

²⁵⁶ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/statistics/>, accessed 10.07.2021.

Bangladesh.²⁵⁷ In proportion, there were more men who had their asylum applications approved (21.238).²⁵⁸ In total, there were 3.528 children travelling with their families and 520 unaccompanied children, who got asylum.²⁵⁹ Both, the Balkan Route and especially the Mediterranean Route were taken by the children. These are the current asylum application cases that have been officially recorded and are lower than the numbers the years before. The number of unreported cases is significantly higher.

4.2.1.1 Accommodation Models

In Italy, people on the move who want to apply for asylum are accommodated in CAS and S.A.I facilities.

In the context of the accommodation of families with children, the Italian Reception Regulations provide that asylum seekers are accommodated in facilities that guarantee the protection of the family and its unity.²⁶⁰ This means that families should have a quiet place of retreat (a room) together and separated from other families. Due to the financial restrictions that have been imposed in recent years (Legislative Decree 113/2018, Transposition Act L 113/2018), which has led to a drastic change in the reception system, this guarantee is not always possible. In CAS facility it may happen that families have to be divided.²⁶¹ Mothers stay with their children in these cases and men are housed together with single men. Even though the law was reformed in 2020, the effects are strongly felt.²⁶² Even the provision of small housing units for families with children, which was once intended, can no longer be implemented due to financial restrictions.²⁶³

The budget was reduced from 35 euros per asylum seeker per day then to 21 euros under the first tender specifications (Decree Law 113/2018).²⁶⁴ Later they were increased again in the new tender specification (Decree Law 130/2020), but only to 28 euros per asylum seeker per day.²⁶⁵ Due to tendering models (“capitolato”), large social service providers can still run accommodation, but are forced to choose large forms of accommodation for many people due

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/reception-conditions/short-overview-italian-reception-system/#_ftn3, accessed 10.07.2021.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/access-and-forms-reception-conditions/forms-and-levels-material-reception-conditions/>, accessed 10.07.2021.

²⁶⁵ Ibid.

to the financial restriction.²⁶⁶ Many small non-profit organizations have been forced to close their forms of accommodation in May 2019 under the tender specifications.²⁶⁷ More than 300 people, including many families with young children, had to leave their homes and were transferred to the CAS in Cavarzerani.²⁶⁸

The main perspective in the Italian accommodation procedure is that asylum seekers should be accommodated in S.A.I facilities (System of Accommodation and Integration). S.A.I facilities were previously called SPRAR and then Siproimi.²⁶⁹ Here a the important health and psychological aid and identification phase are carried out, an assistance phase for the initiation of the asylum procedure and a proper reception phase. If there are no available places, asylum seekers, including families, can be accommodated in emergency reception centers (Centri di accoglienza straordinaria , CAS). It is envisaged that they will be referred to the S.A.I as soon as possible.²⁷⁰ However, this is not the exception but the rule. Even if not everything that is offered in the S.A.I facilities can be guaranteed in the CAS facilities, the health status is checked here, and general needs are assessed. The transition to the S.A.I facility was and is not feasible for many residents of the CAS facilities. Up to 70% of all asylum seekers are accommodated in CAS facilities.²⁷¹

In CAS facilities, services such as social, psychological support, cultural mediation, Italian language courses, legal information services have been cut in recent years. These have been tried to be restored by the legislative decree of 130/2020, but the practice is still disturbing.²⁷² Of course, these items have been reinstated in the catalogue of services, but the hours of service have been reduced to such an extent that psychological work, for example, could be omitted altogether. At present, 6 hours of psychological care are provided for every 50 residents.²⁷³ If one now considers that most asylum seekers remain in CAS facilities

²⁶⁶ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/#_ftn15 accessed 10.07.2021.

²⁶⁷ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/reception-conditions/short-overview-italian-reception-system/#_ftn3, accessed 10.07.2021.

²⁶⁸ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups>, accessed. 10.07.2021.

²⁶⁹ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/reception-conditions/short-overview-italian-reception-system/#_ftn3, accessed 10.07.2021.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/access-and-forms-reception-conditions/forms-and-levels-material-reception-conditions/>, accessed 10.07.2021.

(including families with children) until they receive an approved asylum decision and do not receive sufficient help, these are worrying situations for all people involved.

Unaccompanied children have immediate access to S.A.I. People who have been trafficked, experienced domestic violence and other exploitation are also accommodated in S.A.I facilities.²⁷⁴ This approach, which is very commendable in theory, only meets with little or too little implementation in practice. The victims must be identified wherefor psychological support is needed. But if this is not available because the weekly number of hours is not sufficient, many victims who would be better off in S.A.I facilities remain unseen.

S.A.I. facilities are opened at the community level. Places have been severely inadequate since 2011.²⁷⁵ Admissions have also fallen sharply here due to readied services, from 91.424 in 2019 to 79.938 in 2020.²⁷⁶

4.2.1.2 Push-Back Situation

Despite the Italian criminal court ruling that the pushback operations with Libya violate the Constitution and international law (Criminal Court of Trapani, sentence of 23.05.2019), Italy continues to support Libya with equipment and training worth 1.2 million euros.²⁷⁷ In 2020, more than 12.000 people were tracked down by the Libyan coast guard and brought back to Libya.²⁷⁸ It is not clear exactly how many of these were children. We know from the described situation above what conditions are waiting for the children in Libya.

The situation on the border with Slovenia is also worrying. So far, 1.300 people have been pushed back to Slovenia and have been denied access to a proper asylum procedure.²⁷⁹ In the Adriatic people continue to be turned back to Greece, Albania and Croatia.²⁸⁰

4.2.2 Age Verification Procedure

In the context of age assessment, an age assessment can be carried out by non-invasive

²⁷⁴ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/reception-conditions/short-overview-italian-reception-system/#_ftn3, accessed 10.07.2021.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/overview-main-changes-previous-report-update/>, accessed 10.07.2021.

²⁷⁸ Ibid.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

examination based on a decision at any stage of the asylum procedure.²⁸¹ However, a young person or their legal guardians must give their consent to this examination.²⁸² Basically, the children must not suffer any disadvantages in their asylum application if they wish to avoid and refuse an examination. In case of doubts after the examination, the examined person will be considered as a child.²⁸³

In addition, on 06.01.2017, a special type of procedure has been determined, which establishes the age determination of unaccompanied children who are suspected to have experienced forms of trafficking (Decree 234/2016, transposition article 4 LD 24/2014).²⁸⁴ According to this, an age-verifying socio-medical/medical examination can be ordered by the authority/Questure (Italian police) if the children, as is so often the case, cannot identify themselves by means of identity documents.²⁸⁵

Basically, it is explained to the children in a language the children can understand what an age examination can look like and what will be examined and how. If the children are unaccompanied, their guardian is also informed.²⁸⁶ The examination is carried out by professionals, choosing the least invasive method to protect the children's integrity.²⁸⁷

However, this procedure and respectful approach is not always the case. Just recently (2020), cases have come to light from North-Italy in which, in deviation from the best-interest-of-the-child principle, supposed minors were not treated as such. The children claimed to be children but were treated as adults by the police without a medical examination, because the children didn't "seem" like children to the police officers.²⁸⁸ This procedure was authorized by the public prosecutor's office in Trieste.²⁸⁹ In this way it is easier for the police officers to proceed in the context of refoulement to Slovenia, because this is possible with adults without bureaucratic effort.²⁹⁰

²⁸¹ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/asylum-procedure/guarantees-vulnerable-groups/identification/#_ftn12, accessed 10.07.2021.

²⁸² Ibid.

²⁸³ Ibid.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/overview-main-changes-previous-report-update/>, accessed 10.07.2021.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

In addition, two interviewees from Italy indicated that they have not had any cases of children lying about their age, but that there are or have been reported cases of young adults lying about their age to receive further assistance.²⁹¹ However, this is very rare. It was rather experienced that child made themselves older in order not to be held in Italy.²⁹²

“There are cases where you can see they are younger. They don’t confess do be under 18. You cannot stop them. They have instructions from their traffickers or smugglers. They perfectly know what to do “

*Valentina Polizzi, Lawyer in Italy*²⁹³

4.2.3 Unaccompanied Minors

Italy has no exact definition of unaccompanied children implemented in the Italian law code.²⁹⁴ However, on 03.04.2019, it was clarified by the Court of Cassation (decision 9199/2019) that minors are only considered accompanied if they can be supported by a parent who is present.²⁹⁵ In the case of family members other than parents, the court must first legitimize guardianship. As a result, practice changed to the effect that children are not automatically taken in with their avoidable relatives and benefit from the special protection measures for unaccompanied children, but that the situation is first examined in detail so that action can be taken in the best interests of the child.²⁹⁶ This can also help to detect cases of child trafficking more quickly. At the end of 2020, the total number of unaccompanied children placed in Italy was 7.080, of which 96.2% were placed in reception centers and 3.8% in private homes (with families).²⁹⁷ At the end of last year, there were a total of 981 S.I.A. facilities for unaccompanied children, with mainly boys being accommodated (95.2%) and of these, most were aged 16-17 (72.7%).²⁹⁸ In 2020, 753 unaccompanied minors submitted an asylum application. This is way less than in the years before and could be the result of the

²⁹¹ Interview with Niccolò Gargaglia, 28.06.2021.

²⁹² Interview with Valentina Polizzi, 28.06.2021.

²⁹³ IDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/overview-main-changes-previous-report-update/>, accessed 10.07.2021.

²⁹⁴ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 48.

²⁹⁵ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/>, 10.07.2021.

²⁹⁶ Ibid.

²⁹⁷ Ministry of Labor, Monitoring report on Unaccompanied children, 31 December 2020, available in Italian at: <https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Documents/Report-di-Monitoraggio-MSNA-31-dicembre-2020.pdf>, accessed 10.07.2021; AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/>, accessed 10.07.2021.

²⁹⁸ Ibid.

Covid-19 Pandemic. 152 Children came from Bangladesh, 120 from Pakistan, 96 from Somalia, 86 from Tunisia and 46 from Afghanistan.²⁹⁹

However, it must be noted that 17.8 %³⁰⁰ of all unaccompanied children are placed in CAS facilities and not in S.A.I. facilities, formerly SIPROIMI/ SPRAR, as actually required (Article 19(2) Reception Decree). The problem is that the already 6.814 places created do not meet the need for places for unaccompanied children.³⁰¹

As an emergency solution, it has been ordered those children cannot remain in the facilities for more than 30 days. In the first 10 days, an identification procedure takes place in which the children and adolescents are not allowed to leave the facility.³⁰² This is followed by a regular assessment of the children in which the personal condition of the child is analyzed with a psychologist. Reasons why the child is on the move are examined and possible crimes that have happened to the children are tried to be understood.³⁰³ Mostly, however, the children remain in the CAS centers as long as their application for asylum is being processed, i.e. longer than the 30 days rule.³⁰⁴ In the CAS centers the children are not allowed to have cellphones and leave the institution to another country without supervision, which is another attempt to prevent child trafficking.³⁰⁵ However, the stay in the large CAS first reception centers often leads to feelings of despair, loneliness and abandonment among children.³⁰⁶ These are reasons why children often flee the centers and never come back.

Even in the case that children are placed in S.A.I. facilities, more than half of the children leave these facilities voluntarily after a while. The number of leavings in CAS facilities is much higher.

4.2.4 Sexual Violence and Experiences

Many girls who reach Italy are not identified as children and leave the shelters as supposedly

²⁹⁹ AIDA/ECRE, ASGI <https://asylumineurope.org/reports/country/italy/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>, accessed 10.07.2021.

³⁰⁰ Ministry of Labor, Monitoring report on Unaccompanied children, 31 December 2020, available in Italian at: <https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Documents/Report-di-Monitoraggio-MSNA-31-dicembre-2020.pdf>, access 10.07.2021; AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/>, 10.07.2021.

³⁰¹ Ibid.

³⁰² AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/>, access 0.07.2021.

³⁰³ Ibid.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

adults following the instructions of the trafficker. After that, most of the girls do not show up anymore. Many of them become victims of forced prostitution throughout Europe.³⁰⁷ Criminal organizations built up a big industry and infrastructure system.³⁰⁸

Children who talk about sexual violence are girls. They come from Nigeria and in the last 2 years there has been an increase in girls experiencing sexual violence from Ivory Coast.³⁰⁹ However, it is also difficult for these girls to talk about what they have experienced. Although they have the impression that sexual violence is normal for them and is part of their lives, they still feel very ashamed.³¹⁰

In addition, there have been reported cases of children prostituting themselves on the streets in Rome.

“In Rome, there were many Egyptians in a male prostitution ring. But in Rome City itself. They were insight into the trade around Termini Station. They worked during the day and in the evening they went back to the shelter. They were about 15 years old. Sometimes I think the problem with sexual violence only arises here because they have to give money to their families or they have debts. And we experience something like that more often with boys on the trip, because they can't find jobs here.”

Valentina Polizzi, Lawyer in Italy³¹¹

Pocket money amounting to 2.50 euros per day for personal needs is given to every asylum seeker who is accommodated in initial reception facilities.³¹² The asylum seekers do not know how they can buy daily things for themselves and support the family back home. Children with family get up to 7,50 a day.³¹³ However, the money is given to the family and not to the child itself, so that a new incentive is created to earn money in a different way.

There were no reports of sexual assault within the facilities centers reported. The interview partners only explained assaults that the children survived on the way to Italy or in their home

³⁰⁷ UNICEF, *Uprooted: the growing crisis for refugee and migrant children*, 2016, p. 92.

³⁰⁸ Interview with Valentina Polizzi, 28.06.2021.

³⁰⁹ Ibid.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/reception-conditions/access-and-forms-reception-conditions/forms-and-levels-material-reception-conditions/>, accessed 10.07.2021.

³¹³ Ibid.

country (Libya/etc.).³¹⁴ None of my interview partner has reported sexual violence on the Balkan Route. But people are reporting about physical violence by authorities.

4.2.5 Identification of the Survivors and Support Systems

In Italy all Children on the Move are considered by the protection system. The authorities try to avoid difficult situations and implement safe reception facilities. It does not matter whether they are unaccompanied refugees, asylum seekers or migrants travelling with their parents, etc., they are all equal under the Italian law and receive in terms of sexual violence the same assistance.³¹⁵ The Italian law (Article 9(3) PD 21/2015.) provides that rooms are to be made available in the initial reception facilities where legal counselling, psychological support and talks with other aid organizations can be offered.³¹⁶ However, funding was cut in 2018 and even the renewed increase in funding does not make it possible to provide comprehensive care for children in the facilities.

There are no legal requirements that indicate exactly how and when people must be examined and it cannot always be guaranteed either in times of high mass influxes.³¹⁷ At the beginning of the registration procedure, the children admitted must undergo a health check (Articles 9(4) and 11(1) Reception Decree).³¹⁸ Forms of violence can already be detected here. Furthermore, the law stipulates that particularly vulnerable people should receive especially close supervision. These vulnerable groups include unaccompanied minors, pregnant women (especially pregnant minors), victims of human trafficking and genital mutilation, single parents with minor children, disabled persons, persons who have been subjected to psychological, physical, and sexual violence, etc.³¹⁹

Already, in the first interview with the children in the reception centers, special attention is paid to the risk of sexual violence towards the children. Specialists try to understand whether the children could be survivors of sexual violence. For example, save the children supports

³¹⁴ Interview with Niccolò Gargaglia, 28.06.2021.

³¹⁵ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, p. 26.

³¹⁶ AIDA/ECRE, ASGI, https://asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/#_ftn7, accessed 10.07.2021.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid

many border situations.³²⁰ Specially trained professionals interview the children in the presence of their parents, guardians, or a close person.³²¹

“We are working with child protection professionals trained in all those aspects, for example a sort of holistic team, legal expert, cultural mediator, psychologist and in some cases an expert on gbv(gender based violence) and thb (trafficking in human beings)”

*Niccolò Gargaglia, Social Worker in Italy*³²²

If it is in the best interest of the child, children are also interviewed without the presence of these persons. However, the children's individual stage of development and the respective situation must allow for this procedure.³²³ If during the interview there are indications that the child has been trafficked or has survived sexual violence, the public prosecutor's office and the Questura are contacted immediately.³²⁴

“A lot of the time we just give information without asking so that the children are not pressured”

*Valentina Polizzi, Lawyer in Italy*³²⁵

Doctors in Italy have found out that many children suffer from sexual diseases. Especially in the case of young children, it can be assumed that the diseases were transmitted in the context of sexual violence.³²⁶ Especially in Afghanistan and Pakistan, there is the danger of being infected with HIV due to their drug addiction and the sexual violence intercourse. In Pakistan alone, there are over a million heroin users and almost 30% are HIV positive.³²⁷

However, the big problem is that the children disappear and do not take the help for a long time and could just not be identified. They are so preoccupied with themselves and the journey ahead that they do not want to talk about their traumatic experiences or are afraid to speak out. In the short time no child protection instrument can take effect and the children fall through the grid.

³²⁰ Interview with Niccolò Gargaglia, 28.06.2021.

³²¹ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/asylum-procedure/guarantees-vulnerable-groups/identification/>, access 10.07.2021.

³²² Interview with Niccolò Gargaglia, 28.06.2021.

³²³ AIDA/ECRE, ASGI, <https://asylumineurope.org/reports/country/italy/asylum-procedure/guarantees-vulnerable-groups/identification/>, access 10.07.2021.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 16.

³²⁷ Ibid., Minute 16:42.

“Sometimes we just have 48 to 52 hours before they continue to France.”

Niccolò Gargaglia, Social Worker in Italy³²⁸

4.3 Germany

4.3.1 General Situation

In 2019, 165.938 people have applied for asylum. Of these, 57,012 applications are still pending and 54.034 applications have been rejected.³²⁹ Most applications came from people from Syria (41094), Iraq (15,438) and Turkey (11423), Afghanistan (11306) and Nigeria (10533). 50.1% of the applicants were children and 1.8% of them were unaccompanied children.³³⁰

4.3.1.1 Accommodation

Asylum seekers are accommodated in three different types of accommodation. One is initial reception centers, community accommodation and decentralized accommodation.

After a reform in 2019, asylum seekers will have to stay in initial reception centers for 18-24 months. Asylum seekers who come from a "safe country of origin" must even remain in these facilities for the entire duration of their examination procedure. After this obligatory period, the asylum seekers may be moved to shared accommodation. These are either collective accommodation or flats. Here they must wait until their application for asylum is finally settled. An enormous restriction of freedom of movement and action can be observed here. It depends on the local municipality how it deals with its own financial and material resources and where these people are allocated. Whether a refugee family is accommodated in a flat is therefore not approved on a nationwide German basis, but always depends on the municipalities and the federal state.³³¹ According to the new legal regulation, families are to be placed in another form of accommodation after only 6 months.³³² This is theory, but not practice because bureaucracy and space management.

The quality of the various initial reception facilities varies from one federal state to the other. Some facilities are newly built, and others are in absolute need of renovation. Most facilities

³²⁸ Interview with Niccolò Gargaglia, 28.06.2021.

³²⁹ AIDA/ECRE, Informationsverbund Asyl & Migration, <https://asylumineurope.org/reports/country/germany/statistics>, accessed 11.07.2021.

³³⁰ Ibid.

³³¹ AIDA/ECRE, Informationsverbund Asyl & Migration, https://asylumineurope.org/reports/country/germany/reception-conditions/housing/conditions-reception-facilities/#_ftn9, accessed 11.07.2021.

³³² Save the Children Germany, <https://www.savethechildren.de/informieren/einsatzorte/deutschland/migration-und-flucht/qualitaet-in-der-vielfalt-sichern/kinderrechte-check/>, accessed 13.07.2021.

can accommodate several hundred people. Some states only allow 4.5 square meters of living space per person (Baden Wuerttemberg) while others allow 6 to 7 square meters.³³³ A typical set-up has 4 beds in a room, a personal closet for each person and tables and chairs. Large bathrooms are provided for 10-12.³³⁴ However, it is reported that in some shelters the sleeping areas are set up in large halls and the individual rooms are only separated by thin temporary walls. Many report that they cannot get any rest at night. Families and vulnerable persons are accommodated in other buildings, floors, or other wings of the building. However, for people who are particularly vulnerable, victims of human trafficking, people who have suffered severe violence of any kind, etc., there is the possibility of other accommodation. This means that they are not accommodated in collective accommodation, but rather individual consideration is given to what is the best form of accommodation for these people.³³⁵ At first glance, these approaches and theories seem very well thought-out and praiseworthy, but the conditions in some shelters are disastrous and anything but humane. Doctors of the World have stopped their work in a shelter in Manching/Ingolstadt in September 2019.³³⁶

“Inadequate protection against assaults, lack of privacy and night disturbances prevented the asylum seekers from stabilizing psychologically in the facility and the NGO was no longer able to take responsibility for the mental health of its patients. Furthermore, the organization claims that there was no system in the facility to identify persons in need of protection”

*Newspaper Article on Doocots of the World in Manching/Ingolstadt Frankfurter Rundschau*³³⁷

4.3.1.2 Push- Back Situations

Due to the Dublin Regulation, which is part of the Common European Asylum System, push-back situations can and do occur.³³⁸ If a person applies in Germany, the Federal Office for

³³³ AIDA/ECRE, Infomationsverbund Asyl & Migration, https://asylumineurope.org/reports/country/germany/reception-conditions/housing/conditions-reception-facilities/#_ftn9, accessed 11.07.2021.

³³⁴ Ibid.

³³⁵ Ministry of the Interior for North Rhine-Westphalia, *Landesgewaltschutzkonzept für Flüchtlingseinrichtungen des Landes Nordrhein-Westfalen*, 2017, p. 15.

³³⁶ AIDA/ECRE, Infomationsverbund Asyl & Migration, https://asylumineurope.org/reports/country/germany/reception-conditions/housing/conditions-reception-facilities/#_ftn9, accessed 11.07.2021.

³³⁷ Frankfurter Rundschau, „Krankmachende Lebensbedingungen“ - Ärzte der Welt zieht sich aus Ankerzentrum zurück, available in German: , <https://asylumineurope.org/reports/country/germany/asylum-procedure/the-safe-country-concepts/safe-third-country> accessed, 11.07.2021.,26.09.2019.

³³⁸ UNHCR, *Dublin Verfahren*, <https://www.unhcr.org/dach/de/was-wir-tun/asyl-in-europa/dublin-verfahren>, accessed 11.07.2021.

Migration and Refugees decides whether Germany is responsible for the application.³³⁹ In the process, the common system EURODAC is checked to see whether fingerprints have already been taken in another country and whether asylum has already been applied for there.³⁴⁰ Unaccompanied children and adolescents are not deported, even if an application has already been made in another country. Family members should also stay together, because the principle of family unity applies.³⁴¹ If Germany is not responsible, the asylum seekers still have the right to apply for asylum, just not in Germany.³⁴² They are advised to leave the country within a time limit or guarded push-back actions by the police will be enforced. Furthermore, asylum seekers can theoretically also be expelled by border police officers upon entry due to the "safe third country regulation" (§26a German Asylum Law) if an asylum seeker comes from a safe third country and wants to apply for asylum in Germany.³⁴³ Safe third countries are all member states of the European Union and states that respect and implement the 1951 Refugee Convention and the European Convention on Human Rights (ECHR).³⁴⁴ However, this regulation has become ineffective, because there are no longer extensive border controls at the German borders, so that it is no longer possible to turn people away here. Since 2018, it has been possible to turn asylum seekers away directly at the German-Austrian border (the only border where controls are in force at the Moment). This procedure is based exclusively on the authorization of administrative regulations and not of the legislator. If people have already applied for asylum in Spain and Greece (with these two countries there is an agreement), which is determined by the EURODAC hit, the refusal of admission is indicated, and the people are sent back to the countries concerned directly at the border.³⁴⁵

In addition, asylum seekers are to be returned via the Dublin Regulation.

In principle, the Federal Office for Migration and Refugees has decided that families with children under the age of three may not be returned. However, in many proceedings, even on

³³⁹ Ibid.

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ AIDA/ECRE, Informationsverbund Asyl & Migration, <https://asylumineurope.org/reports/country/germany/asylum-procedure/the-safe-country-concepts/safe-third-country> accessed, 11.07.2021.

³⁴⁴ Ibid.

³⁴⁵ AIDA/ECRE, Informationsverbund Asyl & Migration, <https://asylumineurope.org/reports/country/germany/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>, accessed 11.07.2021.

interim legal protection, judges have come to the decision that, for example, single parents with children (5 and 8 years old) cannot be deported to Italy.³⁴⁶

Before the pandemic, there was much political and public debate on the issue, as it was not considered human rights compliant that families, young adults or generally anyone seeking asylum can be pushed back to the first European country they entered. Especially in Italy and Greece, situations prevail that are not conducive to the human development of many, and these countries should be relieved more instead of making their work more difficult. It is also striking that many people disappear into hiding after a negative asylum application.

“The uncertainty is almost unbearable for people”

*Anuscha Mamedi, former Social Worker and aspiring Psychologist in Germany*³⁴⁷

4.3.2 Age Verification Procedure

Children under the age of 18 are as unaccompanied minor when neither any person processing the right of care and custody for them, nor any person is entitled to bring them up (§42 Book 8 of the German Social Code).³⁴⁸

If there is any doubt about the specific age of the person concerned, a medical dental test can be carried out.³⁴⁹ Children under the age of 14 may be photographed, but fingerprints may only be taken at the age of 14.³⁵⁰

In the case of unaccompanied refugees, children are assigned a guardian, they are generally accommodated in institutions separated from adults.³⁵¹ When unaccompanied refugee children are assigned to a shelter, they immediately receive an assistance plan meeting (“Hilfeplangespräch”). It is determined how the help for the child will be arranged in the next six months and which needs must be met. It is also noted whether the child may have been a survivor of sexual violence.

In Germany, children are regularly educated about their legal rights. Pictograms and explanations of the rights in different languages are used.³⁵²

³⁴⁶ Flüchtlingsrat, *Abschiebung von Familien nach Italien im Rahmen der Dublin- Verordnung*, available in German: <https://www.nds-fluerat.org/33640/aktuelles/abschiebungen-von-familien-nach-italien-im-rahmen-der-dublin-verordnung/>, accessed 11.07.2021.

³⁴⁷ Interview with Anuscha Mamedi, 01.07.2021.

³⁴⁸ Lanzarote Committee, *Special Report: Further to a visit undertaken by delegation of the Lanzarote Committee to Transit zones at the Serbian/Hungarian Border*, 2017, p. 48.

³⁴⁹ *Ibid.*, p. 84.

³⁵⁰ *Ibid.*, p. 84.

³⁵¹ *Ibid.*, p. 26.

³⁵² *Ibid.*, p. 21.

The asylum seeker' benefits act makes it possible for asylum seekers to receive psychological support within the first 15 months. After the first 15 months, the children are then registered in the national health system.³⁵³ It must be said, however, that psychological care is particularly difficult for patients with health insurance in Germany. Waiting times for a therapy place of up to 12 months are not uncommon.

4.3.3 Unaccompanied Minors

Unaccompanied children are placed directly in the care of a youth welfare office. The Youth Welfare Office then has the option of finding appropriate accommodation for the children (§ §42 1 Social Code n.8). Here, within the framework of the best interests of the child, it is considered whether a placement in a foster family or inpatient youth welfare is appropriate. The following figures come from 2018 due to Covid-19. According to this, 5.817 newly arriving unaccompanied minors had been recorded.³⁵⁴ In 2016, the number was still over 40.000. Overall, the number of children who were under the care of the Youth Welfare Office has generally declined sharply (64.045 in 2016 to 31.184 in 2019).³⁵⁵ However, this also has to do with the fact that the children have grown older and have dropped out of the youth welfare system.

4.3.4 Sexual Violence and Experiences

As described in the two countries above, many asylum seekers report about having experienced sexual violence on their way to Germany. Many of them name Libya as the hotspot.³⁵⁶ However, it can also be seen here that children keep to themselves and need a lot of time to build up trust with the social workers. It is very difficult to get to the children and support them, especially in situations where you see that the mother cannot help either.

“I have seen cases where the mother could not help and support her child. She did not know how. She couldn't, because she has been raped herself.”

Anuscha Mamedi, former Social Worker and aspiring Psychologist in Germany³⁵⁷

³⁵³ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, p. 32.

³⁵⁴ AIDA/ECRE, Informationsverbund Asyl & Migration, https://asylumineurope.org/reports/country/germany/reception-conditions/special-reception-needs-vulnerable-groups/#_ftn7, accessed 11.07.2021.

³⁵⁵ Ibid.

³⁵⁶ Interview with Anuscha Mamedi, 01.07.2021.

³⁵⁷ Ibid.

In addition, a lot of violence was reported from the shelters. Even if there were separate areas, it was reported that there was, for example, prostitution in the facility. It was only reported about adults, but if the environment is so close and tensioned the risk of sexual violence towards children is very high.

“The husband has forced his wife to have sex with other men in the accommodation in exchange for money.”

*Anuscha Mamedi, former Social Worker and aspiring Psychologist in Germany*³⁵⁸

4.3.5 Identification of the Survivors and support Systems

Since the influx of refugees in 2015, certain standards have been established to counteract sexual violence towards children in shelters. In all facilities, showers and toilets are separated. Women should be present as staff members in every shelter, so that there is always a female contact person for the children. Furthermore, a separate emergency contact hotline is available for the children. The accommodation is in constant exchange with the police and a police emergency number is known to all staff and residents.³⁵⁹ Children and adults are always educated about their rights and staff receive a lot of training in trauma situations. The individual federal states are obliged to ensure special protective measures for women and persons in need of protection and to ensure this also in the case of accommodation during the asylum procedure (§ 44 para. 2a Asylum Act). Psychologists, social workers, and doctors in the reception centers are to be included in this.³⁶⁰ However, there is no uniformly regulated assessment procedure and psychological support is not permanently available in all institutions. Some federal states have introduced guidelines that assess asylum seekers in the first interview and examine them for special needs and others not.³⁶¹ But the all-embracing protection concepts that are given to German Children (school, kindergarten) etc. does not apply here. Children are stuck in the accommodation centers with their parents and have almost no contact with the outside world.

³⁵⁸ Ibid.

³⁵⁹ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 27.

³⁶⁰ AIDA/ECRE, Informationsverbund Asyl & Migration, https://asylumineurope.org/reports/country/germany/reception-conditions/special-reception-needs-vulnerable-groups/#_ftn7, accessed 11.07.2021.

³⁶¹ Ibid.

“If we had a suspicion, we called in the Youth Welfare Office (...) As long as you didn't have a residence permit, you didn't go to school/kindergarten, so there were no further protective factors there. But we had our own day care centers in the facilities and tried to look after the children and thus get in better contact with them.”

*Anuscha Mamedi, former Social Worker and aspiring Psychologist in Germany*³⁶²

But the main problem in Germany was that people could not and did not want to talk about their experiences. Many out of shame, but also because of cultural differences, mothers would not turn to strangers and betray their husbands.³⁶³ Children were very closed off in the family circle.

Many of the sexual violence survivors suffer from post-traumatic stress disorder (PTSD). They only managed to talk about their terrible experiences when they realized that they were being deported. Young men only wanted to open to their lawyer because they were so ashamed of what they had experienced in childhood that it was hard for them to open up in the facility centers.³⁶⁴

After the long time and the journey to Germany, many simply want to forget their experiences. It takes a long time to rebuild trust in authorities. Children who come unaccompanied receive much faster and more individualized help than children who live in large reception centers. Contact with these children is very difficult. Many parents simply do not want this.³⁶⁵

5.0 Analysis and Discussion

5.1. Identification as Children

Many of the children in all countries do not want to be identified as children. Of course, there are moments when adults pretend to be children to experience a different kind of protection and not to be deported too easily. However, this phenomenon as I mentioned also exists the other way around. Many want to be recognized as adults so that they can decide freely, do not have a guardian assigned or must live in foster families and they are afraid of being sent back to their home countries after turning 18.³⁶⁶ Problematic is, that the children give the wrong

³⁶² Ibid.

³⁶³ Interview with Anuscha Mamedi, 01.07.2021.

³⁶⁴ Ibid.

³⁶⁵ Ibid.

³⁶⁶ UK House of Lords, *European Union Committee, 2nd Report of Session 2016-17, Children in crisis: unaccompanied migrant children in the EU*, §193.

information only because they have been told that it not good being identified as a child. Not least, these tips come from smugglers and traffickers. However, this is not in the interest of the children, but rather in the interest of the criminal actors. After the wrong declaration children are often afraid to tell the right age because they are fearing prosecution for giving a false statement.³⁶⁷ The result is that in all countries children don't become part of the child protection system. Children are pushed in the direction of child traffickers and smugglers and increase unimaginably the danger of sexual violence.

However, it must be noted that, unlike Hungary, Italy, and Germany, apply the benefit of the doubt in the context of age verifications, which helps in cases where children want to be considered as children. Although Italy has shown different practices in the North, this is not fundamentally the case.

5.2. Data and Information

The absolute main problem that all states have is that there is no informative data. There is no reliable data on children who have experienced sexual violence in their home country, nor is there reliable data on children who have experienced sexual violence in transit or at their destination. It is already difficult to collect accurate statistics in the area of sexual abuse and violence towards children in general,³⁶⁸ but it is much more difficult in the area of children on the move. So especially in the case of Children on the Move that are living in an emergency and extreme situation, sexual violence towards them is for sure given. But these data are only estimating, the truth is probably far from it. Having no data leads furthermore to the willingness to offer protection. This phenomenon is very evident in Hungary. In my opinion, they don't want to have more precise data because they don't want to act. However, also in Germany there are difficulties in this area.

“It is the lack of figures that makes our work more difficult. They are always estimates and that is also the problem of convincing the authorities. If we had more precise figures, then we would also have the pressure to act“

*Marilena Mueller, Political Scientist in Germany*³⁶⁹

³⁶⁷ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 13.

³⁶⁸ Lanzarote Committee, *1st implementation report :Protection of children against sexual abuse in the circle of trust: The framework*, , Recommendation R13.

³⁶⁹ Interview with Marilena Mueller, 28.06.2021

However, it must also be said that there are hardly any uniform data systems that are used jointly by the countries. In Germany in particular, the problem is that due to the federal structure, there are sometimes 16 different ways of collecting data and information and uniform systems are only gradually being implemented.³⁷⁰

5.3 Building trust in authorities

More accurate data, however, means that more survivors are also reporting what they experienced.³⁷¹ Children who have experienced sexual abuse often isolate themselves and do not dare to bond with adults. The key to the children and the way to identify survivors is very much based on a relationship of trust with the representatives of the authorities. Many children have had bad experiences with police officers in the country of origin or during travel (see Croatia example). At home, the police are often characterized by corruption and cultural prejudice. On the journey, they have experienced violence from authorities, been pushed back or detained. It is more than understandable that the children do not dare to join authorities or social workers.

In the case of Hungary, it is made clear that there is no opportunity for authorities to establish relationships with children, as they simply do not officially enter and become part of the system. So, no numbers of sexual violence cases can be transmitted here either. The experts report that they first must look for the children they are working with. In Italy, on the other hand, the problem is that the children are not interested in opening because they are busy with the journey. The time to build up a secure bond is simply too short.

5.4 Information Distribution

There is an exceptionally serious problem with the fact that children do not have access to appropriate, child friendly and comprehensible information.³⁷² The children do not know the appropriate places or persons they can turn to. They are often not aware of the protection umbrella in transit and destination countries. This leads to an increased chance of becoming a survivors of sexual violence.³⁷³ So the common approach of the social workers I spoke to, is to support the children in exercising their rights whenever possible. For sure, they do not reach all of them, especially those who are not accommodated in the shelters but live illegally

³⁷⁰ Interview with Marilena Mueller, 28.06.2021

³⁷¹ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 18.

³⁷² UNHCR, UNFPA, WRC, *Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis*, 2016, p. 12.

³⁷³ *Ibid.*, p. 13.

on the streets, suffer forced prostitution or are victims of human trafficking.

In my discussions with both the German and Italian conversation partners, I noticed how important it is to make children aware of the rights and opportunities that are offered to them. Projects on participation and rights awareness are a permanent part of integration courses and are offered to the children directly upon arrival. However, it has also been noticed that many children do not take part in the courses because they are directly on their next journey or are simply overloaded.

This form of support is less common in the work in Hungary, simply because officially there are hardly any children who need to be educated in this respect. Here, too, NGOs have to act on their own. The problem in this area is financial support and that the general governmental idea is not NGO-friendly.

5.5 Trained Staff

As already mentioned before another reason why a lack of data occurs is the limited capacity of human resources, insufficient trained staff, and limited access by NGOs. The existing mechanisms in the country were already overstretched before the refugee situation, and in Italy in particular, the increase of children on the move has put further enormous pressure on the humanitarian systems. In the context of these overloaded systems, it is not surprising that data collection is probably the last thing on the minds of workers in the field.³⁷⁴ However, it was found that in all countries the staff were informed about the fact that the children are traumatized and may have experienced sexual abuse, among other things. Especially in Germany and in Italy, social workers have received a lot of training in this area, also by the government. However, I have not come across any explicit training in this special area in any of my interviews so far. By explicit training I mean that many of my interviewees could name individual cases and experiences (batchi baza; experiences with child trafficking in Nigeria), but none of them knew a lot about the conditions and the dangers of the various countries of origin.

In general, the society in all countries knows little about the problematic.

5.6. Cultural Differences

For all experts in the countries it was difficult to identify survivors of sexual violence and to get them to talk about their experiences because of the cultural differences of the children. In

³⁷⁴ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, p. 17.

many cultures, dealing with or talking about sexuality is taboo. Talking about sexual violence is even more shameful. Parents teach their children at an early age and already in their home country that these topics should be treated with restraint. As soon as children try to talk about it, many adults react with anger, blame the children for the situation or with disrespect.³⁷⁵ Fearing to soil the family honor and negative feelings, the children stop talking, which can also lead to the situation that the children later even deny the abuse. In addition, the negative feeling even hold Children on the Move back to be part of “awareness raising activities/discussions on sexual violence”.³⁷⁶ Italy or Save the Children Italy is trying to resolve the disputes in this area through cultural mediators.

5.7 Disappearance

Children on the move and especially children affected by the refugee crises often disappear and face a high risk of falling survivors to sexual violence.³⁷⁷ It was recorded in all countries that children disappear, but less in Germany. Many children are disappearing from the reception facilities. The main reason for them to leave the facility centers is that they want to go to another country where family or friends are waiting for them.³⁷⁸ Others are afraid that their applications will be rejected and that they will be stuck in the centers and finally be deported back to their countries of origin. Others complain about the way they are treated and the way they were treated at the border (Hungary, where children are treated as adults if there are doubts about their age). For them it is important to leave as soon as possible. It is very difficult for authorities and social workers to assess whether a child is particularly vulnerable to disappearance.³⁷⁹

5.8 Accommodation

In all countries, children are placed in large institutions with their families for a very long time. Although in Germany the time is limited to six months, this is not always the case. Unaccompanied children are supposed to be placed in special facilities but there are significant differences here. Hungary only does this consistently up to the age of 14 and Italy wants to separate but often has capacity problems. In Germany, unaccompanied children are accommodated in separate accommodation facilities.

³⁷⁵ Erikson, Abigail, *Caring for Child Survivors of sexual abuse*, 2012, p. 26.

³⁷⁶ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 21.

³⁷⁷ Ibid., p. 3.

³⁷⁸ Ibid., p. 14.

³⁷⁹ Ibid., p. 14.

In all countries, the number of asylum seekers has decreased. However, it must be added that many of the people on the move no longer want to be accommodated in reception centers, both in Italy and in Germany. So they simply don't show up in the statistics.

Furthermore, the situation in Libya and Turkey is holding the people back. Some of them are probably already registered in Greece and fear to be pushed back so they try to stay invisible and don't go to the help centers. The number of illegal immigrants will for sure not have decreased.

This results again in insufficient data and people who live in a country illegally are more at risk to experience sexual violence (prostitution rings, etc.).

5.9 Cooperation

Another difference is the willingness to work together on an international level. In response to a question from the Lanzarote Committee on the extent to which the states in a specific period have cooperated in cases of sexual violence, Hungary replied that cooperation is only necessary in cases of sexual violence.³⁸⁰ However, according to the Hungarian authorities, there are no such cases and therefore they did not see the need to cooperate in this area. This does for sure not apply to Hungarian NGOs, which do cooperate very intensively. All the experts I have interviewed have told me that it would be particularly helpful to exchange ideas and experiences with other experts from different countries, but that this is not the case.

5.10 Push-Backs and Asylum Policy

All countries are engaged in push back actions. Some do it in a "friendlier" way than others. Hungary, for example, is very strict in its deportations and generally allows only few people to enter. But also, Germany and Italy do push back actions and accept the resulting dangers for the children.

However, it must be said that Hungary's asylum policy in general forces children into illegality and makes them easy prey for sexual violence. The actions of Italy and Germany also bring great uncertainty and insecurity to the children and their families. It leads to an increase in illegal immigration and children not appearing in the system, so not receiving any form of protection. But it also leads to a loss of faith in European authorities and the inability to build relationships to the social workers and experts. People do not feel welcome and do not talk about their experiences.

³⁸⁰ Ibid., p. 35.

5.11 Sexual Violence

From all countries, the experts told me that they had dealt with children who had experienced sexual violence. Many of them already at home and on their way to Europe. Most of them in Libya. There was little or no report of sexual abuse happening in the European countries. However, this is not an indication that it does not happen here, but that there is hardly any way to detect it. More girls have reported sexual violence, although there are generally more boys in the accommodation centers.

6. Recommendation

6.1 Equal and efficient access to supporting services

We need to make sure that all children have the right to access support services. It cannot depend on the origin of the children or the reason why they are moving, i.e., whether they are asylum seekers, illegal migrants, street children, etc. The non-discrimination principle Article 2 CRC demands no discrimination in the implementation of the provision of protecting mechanisms,³⁸¹ which includes the access to health care and psychological support. If there are insufficient age verification procedures or difficult asylum procedures (embassy procedure), children are denied access to child protection.

Furthermore, it is important, that the children and workers on the field overcome language barriers. Usually there are interpreters available, but in times of high arrivals not all children can be provided with an interpreter directly, which is a real challenge for the authorities.³⁸² In this context, also the children's bonding anxiety and dysfunction must be addressed. Children on the move are permanently confronted with new adults whom they are supposed to "trust". It is difficult for the children to distinguish whether they trust a trafficker, an abuser or an interpreter. Some of the children have been put in life-threatening situations by adults. The result is the fear of opening to adults. However, this also means that the protection mechanism cannot be effective because the mechanisms are based on children who report that they have been exploited in most of the cases. We need to work on the relationship between social workers and children.

³⁸¹ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, p. 13.

³⁸² *Ibid.*, p. 21.

In addition, not only the promptness of asylum applications must be improved, but also the general work with the refugees on the spot and the access to psychologists etc. must be accelerated. On the one hand, the children do not run the risk of disappearing unseen, but are shown help and possibilities to stay, on the other hand, trauma can be assessed more quickly, and a correspondingly faster help is guaranteed. This can prevent the children from becoming victims again or from committing sexual violence towards other children. However, these things can only be realized if sufficient budget is made available.

6.2 Data Collection

There must be a better way to collect and use reliable data. Only in this way solid protection mechanisms can be established and governments can be forced to act.³⁸³ The problem starts with the fact that most countries do not have figures on children on the move until they have submitted asylum applications.³⁸⁴ ECRE found out that in 2012 nearly 13.000 unaccompanied migrant children entered Europe but did not seeking international protection whereas on the other side 12.775 Children seeking asylum.³⁸⁵ So the need for children who are actually recorded to need help is twice as high.

Also, the Lanzarote Committee invites Parties to collect data on the following 3 categories “Children affected by the refugee crisis, asylum seeking children and unaccompanied children”.³⁸⁶ Furthermore, they address the importance of sharing the way and experiences by the member states on how to collect data.³⁸⁷

Unfortunately, there is no robust system in the member states of the Lanzarote Committee to collect data on the number of children who have experienced sexual violence.³⁸⁸ Most of the states do not have a central body that records these data. There is also a lack of a uniform reporting procedure within the states. However, a lot is changing at the moment. In Germany, the "Bundeskoooperationskonzept" (federal cooperation concept) is working on a uniform concept for how different institutions can cooperate in the context of child trafficking.³⁸⁹

³⁸³ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 12.

³⁸⁴ *Ibid.*, p. 12.

³⁸⁵ UK House of Lords-*2nd Report - Children in crisis: unaccompanied migrant children in the EU*, §14.

³⁸⁶ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, 2017, p. 13.

³⁸⁷ *Ibid.*, p. 13.

³⁸⁸ Interview with Mikael Poutiers, 02.06.2021.

³⁸⁹ Interview with Marilena Mueller, 28.06.2021

A way must be found how a unified European system can store data for the people who work with the children. This way, experiences can be shared and sexual violence forms like “Batcha Bazi” can be made accessible to everyone.

In collecting data, it is also important to distinguish between children who have experienced sexual violence in transit, in their home country or in the receiving country.³⁹⁰ Accordingly, it is possible to learn from the data and understand where the major risks lie.

6.3 Claiming their Rights

It is often the case that unaccompanied and separated children are unable to claim their rights.³⁹¹ Especially in Germany it is difficult for them to get through the complex legal and administrative system. But here it is very important, because children want to stay here and in terms of sexual violence, Germany is often the first time where they really have the chance in terms of “feeling arrived” to open up to professionals. Free and low-cost legal representations is not highly given.

In addition, children also need to be more educated that they do not have to fear any consequences if they report about sexual violence.³⁹²

Furthermore, we must ensure accountability for human rights violations by states e.g., Croatian Border, by ensuring age-appropriate reporting mechanism and support.

6.4. Accommodation

The big accommodation centers need to stop hosting children. Families and children in general need to be placed in new forms of institutional care that are more family friendly and accessible to everyone.³⁹³ Important is that children on the move should never be detained, even if they are unaccompanied. In my opinion, however, all forms of accommodation centers have the appearance of a prison and embody less of a home. Considering the long waiting time the children have to spend there, it is not a feeling of security for the children. (transit centers)

Small accommodations can reduce the risk of disappearance and sexual violence.

Furthermore, the needs of the children can be addressed, and trauma can be identified and treated. The international standards ask for three prioritization steps. First children should live

³⁹⁰ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, Recommendation 10, 2017, p. 18.

³⁹¹ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 19.

³⁹² Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, Recommendation 8, p. 17.

³⁹³ *Ibid.*, p. 22.

together with their families, if this is not possible children should live in foster care/independent/supported accommodation for older children and third the placement should be in small scale units.

The smaller the setting, the better the children can work through deficits in their development and finally find peace. They can engage in secure attachment and experience a trustworthy relationship concept. However, this is not always the right place for these children.

Unaccompanied, traumatized and emotionally disturbed children often cannot stand the closeness in foster families. Especially children who have experienced sexual violence react very differently to this close relationship. Just as there is a review every six months in Germany to see whether the measures of the assistance plan are working and whether the children are being helped, the form of accommodation should “always” be questioned. The needs for closeness and distance can always change. The authorities and youth workers should take this into account.

6.5 Visibility and Identification of Victims

The people who work with the children on the move need to experience even more training than they have experienced so far in broad outline. From my research with social workers, I have come to realize that most of them already know that children are and have been exposed to these dangers, but they do not know in detail what to expect and the knowledge they are taught in introductory courses touches on trauma in general and mentions sexual violence as a sub-form, but only remains on the surface here.³⁹⁴ There must be an awareness raising. I highly recommend that all the people who are involved in the work with Children on the Move should get a training in the cultural backgrounds and country specific phenomenon that exists in the context of sexual violence in the countries of origin.

Especially the interpreters who meet Children on the Move as one of the first, need to be specially trained in how to talk to children who are traumatized and disoriented need to be aware of that topic. It is the first expression the children have and the first feeling of being welcomed.

6.6 Cooperation

A clear concept of an international cooperation would be the key essence for improving the situation for Children on the Move.³⁹⁵ As sexual abuse does not stop at borders, it is of great

³⁹⁴ Lanzarote Committee, *Special Report; Protecting children affected by the refugee crises from sexual exploitation and sexual abuse*, Recommendation 10, p. 17.

³⁹⁵ *Ibid.*, p. 19.

importance that countries work together, share information, and address the phenomenon of cross-border missing children.³⁹⁶

This is also highlighted in the Lanzarote Convention Article 38. All actors (asylum and migration authorities, judicial and child protection authorities, social workers, experts, NGOs) that are involved on the different levels within a country but across the country should work together and share their information and experiences. In this way it is possible to counter the lucrative cross border migrant smuggling and trafficking network.

In the context of cooperation, it is important to emphasize that the disappearance of children can be prevented.³⁹⁷ We need to register and track the children better, catch them, etc. and this on a European level. We cannot stand idly by and watch the numbers increase. I would like to find out more about how many girls are in the detention camps in Libya or how many girls are travelling to Libya from African states. This could already be done by interviewing refugees to get an estimate. Young girls who travel with their traffickers and later disappear from centers in Europe need to be better protected. I would like to know how many girls in Africa are estimated to travel alone and how many of them we find in the reception centers in Europe again, to see how many children got missing. I believe that more girls travel than we imagine, and we just don't get a chance to grab them.

„All the missing children it would be necessary to follow the children more, and try to protect them more, not close their files. Family reunification should be easier, when there is an uncle in another country who would like to take care of the small child, it would be better to give a chance for them for a legal family reunification, because at the end of the day, the children would go there but illegally which can cause a lot of harm for the children. Forcing them to ask smugglers for help put them in danger. “

Marti Meszaros, Psychologist from Hungary.³⁹⁸

Personally, I have noticed that a lot is done in the area of unaccompanied children, but we very often do not reach the children who travel with their families. In most cases, the sexual violence comes from the immediate environment, i.e. also from the child's family. Unless we let children go to school and kindergarten (Germany) and live in a similar way to an open prison system, Children on the Move will never make proper contact with the outside world

³⁹⁶ Ibid., Recommendation 33-35, p. 36.

³⁹⁷ Harvard FXB, *Children on the Move: An Urgent Human Rights and Child Protection Policy*, 2017, p. 19.

³⁹⁸ Interview with Marti Meszaros received written answers on 28.05.2021.

and many cases will stay undetected. We need to pay more attention to these children and find a way to them

To me, it is particularly important and a part of international cooperation that children should never become victims of push back situations. In my opinion, we are denying them protection and their human rights at the highest level and even try to make it legal due to bilateral agreements. Children who get into push back situations are literally pushed into sexual violence. This must stop immediately.

7.0 Conclusion

As this thesis has shown, the problem of sexual violence against Children on the Move is omnipresent, but it is not always evident in our European actions.

Social workers try their best to protect children, but there are limits to what they can do. They sometimes feel left alone with their work and are not appreciated by the government. But only their work and help make it possible for the children to break out of their circle.³⁹⁹

Children already experience sexual violence in their home country and try to flee from it, get into unsafe situations on their way and are exposed to constant danger of sexual violence even in Europe. International agreements, unwelcome people, detention camps, survival sex, police violence, biting dogs, hatred and discrimination are constant companions of the children on the move. Children cannot open to us because they are afraid and traumatized or under pressure. They flee before help reaches them or fall into the hands of human traffickers.

Hungary, apart from the NGOs, is really trying to avoid its European and human rights responsibilities in all possible ways. Opaque regulations and unprotective conditions mean that children do not get the help they deserve and need.

It was impressive to see how well positioned Italy is and how much good help they could provide. However, it is frustrating that budget cuts prevent them from reaching the children and how many children do not accept the help because they feel the urge to continue their journey.

Germany tries a lot but could do better. Especially the long waiting times in the accommodations and the regular isolation of the people on the move do not help to raise awareness among the population for the issue and to reach the children.

³⁹⁹ *Valentina Polizzi, Lawyer in Italy*

It is our responsibility to do more about this. This is not only about the responsibility we have towards these children, but also towards the children who live here locally. If we turn a blind eye to this topic and even give indirectly criminal organizations the platform for their actions, we also endanger children who are not on the move.

We cannot push sexual violence towards Children on the Move to the side and blame it on cultural conditions in other countries, we must get a view for the fact that the children who come here deserve our protection in every form and that they must be treated by us like our own children. No form of discrimination in cases of sexual violence is allowed.

“50 million children on this planet are on the move, some fleeing violence, war, poverty and climate change. They shouldn’t be forced to put their lives in the hands of smugglers or be left vulnerable to traffickers. We need to address globally the drivers of migration and as importantly put in place stronger measures to protect children on the move through a system of safe passage for all refugee and migrant children. If these were our children, alone and frightened, we would act.”

Afshan Khan, UNICEF Regional Director and Special Coordinator for the Refugee and Migrant Crisis in Europe.⁴⁰⁰

Sexual violence has an enormous impact on the lives of survivors. Not only is there the danger of becoming a perpetrator, but also depression, drug abuse and suicide are long-term problems that can arise if we do not intervene early enough. It is a Loose Cannon.

Word Count: 29.721

⁴⁰⁰ UNICEF, *A deadly journey for children, the central Mediterranean migration route*, p. 4.

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Annex:

Organization in Hungary

Oltalom Charity Society:

Oltalom Charity Society was founded in 1989 in Hungary and has its headquarter in Budapest. The Society's mission is to find and assist those in need, as well as to increase public awareness and support. The Society operates under the assumption that its customers can be restored to a good human life. Its employees aim to be patient and ready to assist individuals who just want brief assistance and wish to resume their lives on their own.⁴⁰¹

Menedék Assosiation for Migrants:

Through a collection of social, educational, and cultural activities founded on more than 20 years of experience, Menedék - Hungarian Association for Migrants has aided the social integration of immigrants coming in and departing from Hungary.⁴⁰²

Thousands of refugees and other immigrants have found new homes in Hungary or returned to their home countries thanks to our complicated system of services. We offer individual and group counseling to migrants in order to assist them learn about and comprehend Hungarian culture and customs, locate work and accommodation, language lessons, community programs and navigate their way out of the administrative system.⁴⁰³

Cordelia Foundation:

The Cordelia Foundation was founded in 1996 with the goal of providing psychiatric, psychotherapeutic, psychological, and psycho-social counseling to torture survivors and highly traumatized asylum seekers, refugees, and their family members arriving in Hungary. They assist torture survivors and traumatized persons through psychiatric, psycho-therapeutic treatment and psycho-social counseling.⁴⁰⁴ Cordelia is a member of

⁴⁰¹ Oltalom Charity Society, <https://oltalom.hu/en/about-us/our-history/>, accessed 15.07.2021.

⁴⁰² Menedék, <https://menedek.hu/en/who-we-are>, accessed 15.07.2021.

⁴⁰³ Ibid.

⁴⁰⁴ Cordelia Foundation: <https://cordelia.hu/en/about-us/>, accessed 15.07.2021.

the IRCT, a network located in Copenhagen (International Rehabilitation and Research Council for Torture Victims).

Organizations in Italy:

Save the Children Italy:

As an aid organisation in civil protection and disaster management with an auxiliary function, the German Red Cross is also a recognised umbrella organisation of the non-statutory welfare organisations in politics and society and campaigns for favourable and humane living conditions. more than 570,000 volunteers and full-time staff are active throughout Germany in all fields of welfare and social work, especially for the weakest and most vulnerable population groups and their needs.⁴⁰⁵

Organizations in Germany:

German Red Cross:

The German Red Cross (DRK) is the National Red Cross Society in Germany according to the Geneva Conventions and as such part of the International Red Cross and Red Crescent Movement with headquarters in Berlin. As an aid organisation in civil protection and disaster management with an auxiliary function, the German Red Cross is also a recognised umbrella organisation of the non-statutory welfare organisations in politics and society and campaigns for favourable and humane living conditions.⁴⁰⁶ more than 570,000 volunteers and full-time staff are active throughout Germany in all fields of welfare and social work, especially for the weakest and most vulnerable population groups and their needs.⁴⁰⁷

Deutscher Caritasverband:

The German Caritas Association is the umbrella organization of organized Caritas and the welfare organization of the Roman Catholic Church in Germany. It has the legal form of a registered association (e. V.) and is the umbrella organization of over 900

⁴⁰⁵ Save the Children Italia, <https://www.savethechildren.it/chi-siamo>, accessed 15.07.2021.

⁴⁰⁶ German Red Cross: <https://www.drk.de/hilfe-in-deutschland/>, accessed 15.07.2021.

⁴⁰⁷ Ibid.

individual organizational units - most of which are independently registered associations.⁴⁰⁸

ECPAT:

ECPAT stands for End Child Prostitution, Pornography and Trafficking of Children for Sexual Purposes

ECPAT Deutschland e. V. - Working Group for the Protection of Children from Sexual Exploitation. The work of the association has its headquarter in Freiburg im Breisgau. ECPAT Germany works to ensure that the United Nations Convention on the Rights of the Child is respected, that the causes of violations are identified, fight for protection from all forms of commercial exploitation and sexual abuse and that all available means are used to prosecute violations. The working group is a member of the European NGO Alliance for Child Safety Online as well as ECPAT International, an international child rights organization in nearly 80 countries with headquarters in Bangkok.⁴⁰⁹

Lanzarote Committee

The Convention on the Protection of Children from Sexual Exploitation and Abuse establishes a Committee of the Parties to oversee the convention's implementation. One of the Convention's primary strengths will be its systematic monitoring.⁴¹⁰ The Committee analyzes the situation on the protection of children from sexual violence at national level using information given by national authorities and other sources in their responses to both a General Overview Questionnaire and a Thematic Questionnaire.⁴¹¹

Interview questions

Questions Interview – Thesis

What is your exact field of work?

⁴⁰⁸ Deutscher Caritasverband: https://de.wikipedia.org/wiki/Deutscher_Caritasverband , accessed 15.07.2021.

⁴⁰⁹ECPAT: <https://de.wikipedia.org/wiki/ECPAT>.

⁴¹⁰ Council of Europe: [https://www.coe.int/en/web/children/lanzarote-committee#{"12441908":\[0\]}](https://www.coe.int/en/web/children/lanzarote-committee#{), accessed 15.07.2021.

⁴¹¹ Ibid.

Do you have contact with children on the move in your work? (Refugee, asylum seeking children, child trafficking, migration)

Where do these children come from?

Did the children travel alone?

Do you have details about the journey of these children?

Do you get the information only from the children, relatives etc. or are there files you can access?

Do you check if the children are minors?

How does the screening work? How do you find out that the children have this background?

Are there working materials for this?

Is there a joint file between the countries - some kind of common data processing program?

What do you think are risk and protective factors that can affect the well-being of children on the move?

Example:

-gender,

-nationality

-route

Have you met children who have experienced sexual violence?

Are there any statistics about this? If so, what do you think of these statistics?

Where do the children come from?

Where did the children experience the sexual violence?

What are the sanitation facilities in the transit center/refugee camps/etc.?

Do the children have access to therapeutic services?

Are there special protection concepts for these children? (Sexual violence)

Are the staff specially trained to deal with these children?

How is the access to education equipped?

Are the children informed about their rights?

How does the processing of these traumatic experiences work?

How are children from LGBTIQ backgrounds dealt with?

Is there a regional exchange in the country itself?

Are there many children under guardianship? Even if their parents accompanied them on the flight, and if so, how successful is the guardianship?

How many children disappear? Is there any investigation into where these children have gone?

How long do children wait for their social services?

For children travelling with their parents, how well are the parents able to care for their children after arrival?

What do you think can be improved in terms of European cooperation between countries?

What do you think are the greatest dangers in the case of sexual violence?

What do you think already works very well in the case of processing and protection of sexual violence?

Possible Special Questions for Mikaël Poutiers:

What is your position – how were you involved in the urgent monitoring rounds –

How long have you work in monitoring?

Can you explain to me exactly what you do in monitoring?

why is there no accurate data - opinion of states, NGO and what is your personal view if you are willing to tell me this?

in the case of the urgent monitoring round in Hungary - where do all the indications come from that such a round is necessary?

what happens to the migrants in Serbia - according to the report, Hungary only has a fixed number of asylum applications they handle in a week, already in 2017 it was said that at this rate the applications will last until 2019? Are the people/children actually waiting in Serbia or what is happening to them? how are the children being dealt with there? and is the situation still so appalling? Has anything improved?

Benefit of the doubt in terms of Age determination still “not” implemented?

How are the Corporation with the Hungarian Serbian authorities?

Consequences of the illegal entry in Hungary

how to deal with false statements? – Training for social worker, food situation, accommodation, lack of guardians for the children, no sufficient

Why there was an urgent monitoring round in Hungary? I don't get this specific out of the special report. – yes, human rights violations but not exactly against