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Police Academy in Bratislava, Slovakia

## \*CORRESPONDENCE

Lilla Garayová  
✉ lilla.garayova@paneurouni.com

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# Legal protections for children in refugee and migrant crises in central and Eastern Europe

Lilla Garayová \*

Department of International Law, Faculty of Law, Pan-European University, Bratislava, Slovakia

Child refugees and migrant children in Central and Eastern Europe are among the most vulnerable populations in humanitarian crises, underscoring the urgent need for legal protections grounded in the best interests of the child principle. This study provides an in-depth legal analysis of international, regional, and national frameworks, focusing on Central and Eastern Europe—particularly Slovakia, Czechia, Hungary, and Poland—to evaluate how well these laws uphold children's rights in practice, especially in the areas of family reunification and education access. Drawing on case law from European and national courts, empirical data from recent crises (such as the Ukrainian refugee influx), and policy reports, the analysis highlights how key legal principles are applied, including the best interests of the child, the right to family reunification, access to education, and special protections for unaccompanied children. The findings reveal both successes and gaps: strong legal standards exist and have been effectively mobilized in certain contexts (for example, during the Ukrainian refugee influx under the European Union's Temporary Protection regime), yet consistent implementation and enforcement remain a challenge across the region. Finally, the study offers policy recommendations aimed at strengthening legal frameworks and practices to ensure that the rights of children in migration crises are fully protected.

## KEYWORDS

child refugees, migration crisis, central and Eastern Europe, international law, children's rights, best interests of the child, education access, family reunification

## 1 Introduction

Armed conflicts and humanitarian crises have thrust unprecedented numbers of children into displacement, making the protection of refugee and migrant children a pressing legal and moral concern. Central and Eastern Europe have faced successive migration crises in recent years—from the 2015–2016 surge of refugees along the Balkans route, through the protracted situation of migrants at the EU's external borders, to the mass displacement caused by the war in Ukraine since 2022. Children are at the heart of these crises: they constitute a substantial share of the refugee and migrant population—nearly half of the world's displaced persons are minors—and are entitled to special care and protection under international law. These children are among the most vulnerable, having often witnessed violence and endured trauma, only to face uncertain futures in host countries' asylum and migration systems. Ensuring their rights—to safety, education, family life, and development—is both a legal obligation and a humanitarian imperative.

This article examines the extent to which legal protections for children in migratory contexts are implemented in Central and Eastern Europe, focusing on four EU Member States—Slovakia, Czechia (Czech Republic), Hungary, and Poland—while also

considering developments in Croatia, Serbia, Romania and beyond. These countries provide a representative snapshot of the region's varied experiences: some are EU frontline states on major migration routes (like Hungary and Croatia), some have become primary hosts for refugees from Ukraine (like Poland, Czechia, Slovakia, Romania), and others have served as transit or temporary host countries (Serbia, which is outside the EU but within the Council of Europe system). By comparing these contexts, the research sheds light on common challenges and divergent approaches in the protection of child refugees and migrants.

This research employs a multidisciplinary legal approach, combining doctrinal legal analysis, case law examination, and empirical data evaluation to assess the protection of refugee and migrant children in Central and Eastern Europe. The study primarily relies on legal doctrinal research, systematically reviewing international treaties, European Union directives, national laws, and court rulings relevant to child refugees in Slovakia, Czechia, Hungary, and Poland. A key component of the analysis is the interpretation of case law, particularly judgments from the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU), to evaluate how legal principles, such as the best interests of the child and non-refoulement, are applied in practice.

To complement this legal framework, the research integrates empirical data from official government sources, reports by international organizations (such as UNICEF, UNHCR, and the European Commission), and statistical records on refugee children's access to education, healthcare, and social services. Comparative analysis is also applied, allowing for a cross-country examination of legal harmonization and implementation gaps.

The plight of children in refugee and migrant crises has become a defining humanitarian and legal challenge of our time. Children constitute a significant portion of displaced populations—for example, over 60% of children in Ukraine have been forced from their homes during the current conflict (UNICEF, 2022). Whether fleeing war, persecution, or disaster, these young refugees and migrants are among the most vulnerable, facing risks of violence, trafficking, family separation, and interruption of education. International law recognizes their vulnerability: the UN Convention on the Rights of the Child (CRC) obliges states to ensure that any child seeking refugee status receives appropriate protection and humanitarian assistance (Art. 22, UNCRC, 1989). Likewise, under EU law and regional human rights frameworks, states must prioritize the best interests of the child in all actions concerning them, including migration decisions. The EU Temporary Protection Directive (2001/55/EC)—activated unanimously in March 2022 in response to the Ukraine crisis—explicitly guarantees that children granted temporary protection can access education under the same conditions as nationals. In parallel, the European Court of Human Rights (ECtHR) has repeatedly condemned practices like the detention of migrant children except as a last resort and for the shortest possible period, underscoring that deprivation of liberty or exclusion of minors must be strictly necessary and considerate of their age and rights [European Court of Human Rights (ECtHR) (2021, 2022)].

Despite the existence of these frameworks, ensuring effective protection for child refugees in practice remains challenging, especially amid large-scale crises. The significance of safeguarding

children in migration is both moral and pragmatic: failures to protect can lead to lost childhoods, trauma, and long-term social costs, whereas successful protection and integration can restore stability, education, and hope to a generation uprooted by conflict. These stakes are evident in Central and Eastern Europe (CEE), a region thrust to the forefront of refugee reception during recent crises. CEE countries have encountered waves of child refugees—from the 2015–2016 European migration crisis to the ongoing displacement of millions of Ukrainian women and children since 2022. Historically, many CEE states had limited experience as destination countries for migrants, and legal protections for asylum-seeking children were often untested. The Ukraine crisis, however, reversed this dynamic: Poland, Czechia, Slovakia, Hungary, and neighboring states like Romania and Croatia suddenly became host to hundreds of thousands of refugee children, testing the capacity of their child protection, education, and integration systems. This context provides a compelling rationale for analyzing child protection through a CEE lens. It allows us to examine how a region with varying prior approaches to migration has adapted its laws and policies to uphold children's rights amid an unprecedented influx, and to identify gaps between legal commitments and on-the-ground realities.

Crucially, the CEE perspective also highlights contrasts and commonalities within Europe. Some states in the region have been praised for rapidly granting legal status and access to services for Ukrainian children, reflecting a spirit of solidarity; others have faced criticism for inconsistencies or slower implementation. For instance, Poland's welcoming stance toward Ukrainian families marked a dramatic shift from its restrictive responses to earlier refugee flows. Yet even in Poland, as in other CEE countries, initial goodwill had to be bolstered by concrete protection measures to prevent exploitation and ensure children could continue their schooling. The urgency of these issues has prompted an interdisciplinary approach in this analysis—one that considers legal frameworks, policy measures, and empirical data on education and integration, alongside human rights principles and child development needs. By examining both law and practice, we can better understand how effectively CEE countries safeguard child refugees and what improvements are necessary.

## 2 International and regional frameworks for protecting child refugees

Before turning to national responses, it is important to outline the key legal frameworks that govern the protection of child refugees and migrants. Modern human rights theory recognizes children not just as passive beneficiaries of adult protection but as independent rights holders. The 1989 United Nations Convention on the Rights of the Child (CRC) crystallizes this view, affirming that children (individuals under 18) are entitled to the full range of human rights. Refugee and migrant children thus simultaneously hold rights as children and as (potential) refugees. As the European Council on Refugees and Exiles (ECRE) emphasizes, “*refugee children have full rights both as children and as refugees*,” and in any proceedings or decisions affecting them, “*the best interests of*

*the child should always prevail.*” Children on the move should foremost be treated as children and benefit from all rights under the CRC, in addition to specific protections due to their migration status. This dual recognition is crucial: it means that a child fleeing war or persecution is entitled to special care and protection under international law by virtue of being a child, regardless of immigration status or nationality.

At the international level, the 1989 Convention on the Rights of the Child (CRC) (United Nations General Assembly, 1989) is key to this debate. All CEE countries have ratified the CRC, committing to its broad guarantees of children’s rights. Several CRC provisions directly address displaced children: Article 22 mandates that states “take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee... receive appropriate protection and humanitarian assistance” and Article 3 establishes the best interests of the child as a primary consideration in “all actions concerning children.” These principles mean that whether a child is an asylum-seeker, refugee, or migrating irregularly, their safety, well-being, and developmental needs must guide state actions—from border procedures to asylum adjudications and integration services. Other international instruments reinforce these obligations: the 1951 Refugee Convention (United Nations General Assembly, 1951) [and its 1967 Protocol (United Nations General Assembly, 1967)] guarantees basic rights to refugees without discrimination by age, while soft law like the UNHCR Guidelines on Child Asylum Claims (United Nations High Commissioner for Refugees (UNHCR), 2009) and the Global Compact on Refugees (United Nations General Assembly, 2018) call for child-sensitive asylum systems and access to education for refugee children.

In the European context, additional layers of protection exist. All EU member states in CEE are bound by the EU Charter of Fundamental Rights, which in Article 24 echoes that children have the right to protection and care necessary for their wellbeing and that their views must be considered (European Union, 2007). More concretely, the EU’s Common European Asylum System (CEAS) includes directives that set standards for the treatment of minors: the Reception Conditions Directive requires that asylum-seeking children have access to education within 3 months of arrival and mandates special care for unaccompanied minors (European Parliament Council of the European Union, 2024), and the Asylum Procedures Directive contains child-specific procedural guarantees. Crucially, EU law prohibits the detention of minors in immigration procedures except as a measure of last resort after consideration of less coercive alternatives. The Temporary Protection Directive (TPD) of 2001, which had never been used before 2022, proved to be a cornerstone in the Ukraine crisis (European Council, 2001). When the EU triggered the TPD for Ukrainians, it obliged member states to provide immediate temporary protection (residence rights, access to education, healthcare, etc.) to displaced persons including children for an initial period of 1 year. Article 14 of the TPD explicitly entitles persons under 18 to access the education system under the same conditions as host-country nationals. CEE countries incorporated these protections into their domestic law via emergency legislation (such as Poland’s Special Act and Czechia’s “Lex Ukraine”) or by invoking existing asylum laws.

Beyond the EU, Council of Europe instruments also shape standards. All the countries in this study are parties to the European Convention on Human Rights (ECHR) (Council of Europe, 1950),

which has been interpreted to offer important safeguards for migrant children. The ECHR does not explicitly mention children or asylum, but the ECtHR has developed its jurisprudence applying the Convention to child migrants—often referencing the CRC as an interpretive aid. For example, the ECtHR has ruled that detaining migrant children in unsuitable conditions can violate the prohibition of inhuman treatment (Article 3 ECHR) and the right to liberty (Article 5) as well as the right to family life (Article 8). In *Bistieva and Others v. Poland* (2018), the Court found Poland in breach of Article 8 for detaining a mother and her children for nearly 6 months without adequately considering the traumatic impact on the children [European Court of Human Rights (ECtHR), 2018]. In *M.H. and Others v. Croatia* (2021), concerning an Afghan child who died during an illegal push-back at the Serbia-Croatia border, the Court underscored that even amid migration control, states must ensure effective protection of children’s lives and liberty, and that detaining or expelling children without due care to their best interests is incompatible with the Convention [European Court of Human Rights (ECtHR), 2021]. These cases, alongside others from Western Europe, send a clear message to CEE states: legal obligations to protect children apply equally at borders, in asylum camps, and within host communities. A failure to uphold these obligations can lead not only to moral and social costs but also to legal accountability at the European level.

In summary, CEE countries have entered the current refugee crises with a comprehensive legal toolkit—from the CRC and Refugee Convention to EU directives, the Temporary Protection scheme, and human rights law—all of which demand that children in migration be protected, not neglected. The following sections examine how four CEE countries (Slovakia, Czechia, Hungary, and Poland) and additional regional actors (Croatia, Serbia, Romania) have implemented these standards. Each national perspective reveals both promising practices and persistent gaps, illustrating the tension between law on paper and the complex reality of protecting children on the move.

### 3 National legal frameworks protecting child refugees

National law is where these international and EU obligations are put into practice. All the countries in focus have incorporated the relevant international treaties (the CRC often has direct effect or is reflected in child protection laws), and EU directives have been transposed through national legislation on asylum, foreigner regulation, and child welfare. However, the degree of harmonization and the effectiveness of implementation vary. Generally, the right to education is enshrined in their constitutions and education laws, and applies to “everyone” or all children on the territory, though sometimes with distinctions (such as different rules for compulsory education or language of instruction). All four countries also have specific asylum/refugee laws and migration laws that include provisions on minors, and child protection legislation that may extend to foreign children in need.

Poland’s legal framework strongly protects the right of every child to education and has been explicitly extended to refugee children, particularly those from Ukraine under temporary protection. The Polish Constitution (Art. 70) (Republic of Poland, 1997) and the Act on Education (Republic

of Poland, 1991) guarantee the right to education for all children residing in Poland. The Act of 14 December 2016—Law on School Education—provides that education is compulsory from age 6 until 18 for everyone in Poland, including non-citizens (Republic of Poland, 2016). This means that any child living in Poland, regardless of status, must be given a place in school at least until they turn 18 or finish secondary school. In line with this, school attendance for younger children (kindergarten from age 3) is a right, and reception class, primary and lower secondary education (1 year pre-school, the 8-year primary cycle, ages ~7–15) is compulsory. Pupils aged 15 to 18 have an obligation to be enrolled in education, but only have a compulsory attendance part-time in school settings for secondary schools or non-school settings if the pupil chooses to follow vocational training (Prawo oświatowe, 2016). This law was a solid foundation so that when refugees arrived, no change was needed to entitle children to schooling – they were already covered.

When the EU Temporary Protection Directive was activated, Poland moved quickly to implement it through national law. It had a pre-existing Act of 22 April 2005 on temporary protection, but given the scale of the Ukraine influx, a special law was enacted: the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict (Republic of Poland, 2022a,b,c). This act granted Ukrainian nationals and their immediate family members a broad range of rights, effectively operationalizing temporary protection. It explicitly confirms that children from Ukraine who have temporary protection have the same entitlement to access the Polish education system as Polish children. In practice, Ukrainian children can enroll in public kindergartens and schools, free of charge, and attend classes alongside Polish pupils. Recognizing practical challenges, the Ministry of Education issued ordinances (on 21 March 2022 and 11 August 2022) to guide schools. These ordinances allowed flexibility such as: increasing the maximum number of students per class (by a few pupils) to accommodate more children; (Regulation of the Minister of Education and Science of 21 March 2022 on the organization of education, upbringing, and care for children and youth who are citizens of Ukraine, 2022) permitting classes to be held outside regular school buildings if needed (with safety standards specified); and exempting Ukrainian children from compulsory education if they were instead participating in online learning from Ukraine upon parental declaration. The latter was an innovative approach—acknowledging that some families initially preferred to keep children in Ukraine’s distance learning program, Poland allowed that in lieu of attending Polish school, to respect parental choice and the children’s continuity of curriculum (Regulation of the Minister of Education and Science of 11 August 2022 amending the regulation on the education, upbringing, and care of children and youth who are citizens of Ukraine, 2022).

To overcome documentation issues (many refugees fled without school records), Poland’s regulations, drawing on an earlier Ordinance of 2017 (Republic of Poland Ministry of Education Science, 2017), permit school principals to enroll a child and determine an appropriate grade based on an interview and the child’s age, even if no transcripts or certificates are available. This ensures that lack of paperwork is not a barrier to a refugee child’s education. Schools were also instructed to provide Polish as a second language support. Under the law, non-Polish speaking

students have a right to free Polish language instruction, delivered by a person proficient in the student’s mother tongue. Many schools set up “preparatory classes”—transitional classes where refugee students intensively learn Polish and adapt to the Polish curriculum, before joining general classes. By May 2023, over 92,000 Ukrainian students in Poland were receiving additional Polish language classes alongside regular lessons (Service of the Republic of Poland, 2023).

Poland also took steps to support schools and teachers. The 12 March 2022 Special Act provided extra funding to local governments for each Ukrainian pupil enrolled. It also allowed schools to hire additional teaching staff or assistants, including Ukrainian-speaking teaching aides without full Polish qualifications, to help bridge language gaps (Republic of Poland, 2022a,b,c). For example, a Polish school could employ a Ukrainian national as a classroom assistant if they speak Polish sufficiently to communicate, even if they aren’t certified to teach in Poland, to support refugee children. Teachers taking on extra Ukrainian students could be paid for overtime. Furthermore, all Ukrainians under temporary protection were given access to public healthcare and psychological services. Specifically for children, schools could bring in psychologists and counselors; and a 2022 ordinance enabled hiring of Ukrainian- or Russian-speaking psychologists to support refugee students (though funding for these specific hires was not earmarked). Every Ukrainian with temporary protection, including children, also has the right to free mental health care through municipal services (Act of 12 March 2022).

Poland’s domestic law, backed by strong policy measures, created an enabling environment for refugee children’s education. The strong legal mandate (compulsory education for all children up to 18) meant that by law, schools had to open their doors to refugee children. The government’s emergency legislation and subsequent regulations then addressed practicalities: easing enrollment, funding the influx, adapting class sizes, and providing language support. As a result, even though Poland faced the largest wave of refugee children in the EU (nearly half a million Ukrainian school-aged children at the peak), by the end of the 2021/22 school year some 182,000 of them had been integrated into Polish schools. This number represented roughly 46% of all Ukrainian refugee children of school age in Poland by late 2022, with the remainder either enrolled in Ukrainian online schooling (about 27% were using Ukraine’s online platform) or not attending formal education yet (Service of the Republic of Poland, 2023). Poland’s legal framework thus exemplifies an inclusive approach, though it also reveals the strain on capacity which is discussed later (teacher shortages, crowded schools, etc., have been identified as ongoing challenges).

Outside the education context, Polish law also provides protections aligned with international standards. Unaccompanied minors in asylum procedures are placed under guardianship (usually through family courts assigning a guardian or the child being cared for in a youth care facility). Poland’s Act on Granting Protection to Foreigners contains special chapters on unaccompanied minors, reflecting EU asylum directives (Republic of Poland, 2003). There is a statutory prohibition on placing unaccompanied children in guarded detention centers for immigrants; instead, they should be directed to child care facilities. However, Poland has come under criticism for detaining children



with their parents in some cases, albeit the law says it's only allowed as a last resort if necessary for deportation and for the shortest time. The *Bistieva* ECtHR case (2018) illustrated Polish courts' tendency to approve detention of a family if the parents were undocumented, but the ECtHR judgment has pushed authorities to seek alternatives. Poland's more recent practice during the Ukraine crisis was notably different: rather than detention and strict immigration enforcement, Poland essentially legalized the stay of millions of Ukrainians overnight via the temporary protection law, avoiding any need for detaining new arrivals. This contrast—treating one group of asylum seekers generously while another group (from the Middle East and Africa, arriving via Belarus) faced pushbacks—raises issues of consistency with non-discrimination norms, which we will explore under challenges.

The Czech Republic (Czechia) has similarly solid legal provisions guaranteeing education and has adapted quickly to the Ukrainian refugee situation, though some recent policy shifts have raised concerns about equal treatment. Under the Education Act (Act No. 561/2004), all children in Czechia (citizens or not) have the right to basic education (Czech Republic, 2004). Compulsory school attendance in Czechia lasts 9 years, typically from age 6 to 15, and this obligation by law also applies to children who are nationals of other countries residing in Czechia under certain visas or protection. Specifically, the Act was amended over the years to include children granted international protection (refugee status or subsidiary protection) or long-term residence. In 2022, with the *Lex Ukraine*, it was clarified that those granted temporary protection are treated equivalently (Czech Republic, 2022b). Therefore, a child from Ukraine with temporary protection must enroll in school within 3 months of arrival, a timeline consistent with the EU Reception Directive's standard.

Czechia had a Temporary Protection Act (No. 221/2003) already on the books, which it activated via an emergency *Lex Ukraine* package in March 2022 (Czech Republic, 2003). The *Lex Ukraine* (Acts No. 65/2022 and 67/2022, among others) not only granted status to Ukrainians but also contained education-sector measures. Act No. 67/2022, in particular, addressed schooling for Ukrainian children. It assigned local school directors the responsibility to admit refugee children even outside normal enrollment periods and, importantly, required coordination if capacity is limited. If a particular school or district has no space, regional authorities must find an alternative placement, and if an entire region is full, the Ministry of Education can direct the child to a school in a different region, taking into account the family's location. This legal mechanism aimed to prevent children from being left out due to local capacity issues—essentially mandating the government to find some school for every child. Moreover, Act 67/2022 stipulated that refugee children should start compulsory schooling within 3 months of their arrival in Czechia, aligning with EU requirements.

To facilitate integration, Czech law guarantees language support. All newly arrived foreign pupils are entitled to free Czech language classes, financed by the state (Section 20 of the Education Act and Decree No. 48/2005). In fact, Czechia has developed a Framework Curriculum for Czech as a Second Language to guide schools in teaching Czech to foreigners. Under emergency measures, the government also allowed employing Ukrainian

teaching assistants. The Ministry of Education issued guidance in 2022 stating that schools may hire pedagogical staff who do not speak Czech for classes composed solely of Ukrainian students (e.g., to lead preparatory classes in Ukrainian). It also waived certain administrative hurdles: Ukrainian educators could attest their qualifications via affidavit if documents were missing, and fees for recognizing foreign qualifications were waived. These steps helped quickly mobilize refugee teachers and volunteers to support Czech schools.

Notably progressive was Act 175/2022 (an amendment to the *Lex Ukraine* education law) which introduced an anti-segregation clause: it instructed that refugee children should not be placed in separate classes consisting only of foreign children unless absolutely necessary, and even if initially placed in such a class, they should be moved into regular classes as soon as feasible (Czech Republic, 2022a). This reflects a commitment to inclusion—ensuring that Ukrainian kids learn alongside Czech peers, which aids integration and prevents stigmatization.

During the first year of the war, Czech authorities managed to integrate a large share of Ukrainian children. By the 2022/23 academic year, ~51,281 Ukrainian refugee students were enrolled across Czech kindergartens, primary and secondary schools. This represented about 60% of the school-aged Ukrainian children in Czechia—a relatively high enrollment rate (Czech Statistical Office, 2022a,b). The Ministry of Education indicated that, as of spring 2023, the system still had capacity (it reported thousands of open places in preschools and basic schools).

This spare capacity was in part due to Czechia's declining demographics and also concerted efforts like opening new class sections and hiring more staff. The government also provided financial support: a program reimbursed schools for extra costs, and a per-student subsidy was given for each Ukrainian child to help cover their needs (similar to Poland's approach).

Domestic asylum law in Czechia, governed by the Asylum Act (325/1999), contains special provisions for minors, such as appointing a guardian for unaccompanied minors and exempting minors from certain asylum procedure accelerations (Czech Republic, 1999). Unaccompanied asylum-seeking children are generally placed in specialized child protection institutions (in Czechia, facilities for foreign children, or foster care) rather than detention—Czechia has had a relatively good track record of not detaining unaccompanied minors. Families with children are also rarely detained in asylum proceedings; in practice, Czechia almost never uses detention for families (preferring open reception centers), which aligns with the ECtHR rulings discouraging child detention. This is an area where Czechia's practice has been more humane than some peers.

One legal adjustment in 2023, however, has raised controversy: Czechia's parliament passed a law (as part of "*Lex Ukraine VII*") enabling a separate school enrollment period for refugee children, effectively allowing schools to give priority to Czech children in the regular spring enrollment and defer Ukrainian children's admission to a later date (in June). The intention was to manage capacity—to see how many places remain after accommodating local demand. However, UNICEF and child rights advocates warned this could institutionalize a two-tier system and risk exclusion of refugee children (UNICEF, 2025). Such a practice might conflict with the

principle of non-discrimination in education (CRC Art. 2 and ECHR Protocol 1, Art. 2). The Czech government has defended it as a temporary measure to cope with surges in certain cities, pledging it will ensure all children do get a place by the later date.

Slovakia's legal framework concerning refugee children's education reveals a notable gap: unlike its neighbors, Slovakia did not impose compulsory schooling on children who only have temporary protection or other short-term stay, which led to many refugee children remaining outside the school system. The Education Act (Act No. 245/2008—"School Act") in Slovakia makes education compulsory for children with permanent residence in Slovakia, roughly from age 6 to 16 (National Council of the Slovak Republic, 2008). However, children who are in Slovakia on a temporary basis (including asylum seekers or those with temporary refuge) are not automatically subject to compulsory education. When the influx of Ukrainians occurred, the government clarified that Ukrainian children with temporary protection were exempt from the legal obligation of school attendance. This meant that, unlike in Poland or Czechia, there was no legal requirement for refugee parents to enroll their kids, nor a requirement for municipalities to ensure every refugee child finds a place. The policy was likely intended to give flexibility to families uncertain about their length of stay. However, in practice it contributed to low enrollment rates.

Nonetheless, Slovak law does provide the right to education for these children. Article 146(1) of the School Act states that foreigners who have been granted residence permits (which would include temporary protection, considered a form of tolerated stay/residence) and their children may access education under the same conditions as Slovak citizens. Thus, schools are open to refugee children, and they cannot be charged fees at public schools or denied enrollment on account of nationality. The Act instructs school directors to place a child in an appropriate grade by evaluating their age, prior education, and Slovak language proficiency. If a child lacks proof of prior schooling, the director can use interviews or tests to decide on placement (though no detailed national guidelines exist). Importantly, if language is a barrier, the law allows conditional placement—meaning a child might initially audit classes or be placed and then supported to catch up—to avoid misplacement due to poor language skills.

In response to the Ukraine crisis, Slovakia adopted Government Resolution No. 185/2022 under its asylum law framework, which directed the Minister of Education to take measures to facilitate the access of children with temporary protection to education. (Government of the Slovak Republic, 2022a,b) The Ministry of Education issued methodological instructions to schools, encouraging them to enroll Ukrainian children even though it was not mandatory, and outlining how to organize Slovak language courses. Under Act 353/2022 (Slovakia's Lex Ukraine), temporary refuge is formally recognized and children with that status are entitled to join the school system. One positive aspect: the School Act [Art. 146(3)] and Act No. 596/2003 on State Administration in Education mandate the provision of Slovak language courses for non-Slovak speaking students, funded by the regional school authorities (National Council of the Slovak Republic, 2003). Schools can request extra resources to run Slovak classes for refugees. The State Pedagogical Institute produced

Ukrainian-Slovak bilingual materials and basic curricula to help Ukrainian students integrate, available on a dedicated website (European Commission, 2023; UNESCO, 2023).

Furthermore, Slovakia allowed modest increases in class size to accommodate refugees: schools could go up to 3 extra pupils per class beyond the usual limits, so long as safety standards (set by health regulations) were still met. This was to relieve the capacity pressure in popular schools. Also, refugee children are entitled to join Slovak children in benefiting from school meal programs under the same conditions (Slovakia provides free lunches to primary kids by policy, which extended to refugees).

Despite these legal provisions, a crucial shortcoming was the absence of a clear mandate or tracking mechanism initially to ensure refugee children were in school. Recognizing this, in mid-2024 Slovakia amended its laws to empower municipalities to collect data on school-aged refugee children in their area and their enrollment status. This was an attempt to identify children not in school and encourage their registration. Even so, by the end of 2024, the majority of Ukrainian children in Slovakia were still outside the Slovak education system—many continued in Ukrainian online classes, and some perhaps did neither. Statistics from the Ministry of Education illustrate the impact of the legal approach: nearly 60% of Ukrainian refugee children were not in Slovak schools, one of the lowest enrollment proportions in the region (Ministry of Education, Science, Research, and Sport of the Slovak Republic, 2024). This outcome links back to the legal framework: because attendance is not compulsory for refugee children, many schools took a hands-off approach, integration lagged.

Outside schooling, Slovakia's asylum law (Act No. 480/2002) and child welfare laws provide that unaccompanied minors should be placed under care of the Office of Labor, Social Affairs and Family, which runs dedicated children's homes for unaccompanied minors. Slovak law, in line with EU rules, forbids the detention of unaccompanied children and generally avoids detaining minors (though there have been cases of short-term detention of families at borders, Slovak practice is relatively sparse in that regard) (Slovak Republic, 2002). The Family Act of Slovakia would apply for guardianship appointments. During the Ukraine crisis, Slovakia instituted relatively efficient procedures at the border to identify unaccompanied or separated children and transfer them to social services or to relatives. One innovative practice was the use of "Blue Dots" (child-friendly spaces run with UNICEF and UNHCR) at entry points to support and screen children—though this is a policy measure, not a law, it complements the legal framework by operationalizing child protection on the ground.

In summary, Slovakia's domestic laws grant refugee children the right to access education and language support, but by not mandating attendance, they relied heavily on voluntary uptake and parental initiative. The result was a protection gap: many children effectively had de facto full access to education withheld, at least initially, because integration was optional. Efforts are underway to address this through better data and outreach, but it highlights how domestic legal choices (compulsory vs. optional schooling) directly influence children's experiences.

Hungary's legal regime provides formal guarantees for refugee children's education and welfare, though implementation has been uneven. Under Act CXC of 2011 on National Public Education

(the Education Act), education is compulsory for all children in Hungary from age 3 (kindergarten) up to age 16 (end of mandatory schooling) (National Assembly of Hungary, 2011). Notably, kindergarten attendance from age 3 is compulsory in Hungary—a unique feature in the region—which underscores an early start for integration. Article 92 of this Education Act explicitly states that children who are applicants for or beneficiaries of temporary protection (as well as asylum seekers and refugees) are subject to compulsory education and entitled to free public education on the same basis as Hungarian citizens. This means that the moment a child enters Hungary and is under a protection regime (including the mass influx of Ukrainians who got temporary protection status), they have exactly the same right—and obligation—to attend school as any local child. School directors are tasked with facilitating admission and recognizing the student's previous studies (they can evaluate foreign report cards or, if needed, use placement tests). When the Ukraine war broke out, Hungary, like other EU states, enacted the Temporary Protection status via a Government Decree in March 2022 (Government of Hungary, 2022a). This automatically granted Ukrainian refugees residence permits. In the education sector, Hungary's approach was to integrate where possible but it faced challenges (language being a big one, given Hungarian is very different from Ukrainian). Hungarian law provides for free Hungarian language instruction to refugee children: Government Decree 301/2007 (an asylum law implementing rule) guarantees that minors granted protection who enroll in school are entitled to free Hungarian language classes, with the costs reimbursed to schools by the asylum authorities. Additionally, children with temporary protection can access the general child support services—for instance, Hungary's rule that children in preschool and primary school receive free or discounted meals based on need was extended to refugee children, which helped address basic needs and encourage attendance.

To bolster capacity, Hungary created a grant program in spring 2022: for March–June 2022, schools could receive 130,000 HUF (≈€350) per month per Ukrainian student if they provided at least 5 hours of extra tutoring or support to that student (Government of Hungary, 2022b). This incentive aimed to encourage schools to admit refugees and give them remedial help. However, the funding was not continued in the next academic year, which reflects a lack of sustained commitment. By the 2022/23 year, integration relied mostly on existing resources.

Hungary's domestic asylum law (Act LXXX of 2007) used to have problematic provisions regarding children—notably, after 2015, Hungary kept nearly all asylum seekers, including families with children, in transit zone camps on the border, which were effectively closed detention. That practice led to several court rulings against Hungary [e.g., *R.R. and Others v. Hungary* (2021) where an Afghan family with children was confined for months; the ECtHR found that the conditions and lack of freedom for the children amounted to inhuman treatment and unlawful detention; *European Court of Human Rights*, 2021]. In May 2020, the CJEU also struck down the transit zone detention regime, prompting Hungary to close the zones. Currently, asylum-seeking families are not detained in Hungary; they are either not allowed to enter at all due to Hungary's restrictive policies or, if they do, they might be placed in open camps. Unaccompanied minors under 14 are

placed in a children's home (in Fót) under the child protection system, and those 14–17 were previously treated as adults (detained in transit zones) but post-2020 that practice ended. Hungary's child protection law recognizes all children (regardless of nationality) in Hungary as entitled to protection if they are in need—meaning unaccompanied minors can be taken into state care. The challenge has been that since 2020, Hungary practically shut its asylum system (requiring asylum applications to be made at consulates abroad, which almost no one could do), so few asylum-seeking children from outside Ukraine actually get any formal status or support.

For Ukrainian refugees under temporary protection, Hungarian law on paper provided access to education, but uptake has been low. As of 2024 only around 31% of school-aged Ukrainian children in Hungary were enrolled in Hungarian schools (Hungarian Central Statistical Office, 2024). Many families chose to keep their children in Ukrainian online schooling or send them to *ad-hoc* Saturday schools run by the Ukrainian diaspora rather than entering Hungarian schools. The Hungarian language barrier, the hope of returning soon, and instances of limited space in some urban schools contributed to this. Unlike Poland or Czechia, Hungary has relatively few Ukrainian speakers, and the education system had less support structure for integrating non-Hungarian speakers (teacher shortages in general were an issue). Although Hungary's student-teacher ratio nationally is low (about 10:1 in primary), refugees tended to reside in Budapest or western Hungary, where certain schools filled up (Hungarian Central Statistical Office, 2024). Some Hungarian schools indeed reported being at capacity, and if the nearest school was full or lacked a Hungarian language preparatory class, families might opt for online learning instead. One unique response in Hungary was the establishment of separate educational institutions for Ukrainians. For example, a dedicated Ukrainian-language school was opened in Budapest in late 2022, teaching the Ukrainian curriculum so students could continue seamlessly.

In Hungarian domestic law, another relevant aspect is guardianship and legal representation. When unaccompanied minors (14–17) apply for asylum, a guardian *ad litem* (usually from the child protection authority) is appointed to represent them. Under temporary protection, if unaccompanied children arrived (for Ukraine, this was relatively rare, as most came with a relative or family friend), a guardian from child protection would be appointed. Hungary's system faced criticism around 2015–2017 for not having enough qualified guardians and for delays, but with fewer asylum-seeking minors now, the caseload is smaller.

Overall, Hungary's laws provide formal parity of treatment—refugee children should, by law, be sitting in the same classrooms and enjoying the same benefits as Hungarian children. In practice, various obstacles have prevented full realization. In the case of Hungary, this is not a legal, but rather an implementation gap.

In summary, across these four countries, the domestic legal frameworks widely acknowledge the right of refugee and migrant children to education and basic services, often mirroring international and EU law. Poland and Hungary explicitly make education compulsory for refugee children, embedding inclusion as a duty. Czechia extends compulsory education to long-term residents and those with protection and took legislative measures to accommodate the influx, emphasizing integration.

Slovakia guarantees the right but not the obligation, which has proven to lessen uptake. All have laws or policies for language training and have (to varying degrees) mobilized additional resources. Child protection laws in each country provide for guardianship of unaccompanied minors and generally avoid child detention in law or policy. The effectiveness of these frameworks, however, depends greatly on implementation and political will, which we explore through case law, data, and reports in the next sections.

## 4 Case law and policy evaluations

Legal protections on paper do not always translate into reality. Case law from European and domestic courts, as well as evaluations by international organizations, reveal how laws have been applied—sometimes upholding children's rights, other times exposing failures. This section analyzes key jurisprudence and policy assessments concerning refugee and migrant children in Central/Eastern Europe, shedding light on detention practices, access to education, and treatment disparities.

A recurrent issue in asylum management is the detention of migrants, including families with children. The ECtHR has developed a rich jurisprudence condemning the prolonged or inappropriate detention of minors. In *Bistieva and Others v. Poland* (2018), as discussed, the Court found Poland violated Article 8 ECHR by detaining a mother and her three children for nearly 6 months in a guarded center pending deportation [European Court of Human Rights (ECtHR), 2018]. The Court acknowledged the state's interest in immigration control but ruled that authorities failed to consider less-coercive alternatives or the psychological impact on the children. It stressed that keeping the family together in detention was not enough—the children's best interests required that detention be a last resort and as short as possible. This judgment reinforced that CEE countries, when tempted to detain families who may abscond, must still prioritize children's wellbeing and seek alternatives like open family shelters or reporting requirements.

Hungary's practices were scrutinized in *R.R. and Others v. Hungary* (2021), where an Iranian-Afghan family with three minor children was confined in the Röszke transit zone on Hungary's border for several months while their asylum claim was processed (European Court of Human Rights, 2021). The transit zone was essentially a closed camp surrounded by fencing and guards. The ECtHR held that the conditions of confinement for the children, combined with the length and the lack of age-appropriate support, amounted to inhuman and degrading treatment in breach of Article 3 ECHR. The judgment noted that the family's living space was very restricted and the environment was carceral; one of the children was a toddler and another a teenager, and the situation caused them significant distress. The Court also found a violation of Article 5 §1 (right to liberty) because Hungary had de facto detained the family without a sufficient legal basis or individualized justification. It emphasized that unaccompanied minors should not be held in a closed immigration detention and by extension children in families should only be detained under exceptional circumstances. This case, along with a CJEU ruling in 2020 against Hungary's transit

zones, effectively pushed Hungary to abandon that policy (Court of Justice of the European Union, 2020a). It stands as a precedent for the region that detention of child asylum seekers is highly disfavored and legally risky.

Another pertinent ECtHR ruling is *M.H. and Others v. Croatia* (2019), albeit outside our four focus states, where the Court condemned Croatia for the tragic outcome of a failed migration management: an Afghan family with small children was placed in a detention center from which a 6-year-old child escaped and was killed by a train while crossing into Serbia. The Court found multiple violations, underscoring the necessity of vigilant care for children in migration and that detaining them near dangerous borders was incompatible with their safety (violation of Article 2 right to life, in that case). This sent shockwaves reminding all states of the severe consequences when children's best interests are neglected during enforcement actions.

Few cases directly litigating refugee children's education in these countries have reached European courts, likely because states generally did allow access. However, the *Ponomaryovi v. Bulgaria* case from the ECtHR, is important in the CEE context (European Court of Human Rights, 2011). Bulgaria had argued that since secondary education wasn't compulsory, charging undocumented migrant teens fees was permissible. The Court disagreed, noting the importance of secondary education and that the discriminatory impact on these youths was not justified by the state's immigration control aims (European Court of Human Rights, 2011). The judgment implies that if any of our focus countries tried to impose barriers like tuition or separate inferior schools for refugee children, it would likely breach the ECHR. This is relevant given the recent Czech measure of separate enrollment—while not as extreme as fees, it is a form of different treatment that could be scrutinized under Article 14 (non-discrimination). If, hypothetically, a Ukrainian child in Czechia is denied a school place because all spots were filled by earlier enrolling Czech children, that child could argue their right to education is being infringed due to nationality. The Czech government would need to show that its two-phase enrollment is proportionate and still results in full access. Domestic courts in these countries have had limited prominent rulings in this area, perhaps because issues get resolved via policy rather than litigation, or refugees may not often litigate in national courts. One exception is in Poland: Polish courts have seen cases about the pushbacks and denial of asylum at the Belarus border and at least one district court found that border guards violated the law by refusing to accept declarations of asylum from families with children. However, Poland's government ignored some of these rulings and continued pushbacks under a state of emergency in 2021. The Polish Constitutional Tribunal, in recent years aligned with government stances, upheld legislation that effectively legalized summary pushbacks, which likely conflicts with international refugee law—a matter possibly heading to ECtHR review.

The best interests principle has been reinforced in return/deportation contexts by the CJEU. In case *M.A. v. État belge C-112/20* (Belgium, 2021), the question was whether authorities must consider the best interests of the child when ordering a parent's deportation (the child was an EU citizen) (Court of Justice of the European Union, 2021). The CJEU ruled



yes—Article 5 of the EU Return Directive and the EU Charter oblige states to take due account of the child's best interests even if the child isn't the one being deported. Extrapolated to our focus, if any of these countries were to remove a child's parent (or caregiver), they must assess how that affects the child and consider less harmful solutions (like issuing a residence permit on humanitarian grounds). Similarly, national courts in Europe have sometimes halted deportations of families where a child had special needs or health issues, deeming removal contrary to the child's best interests or right to private life. For instance, Hungarian courts in the past have granted tolerated stay to families with school-enrolled children nearing graduation, on a case-by-case human rights basis, though such practice is not consistent.

One striking phenomenon in CEE has been the disparate treatment of different groups of refugees. The law in principle is ethnicity- and nationality-neutral, but state practices sometimes diverged. Poland, Hungary, and Czechia faced a CJEU judgment in 2020 (joined cases C-715/17, C-718/17, C-719/17) for refusing the mandatory EU refugee relocation quotas set in 2015. The CJEU unambiguously held that by rejecting asylum applicants from Italy and Greece (mostly Syrians, Iraqis, Eritreans at that time), those countries violated EU law (Court of Justice of the European Union, 2020b). They could not cite public security or administrative issues to justify a blanket refusal. This legal defeat underscores that under EU solidarity mechanisms, countries must share responsibility for refugees irrespective of origin. While that episode preceded the Ukrainian crisis, it set the stage: Poland, Hungary, and Czechia were sanctioned for not doing their part in one refugee situation, yet later would host huge numbers of a different refugee population. The contrast has been noted by many observers as evidence of a double standard: refugees from predominantly Middle Eastern or Muslim countries were largely unwelcome in 2015, whereas refugees from neighboring Ukraine were embraced in 2022. Legally, such selective treatment runs afoul of non-discrimination principles if a comparably needy refugee is turned away solely due to nationality or religion.

An example of this is the Poland-Belarus border crisis of 2021. Belarus, in retaliation against EU sanctions, facilitated thousands of Middle Eastern migrants to its border with Poland, Lithuania, and Latvia. Poland responded with a hardline approach: sealing the border, pushing people back without asylum processing, and detaining those who got through in rudimentary camps. Children were among those stuck in freezing forests between armed guards. Amnesty International reported that Polish authorities arbitrarily detained nearly two thousand Middle Eastern asylum seekers in 2021, subjecting many to abuses like strip searches, beatings, even sedating some during deportation (Amnesty International, 2022). These actions stood in “*stark contrast with the welcome shown to those fleeing Ukraine*,” Amnesty noted, calling out the unequal treatment. Indeed, days after war broke out in Ukraine, Poland opened its border widely, set up reception points, and in a matter of weeks passed the generous assistance law for Ukrainians. Yet just earlier, Polish border guards had been forcing Kurdish or Afghan families (with small children) back into Belarus, disregarding asylum requests and even defying interim measures from the ECtHR to provide humanitarian aid to stranded children. One tragic case involved an unborn child: in late 2021, an Iraqi woman miscarried at the border, and a 1-year-old

from Syria died of cold—grim outcomes linked to pushbacks (InfoMigrants, 2021).

From a legal standpoint, these pushbacks violate the 1951 Refugee Convention (right to seek asylum) and Article 3 ECHR (if people are returned to danger or exposed to inhuman treatment). They also conflict with EU asylum law which requires states to at least register asylum claims. Several cases arising from this are pending at the ECtHR.

The disparity in treatment has fueled a debate: are refugee children's rights contingent on politics? Legally they should not be—CRC and human rights law apply universally. The law hasn't changed between 2015 and 2022, but state behavior did, proving that implementation is the weakest link. In Hungary, a similar disparity exists: while Hungary did allow Ukrainian refugees in, Hungary's policy toward non-European asylum seekers remains restrictive. Essentially, since 2020 Hungary isn't processing asylum claims of people who arrive irregularly at all—they are escorted out.

On a more positive note, domestic courts sometimes proactively protected migrant children. In Slovakia and Czechia, because the numbers were historically small, most issues were solved administratively (e.g., granting tolerated stay to a sick child rather than deport). None of these four countries have reported cases of deporting well-settled children who grew up there (unlike some Western European controversies). Jurisprudence has been a crucial backstop for refugee children's rights in CEE, especially in curbing detention and gross mistreatment. The ECtHR and CJEU have reinforced principles of non-discrimination, best interests, and humane treatment that echo through national policies. Yet, not all issues reach courts; some, like education access, have been handled relatively well without litigation, whereas others like pushbacks represent ongoing violations awaiting legal reckoning.

## 5 Critical challenges in legal protection and policy recommendation to protect migrant children

While the legal frameworks in Central and Eastern Europe broadly align with international standards, several critical challenges and gaps persist in protecting refugee and migrant children. These gaps can undermine children's rights and wellbeing, revealing areas where further legal or policy development is needed:

**1. Discrepancy between law and implementation**—Perhaps the most fundamental gap is the difference between what laws promise and what happens in practice. All four focus countries legally allow refugee children to access education and basic services, yet the actual enrollment rates and service uptake vary widely. In Slovakia and Hungary, despite formal rights to schooling, the majority of Ukrainian refugee children did not actually enroll in 2023–2024. This indicates that simply having a right in law is not enough—proactive measures and enforcement are necessary. Slovakia's choice not to make education compulsory for temporary protection holders exposed a flaw: without a legal obligation or a strong nudge from authorities, many children remained outside the system. This suggests the need for legal reform (e.g., amending

Slovak law to extend compulsory education to all resident children regardless of status) or at least more assertive policy direction to bridge the implementation gap. Similarly, Hungary's education law did mandate enrollment, but there was little follow-up to ensure it—no system to check if each child granted protection was attending school. A gap here is the absence of an accountability mechanism. One possible remedy is to assign responsibility to local governments to monitor refugee children's schooling (as Slovakia belatedly tried to do by empowering municipalities to gather data).

**2. Unequal treatment and potential discrimination**—The different treatment of refugees based on origin is a glaring challenge. Legally, all refugee or asylum-seeking children should be treated equally, yet in practice Ukrainian children have been welcomed, while children from Middle Eastern or African families have faced hostility or indifference. This two-tier approach violates the non-discrimination principle in human rights law. The challenge is ensuring that legal protections and humanitarian standards apply universally. One gap is that Poland and Hungary still have laws or policies enabling summary expulsions at some borders (Poland legalized pushbacks in a 2021 amendment; Hungary continues “escort to border” practices). These measures likely contravene EU and international law for children but have not been fully revoked.

**3. Capacity constraints in education systems**—Even with the best intentions, physical and human resource limits have posed a major challenge. Schools in CEE were not prepared overnight to absorb tens of thousands of new students. Teacher shortages, lack of classroom space, and insufficient language instructors were common issues. These constraints risk turning the right to education into a nominal right—e.g., a child might be technically enrolled but sitting in an overcrowded class unable to understand the language, which diminishes the quality of that education. While emergency measures (bigger classes, volunteer teachers, etc.) helped, the gap remains between needs and supply. This is partly a policy implementation issue, but also a budgetary/legal one: governments must allocate funds and perhaps relax certain regulations (like teacher qualification requirements or retirement rehire rules) to fill gaps. The Czech separate enrollment policy emerged directly from capacity worries; it's essentially a “rationing” mechanism that is at odds with equality. The challenge is to manage capacity without violating rights. One idea is double-shift schooling, which some countries outside Europe have done for refugees (host students in the morning, refugees in the afternoon in the same school). CEE hasn't widely done this, partly due to potential segregation effects and logistic complexity. Instead, Poland and Czechia increased class size caps and used community centers as temporary classrooms. These were short-term fixes; a more sustainable solution requires investing in school infrastructure and teacher recruitment.

**4. Language barriers and inclusive curriculum**—Language is one of the toughest barriers and can become a rights issue if not properly addressed—a child cannot effectively enjoy the right to education if they cannot understand the instruction. Each country has offered language classes, but the scale and quality vary. In Slovakia, for example, many schools initially had no Slovak-as-second-language teacher, leaving Ukrainian kids to sink or swim. By law they should get courses yet implementing that

took time. In Hungary, free Hungarian classes are promised, but executing them for all who need it was problematic due to lack of Hungarian-as-second-language teachers. There is a risk that children fall behind academically or drop out if they feel lost due to language. The challenge is training and deploying sufficient language instructors and providing learning materials in native languages for bridging. Additionally, integrating elements of the child's native curriculum (teaching Ukrainian language or history as extra-curriculars) could help children maintain a connection to their heritage and reintegrate later. Some Polish and Czech schools have begun offering optional Ukrainian language classes or allowing Ukrainian Saturday schools to use their premises—a good practice to formalize. The gap in legal protections here might be seen in that none of the countries legally guarantee bilingual education or mother-tongue instruction for refugees. However, this could be considered under the broader right to education and development if a child's entire schooling is in a foreign tongue with no support. The CRC Committee has noted that linguistic needs of minority and foreign children should be accommodated to ensure meaningful education (CRC General Comment No. 6).

**5. Mental health and psychosocial support**—Legal frameworks say little explicitly about psychosocial care, but it falls under the right to health and to recovery from trauma (CRC Art. 39). In practice, psychosocial support has lagged. Many refugee children carry psychological wounds—separation from family, witnessing conflict, adjusting to exile. Host countries' mental health services for children are often overstretched even for locals. The gap is evident in all four countries: there are not enough child psychologists or counselors in schools to address the trauma and anxiety issues in refugee kids. Poland's move to give free psychological assistance to all Ukrainians under municipal services is progressive, yet uptake is limited because refugees may not know how to access it or may face language issues with therapists. The challenge is ensuring culturally and linguistically accessible mental health care. Without addressing this, children's academic and social outcomes suffer. Mental health support is not systematically integrated into the refugee response. States could strengthen this by, for example, mandating trauma-informed training for teachers and by contracting bilingual psychologists on a larger scale. The *best interests* principle would dictate that psychosocial healing is a priority for these children's development.

**6. Risk of statelessness and documentation issues**—Generally, Ukrainian refugees have citizenship and documents. But some migrant children (e.g., some born en route, or orphans from places like Donetsk whose documents were lost) might face issues proving who they are, which can hamper access to services or future legal status. Countries must ensure every refugee child's birth is registered and they have valid identity documents.

**7. Long-term integration vs. return dilemma**—The temporary protection regime is by definition short-term, but as it extends, a gap in policy is how to transition families to long-term solutions. Children particularly need stability—they thrive with routine and a sense of the future. If their legal status is precarious or short-term, it can affect mental health and investment in integration. As the war continues, it becomes more

likely some families will stay for many years or permanently. None of the four countries have yet articulated a clear strategy for what happens when EU temporary protection eventually ends. Will refugees be asked to go home (even if conflict persists or their home is destroyed)? Will they be offered facilitated paths to residency or citizenship? The uncertainty is a policy gap. From a children's rights perspective, abruptly uprooting children again after they have integrated in a host country would be harmful. The best interests of the child should guide any future decisions on return or further stay. This implies that if a child has spent, say, 3–4 formative years in a host country, attending school and integrating, that should weigh heavily in favor of allowing the family to remain if they cannot safely return to their origin. Domestic law might need amending to create a bridge from temporary protection to permanent status (for instance, allow years spent under TP to count toward residency for citizenship purposes).

**8. Protection of unaccompanied minors**—While frameworks exist (guardianship, foster placements), there are practical gaps in the quality of guardianship. The guardianship systems are under-resourced—one guardian might handle dozens of cases, making meaningful support hard. There's also sometimes confusion of roles: social workers vs. legal guardians vs. facility directors. Ensuring that every unaccompanied child (whether a 17-year-old asylum seeker from Afghanistan or a 10-year-old evacuated orphan from Ukraine) has a dedicated guardian who looks after their legal and social needs is a challenge. Hungary had issues here historically, Slovakia too (with very few certified guardians, the director of a children's home often is the *de facto* guardian). The gap can be closed by training more guardians. Legally, it could mean amending laws to reduce the maximum caseload per guardian or guarantee legal representation in addition to guardianship.

**9. Detention and border practices**—Despite improvements, the risk remains that in future migration events, states might resort to detention or pushbacks again. Hungary's transit zones are closed now due to court rulings, but its legislation still allows asylum detention in some cases, and its practice of denying entry at the Serbian border continues. Poland's response to the Belarus tactic suggests that under pressure, rights can be sidelined. This is a gap in *legal resilience*: the laws did not prevent those abuses because states declared emergencies or found loopholes. Strengthening domestic legal checks—for example, better parliamentary or judicial review of emergency decrees that affect migrants, or codifying alternatives to detention explicitly—would help. There's room to advocate for legal reform to explicitly prohibit the detention of children in migration contexts, in line with international guidance.

It is clear that the main challenges and gaps revolve around ensuring that legal entitlements are effectively delivered, maintaining equality and consistency in protecting all refugee children, and adapting systems to the scale and duration of current crises. Addressing these requires not only legal reforms but also policy innovations, adequate funding, and a commitment to upholding the spirit as well as the letter of child protection laws.

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maintaining equality and consistency in protecting all refugee children, and adapting systems to the scale and duration of current crises. Addressing these requires not only legal reforms but also policy innovations, adequate funding, and a commitment to upholding the spirit as well as the letter of child protection laws.

## 6 Conclusion

The refugee and migrant crises in Central and Eastern Europe have put national legal frameworks and child protection systems to the test. This analysis has shown that Slovakia, Hungary, Czechia, and Poland—supported by international and regional law—have made significant strides in safeguarding the rights of displaced children, especially in the unprecedented influx of Ukrainian refugees. Grounding their responses in the core principles of children's rights (non-discrimination, best interests, right to development and education), these countries demonstrated the capacity for empathy and inclusion: Poland and Czechia rapidly opened schools to tens of thousands of refugee students, Hungary ensured legal equality in schooling.

Yet, the analysis also makes clear that gaps remain between the letter of the law and the lived reality of refugee children. Many are still “*on hold*,” their education interrupted and futures uncertain. Challenges such as inconsistent treatment of non-European refugees, resource shortages, language barriers, and psychosocial stressors have prevented some children from fully enjoying their rights. The case law reviewed serves as a caution that even well-meaning governments can falter, and that constant vigilance and legal accountability are required to protect vulnerable children.

In response, this paper offered a range of recommendations, urging both legal reforms (such as banning child immigration detention and extending compulsory education to all minors) and policy enhancements (like boosting school capacity, training teachers, and providing mental health support). Key among these is the call to firmly center the best interests of the child in every decision—from border control practices to classroom placement—as required by international law and basic humanity.

Implementing these recommendations will demand political will, funding, and perhaps shifts in public attitudes. However, the investment is worthwhile. By strengthening protections for refugee and migrant children, CEE countries will not only comply with their legal obligations but also foster a generation of youth who, despite displacement, can heal, learn, and contribute—whether back in their home country or in their new communities. In many ways, these children are bridges between nations; how we treat them now will shape the climate of our region for years to come.

In conclusion, while Central and Eastern Europe faces ongoing and emerging challenges in protecting refugee and migrant children, it also holds the tools and principles to meet them. By reaffirming a commitment to the rule of law and children's rights—and by translating that commitment into concrete actions on the ground—Slovakia, Hungary, Czechia, Poland and their neighbors

can set an example of how to safeguard the dignity of every child, even in times of crisis.

## Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

## Author contributions

LG: Writing – original draft, Writing – review & editing.

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