Fundamental rights of children displaced in the EU following the Russian war of aggression

Austria

June 2023

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Disclaimer

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1. Children fleeing Ukraine

1.1. Data on children fleeing Ukraine

Table 1  Children fleeing Ukraine

<table>
<thead>
<tr>
<th>Category of child</th>
<th>Registration system</th>
<th>Number of children (as disaggregated as possible) (as of 1 May 2023)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall number of children</td>
<td>Y, Registration system by the Federal Ministry of the Interior. These are the monthly data submitted to EUROSTAT.</td>
<td>Total number: 32,750 (16,540 male; 16,210 female)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Below 14 years of age: 24,770 (12,540 male; 12,230 female)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14-17 years of age: 7,980 (4,000 male; 3,980 female)</td>
</tr>
<tr>
<td>Arrived accompanied by mother, father or another legal guardian</td>
<td>Y, Registration system by the Federal Ministry of the Interior. These are the monthly data submitted to EUROSTAT.</td>
<td>Total number: 31,645 (15,970 male; 15,675 female)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Below 14 years of age: 24,480 (12,405 male; 12,075 female)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14-17 years of age: 7,165 (3,565 male; 3,600 female)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Please note: The number of children who arrived accompanied by their mother, father or another guardian is the difference between the total number of children and children who arrived unaccompanied.</td>
</tr>
<tr>
<td>Arrived without parents, but with other family members, neighbours or family friends</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Arrived unaccompanied</td>
<td>Y, Registration system by the Federal</td>
<td>Total number: 1,105 (570 male; 535 female)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Below 14 years of age: 290</td>
</tr>
</tbody>
</table>

1 There is no further disaggregation available. The registration system by the Federal Ministry of the Interior is the same for all seeking international protection.
Table 2 – Serious crimes against children fleeing Ukraine and children going missing

<table>
<thead>
<tr>
<th>Issue / risk</th>
<th>Number of cases i) reported and ii) investigated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence, including domestic violence</td>
<td>n/a</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>n/a</td>
</tr>
<tr>
<td>Trafficking for exploitation</td>
<td>n/a</td>
</tr>
<tr>
<td>Children reported as missing</td>
<td>n/a</td>
</tr>
<tr>
<td>Other crimes against children fleeing Ukraine</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Source: Austria, Statistics Austria, Verurteilungs- und Wiederverurteilungsstatistik; Austria, Federal Ministry of the Interior, Polizeiliche Kriminalstatistik; Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen), information provided by email on 1 June 2023.
In Austria, the judicial crime statistics\textsuperscript{2} are based on an extract from the criminal record and can therefore only provide information on convicted offenders, but no information on victims. Basic data on crime victims are available in the police crime statistics.\textsuperscript{3} However, these statistics do not include information on the nationality of victims. According to the Competence Centre for Missing Children Data at the Criminal Intelligence Service data on children reported as missing, such as information on the refugee background, is not collected in such a way that it can be statistically analysed.\textsuperscript{4} There have been no media reports on serious crimes against children fleeing Ukraine and children going missing.

\textsuperscript{2} Austria, Statistics Austria, Verurteilungs- und Wiederverurteilungsstatistik.

\textsuperscript{3} Austria, Federal Ministry of the Interior, Polizeiliche Kriminalstatistik.

\textsuperscript{4} Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen), information provided by email on 1 June 2023.
2. Child protection – legal, policy framework and procedures in place

2.1. Responsibilities of child protection authorities

2.1.1. Individual children, including unaccompanied and separated children

In Austria, there is no specific legal or policy framework in place for the child protection specifically for children from Ukraine. Therefore, the general child protection provisions apply also for children having fled the Ukraine. Since a major amendment\(^5\) to the Austrian Federal Constitution (Bundesverfassung, B-VG)\(^6\) entered into force on 1 January 2020, the competence for matters of child and youth welfare mainly lies at the federal provinces. The nine provinces have enacted their own provincial Child and Youth Welfare Acts, which regulate the organisation of the child and youth welfare services on provincial level (responsibilities, personnel, documentation, etc.); services of child and youth welfare (regulations on system services such as statistics, public relations; preventive assistance, educational assistance; socio-educational facilities, foster care; participation in adoption; child and youth ombudsman; regulations on bearing costs).\(^7\)

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\(^6\) Austria, Federal Constitutional Act (Bundes-Verfassungsgesetz, B-VG), Federal Law Gazette I No. 194/1999.

In case children having fled the war in Ukraine do not arrive with their parents in Austria, but with other families or other relatives, the authorities assess whether these children may stay with these persons of trust. If this is not the case, another placement will be sought for the children. This is decided on the basis of the needs of the child and the possibilities of accommodation and care for the child.\(^8\)

Oversight is the responsibility of the district administrative authorities or the provincial government for both, individual children as well as for children evacuated from Ukrainian institutions. The nine Provincial Child and Youth Welfare Acts\(^9\) contain detailed rules the professional oversight of public and private child and youth welfare institutions. The Provincial Child and Youth Welfare Acts also contain regulations for the exercise of this oversight (prescribed intervals are e.g., one or two years). Oversight measures may generally take place without prior notification. The Provincial Child and Youth Welfare Acts further stipulate that the oversight bodies have access to the premises at any time, may inspect the documentation and obtain necessary information. If there are deficiencies which endanger the professional provision of the service(s) assumed, it shall be stipulated that these deficiencies must be remedied within a reasonable period of time. If deficiencies are not remedied in due time, it shall be stipulated by means of a decree that these deficiencies must be remedied within a reasonable period of time, irrespective of the initiation of criminal proceedings. If the deficiencies are so serious that the provision of services is no longer in the best interests

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\(^8\) Asylkoordination Österreich (2022), ‘Foster and host parents for refugee orphans’ (Pflege- und Gasteltern für Fluchtwaisen), Vienna.

of the child, it may be determined that the facility is no longer suitable for the provision of services.\textsuperscript{10}

\subsection*{2.1.2. Children evacuated from Ukrainian institutions}

Please see above at 2.1.1. The NGO “kleine Herzen” further reported that the compliance with the regulations concerning child and youth protection is coordinated and checked by the Burgenland authorities together with the head of the NGO “kleine herzen”, the Ukrainian director of the orphanage, who is also the guardian of the children, and the representative and project manager of Senecura.\textsuperscript{11}

\section*{2.2. Safeguards and measures addressing risk of violent crimes against children fleeing Ukraine}

\subsection*{2.2.1. Safeguards to protect and defend children from crimes}

Children fleeing Ukraine benefit from the same safeguards and measures addressing risk of violent crimes as all children in Austria. Accordingly, anyone who has a reasonable suspicion that children are being abused, tormented, neglected or sexually abused can contact the child and youth welfare services of the province in which the children are staying. Certain professionals (such as courts, authorities, police, persons involved in care or education of children, psychosocial counsels, private facilities for child and youth welfare, as well as hospitals) are obliged to inform the child and youth welfare services if the suspicion arises in the course of their professional activity and the danger cannot be averted by the action of the professionals themselves (§ 37 Federal Child and Youth Welfare Act).\textsuperscript{10}

\textsuperscript{10} See e.g., § 28 Lower Austria Child and Youth Welfare Act (\textit{NÖ Kinder- und Jugendhilfegesetz (NÖ KJHG)}, LGBl. 9270-0; § 25 Salzburg Child and Youth Welfare Act (\textit{Salzburger Kinder- und Jugendhilfegesetz – S.KJHG}), LGBl No. 32/2015.

\textsuperscript{11} Information provided by the NGO “kleine herzen” by email on 6 June 2023.
There is a form available for the presentation of the suspicion of danger. After receiving the notification, the child and youth welfare services will initiate a risk assessment according to the provincial provisions in order to evaluate the risk of danger. For the risk assessment, among other things, interviews are conducted with the children and adolescents concerned, their parents and caregivers, their homes and places of residence are visited and expert reports are prepared. If there is a risk to the welfare of the child, educational support (e.g., educational counselling, intensive family care) is agreed upon. If the well-being of the child cannot be ensured in his or her family of origin even with educational support, the child and youth welfare services provide care with relatives (e.g., other parent not living in the household, grandparents), in a foster family or in a socio-educational institution. If no agreement can be reached between parents and the child and youth welfare services, the court decides.

### 2.2.2. Support for children victims of crimes

All support services for child victims of violent crime available in Austria are also available to children who have fled from the Ukraine. While a comprehensive list of such support services available is available online, the key support services also available for children having fled the Ukraine are presented in the following: The child protection

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13 Gewaltinfo.at, [*Mitteilung an die Kinder und Jugendhilfe bei Verdacht der Kindeswohlgefährdung*](https://gewaltinfo.at/).


15 Gewaltinfo.at, [*Website on support services for child victims of crime*](https://gewaltinfo.at/).
centres\(^{16}\) offer crisis intervention, counselling and psychotherapy in cases of violence or the suspicion of violence against children and adolescents. Many child protection centres also offer counselling on childcare for families and process support. Centres for the protection from violence\(^{17}\), provide inter alia counselling, psychosocial and legal process support. The NGO “Der Weisse Ring”\(^{18}\) offers counselling, legal advice, procedural guidance, and financial assistance. This NGO also runs the hotline “Opfernotruf - 0800 112 112”, \(^{19}\) which is an initiative by the Federal Ministry of Justice and acts as contact point for all people including children and youth who are directly or indirectly affected by a crime. The Ombudsoffices for Children and Youths\(^{20}\) provide counselling, support, and mediation. The hotline “Rat auf Draht 147”\(^{21}\) is a private initiative by SOS Children’s Villages and the Austrian Broadcasting Corporation, providing comprehensive counselling for children. Rat auf Draht set up “Ukraine Emergency Projects”. These services include chat counselling for children and young people, psychosocial counselling for parents and caregivers, an information portal for refugees from Ukraine living in Austria, as well as counselling for accommodation providers (for further details see Annex 2 on promising practices). The counsellors for this specific service all have a Ukrainian background and provide counselling in Russian and Ukrainian. The “Frauenberatungsstelle bei sexueller Gewalt”\(^{22}\) provides counselling and process support for women of all ages and girls aged 14 and over who are affected by sexual violence.

In addition, the Federal Agency for Care and Support Services (Bundesagentur für Betreuungs- und Unterstützungsleistungen, BBU) set up a separate hotline for displaced persons from Ukraine, which is staffed by multilingual personnel and quickly established itself as the central point of contact for displaced persons’ questions.\(^{23}\)

\(^{16}\) The Austrian Child Protection Centres, Alle Kinderschutzzentren in Österreich.

\(^{17}\) Bundesverband der Gewaltschutzzentren Österreichs, Interventionsstelle und Gewaltschutzzentren.

\(^{18}\) Der Weisse Ring, Website.

\(^{19}\) Opfernotruf - 0800 112 112, Website.

\(^{20}\) Ombudsoffices for Children and Youths, Kinder- und Jugendarbeitschaften.

\(^{21}\) Rat auf Draht 147, Website.

\(^{22}\) Frauenberatungsstelle bei sexueller Gewalt, Website.

\(^{23}\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.
In Austria, all victims may receive psychosocial and legal process support according to § 66 (2) Code of Criminal Procedure.\footnote{Austria, Code of Criminal Procedure 1975 (\textit{Strafprozeßordnung 1975 - StPO}), Federal Law Gazette No. 631/1975.} This means that victims are informed by trained professionals from a number of institutions (including child protection centres as well as in the intervention centre and all violence protection centres against violence in the family) about possible steps to take after incidents of violence. Psychosocial support during legal proceedings includes supportive accompaniment to the police, court, court experts and lawyers. In the course of legal process support, those affected by violence receive legal advice from a lawyer and are represented in court. These support services are financed by the Federal Ministry of Justice. Moreover, child victims are considered as “victims in need of special protection” according to § 66a Code of Criminal Procedure\footnote{Austria, Code of Criminal Procedure 1975 (\textit{Strafprozeßordnung 1975 - StPO}), Federal Law Gazette No. 631/1975.} and thus have additional rights in criminal proceedings. The interrogation must therefore be conducted by a person of the same sex, if possible, the public can be excluded from the main hearing, and witnesses can be questioned without the presence of the accused.

### 2.3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

#### 2.3.1. Arrived unaccompanied

The relevant provisions concerning guardianship for unaccompanied children arriving in Austria are laid down in §§ 204 to 230 Civil Code\footnote{Austria, Austrian Civil Code (\textit{Allgemeines bürgerliches Gesetzbuch, ABGB}), JGS No. 946/1811.}. These paragraphs set out the regulations for all guardianship cases, in which parents or grandparents are not the guardians or cannot be appointed as guardians. The Austrian Civil Code thus does not differentiate between Austrian citizens and aliens, which means that there is one system for all children. The Austrian Supreme Court (\textit{Oberster Gerichtshof, OGH}) ruled already in 2005 that transfer of guardianship for all unaccompanied children has to be treated equally as transfer of guardianship for Austrian children.\footnote{Austria, Supreme Court (\textit{Oberster Gerichtshof, OGH}) (2005), 7Ob209/05v, 19 October 2005.} According to the Supreme...
Court, this holds true for all areas of guardianship, namely care and education (§§ 160 et seqq. Civil Code), asset management (§§ 164 et seqq. Civil Code) and legal representation (§§ 167 et seqq. Civil Code).

2.3.2. Arrived without parents, but with other family members, neighbours or family friends

In case a child arrived without parents, but with other family members, neighbours or family friends, the competency for assessing the situation and appointing a guardian lies at the court, where the child has its (regular) stay according to § 109 Act on court jurisdiction. There have been no media reports about any challenges related to the recognition of such legal documents.

2.3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

In case a child arrived within a group, from Ukrainian institution or foster carers, the competency for assessing the situation and appointing a guardian also lies at the court, where the child has its (regular) stay according to § 109 Jurisdiction Act. In Austria, Ukrainian court decisions on the regulation of guardianship can only be enforced if they have been declared enforceable by an Austrian court (§ 112 Act on non-contentious proceedings). Guardians appointed in Ukraine may be recognised in line with Article 23 of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. The NGO “kleine Herzen”, which evacuated children from an Ukrainian institution, reported the Ukrainian director of the orphanage is the guardian

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28 Austria, Act on court jurisdiction (Gesetz vom 1. August 1895, über die Ausübung der Gerichtsbarkeit und die Zuständigkeit der ordentlichen Gerichte in bürgerlichen Rechtssachen, Jurisdiktionsnorm – JN), RGBl. No. 111/1895.

29 Austria, Act on court jurisdiction (Gesetz vom 1. August 1895, über die Ausübung der Gerichtsbarkeit und die Zuständigkeit der ordentlichen Gerichte in bürgerlichen Rechtssachen, Jurisdiktionsnorm – JN), RGBl. No. 111/1895.

of these children.\textsuperscript{31} According to the NGO “kleine Herzen” the recognition of the legal guardianship granted in Ukraine was not problematic in Austria at all.\textsuperscript{32}

2.3.4. **Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)**

As 2.3.3. above.

2.4. **Placement of unaccompanied and separated children fleeing from Ukraine**

<table>
<thead>
<tr>
<th>Type of placement</th>
<th>Number of children</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>With adult relatives</td>
<td>n/a</td>
<td>A breakdown into the categories listed in the table is not possible for the Federal Ministry of the Interior, especially since the information available only refers to persons in basic care and no data is available in this regard.</td>
</tr>
<tr>
<td>With a foster family</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>With person who looked after the child when fleeing</td>
<td>n/a</td>
<td>Information can only be provided on children from Ukraine, who are in basic care. As of 30 April 2023, a total of 16,972 child aliens with Ukrainian citizenship were in basic care, of which 284 were unaccompanied children.</td>
</tr>
<tr>
<td>In reception centres for unaccompanied children (all nationalities)</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>In reception centres for children fleeing Ukraine</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Other placement</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>


\textsuperscript{31} Information provided by the NGO “kleine herzen” by email on 6 June 2023.

\textsuperscript{32} Information provided by the NGO “kleine herzen” by phone on 27 June 2023.
There have been no reports about challenges in respect to access to schools or services generally. In respect to rural areas, the information provided by the NGO “kleine herzen” rather indicates that the access to services was granted without any difficulties there. Overcrowding has not been reported as an issue in any recent responses to parliamentary questions. There have also been no media reports about overcrowding, nor any other challenges related to the accommodation of children having fled the war in Ukraine.

2.5. Children evacuated from Ukrainian institutions

2.5.1. Institutional placements

The total number of premises hosting children evacuated from Ukrainian institutions is not available for Austria. The Federal Ministry of the Interior reports that after their reception in an arrival centre of the provinces, accommodation for displaced persons from Ukraine is provided in assigned basic care quarters at the provincial level. Within the framework of the basic care of the provinces, accommodation can alternatively be provided in organised or private accommodation.\(^{33}\) The Federal Ministry of the Interior further reports that special neighbourhood quarters have been set up in the federal area of responsibility to provide the best possible care for displaced persons, with the subsequent aim of transferring them to the basic care of the provinces as soon as possible. However, as of June 2023, no such neighbourhood quarters for displaced persons are operated at the federal level.\(^{34}\)

The Federal Ministry for European and International Affairs reported about one evacuation of children from Ukrainian institutions conducted mainly by the NGO “kleine herzen”.\(^{35}\) This NGO reported that children, carers and the head of the “Kirovograd Regional Specialised baby home of the new type of Kirovograd Regional Council” as well as the biological children of individual caregivers have also been evacuated in March 2022.\(^{36}\) Since then, the 61 children aged 1 to 6, the 35 caregivers and their 16 children

\(^{33}\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.

\(^{34}\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.

\(^{35}\) Austria, Federal Ministry for European and International Affairs, Foreign Ministry Helps “kleine herzen” NGO Evacuate Orphaned Children from Ukraine, 27 March 2022.

\(^{36}\) Information provided by the NGO “kleine herzen” by email on 6 June 2023.
have been living in southern Burgenland in a former hotel owned by Senecura, which is a leading private operator of health and care facilities in Austria.\textsuperscript{37}

The Federal Ministry for European and International Affairs reported about an evacuation in a joint effort by the Austrian Ministry of Foreign Affairs, the Austrian embassy in Warsaw, the Austrian Ministry of Health, the Vienna division of the Austrian Red Cross and the St Anna Children's Hospital in Vienna on 31 March 2022. Five young cancer patients arrived at the St Anna Children's Hospital on 31 March 2022, accompanied by their mothers. They were provided with initial medical care in Vienna before being transferred to hospitals across Austria.\textsuperscript{38}

The Federal Ministry for European and International Affairs also supported a humanitarian transport of the German-Austrian initiative “EvacuAid Kyiv”, which has been organising evacuation convoys for these people since mid-March 2022. The Federal Ministry for European and International Affairs reported that with “[…] the support of the Uzhgorod branch of the Austrian embassy in Ukraine and the Austrian embassy in Slovakia, a humanitarian convoy allowed 270 people, including heavily pregnant women, infants and children with physical disabilities and special needs, but also elderly people with severely limited mobility to leave the country at the beginning of April 2022. […] The Austrian embassy team in Ukraine provided logistical support for the convoy and made preparations on site to ensure that its departure from Ukraine was as smooth as possible, as well as providing the necessary food supplies. […] After driving another ten hours through Slovakia, the “EvacuAid Kyiv” convoy arrived at the Austrian border […]. For 62 passengers, temporary accommodations had already been arranged in Vienna and Salzburg. The remaining convoy passengers travelled on through Slovakia and the Czech Republic to Germany.\textsuperscript{39}

There is no information available about efforts to keep placement arrangements for children evacuated from Ukrainian institutions in proximity within a small geographical area.\textsuperscript{40}

\textsuperscript{37} kleine herzen, Website.

\textsuperscript{38} Austria, Federal Ministry for European and International Affairs, Further support for Ukraine: Austria evacuates children with cancer from the Ukrainian city of Lviv, 31 March 2022.

\textsuperscript{39} Federal Ministry for European and International Affairs, 270 particularly vulnerable people rescued from Ukraine, press release, 4 April 2022.

\textsuperscript{40} kleine herzen, Website.
2.5.2. Alternative care

No specific procedures apply for the provision of alternative care for children evacuated from Ukrainian institutions. The Federal Ministry of the Interior reports within the framework of basic care of the provinces, accommodation can alternatively be provided in organised or private accommodation.\(^1\)

According to the NGO „kleine herzen“, the 61 children aged 1 to 6, the 35 caregivers and their 16 children live in a spacious and comfortable hotel. Each staff member has her own room with three children's beds and looks after three children. When a staff member responsible for three children takes her two days off per week, the children are cared for by a substitute caregiver. The head of the NGO „kleine herzen“ had to give a guarantee to the Ukrainian authorities that the children and their carers would not be separated and would in any case be accommodated together appropriately.\(^2\)

2.5.3. Safeguards for children placed in institutional care settings

The Federal Ministry of the Interior provided information on the general care for unaccompanied children in federal care facilities. According to the Federal Ministry of the Interior comprehensive child protection measures have been taken there. For example, trained child protection officers and managers trained in child protection work in these facilities. Based on the UNICEF minimum standards, the Federal Agency for Care and Support Services, has developed and implemented an internal child protection concept, which stipulates that the best interests of the child are taken into account in all individual measures. In addition to these general measures for child protection, further measures have been implemented, especially for the target group of unaccompanied children, such as the placement of such children in separate areas and specialised facilities. Furthermore, a specialised day structuring adapted to the respective age and an increased care key are implemented with regard to unaccompanied children in general.\(^3\)

The NGO „kleine herzen“ reported that the compliance with the regulations concerning child and youth protection is coordinated and checked by the Burgenland authorities together with the head of the NGO „kleine herzen“, the Ukrainian director of the

\(^{1}\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.

\(^{2}\) Information provided by the NGO „kleine herzen“ by email on 6 June 2023.

\(^{3}\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.
orphanage, who is also the guardian of the children, and the representative and project manager of Senecura.\(^4\)

### 2.5.4. Access to local services and support

The Federal Ministry of the Interior reports that in Austria, displaced persons are granted protection ex-lege. If they are in need of assistance, displaced persons fall into the target group of basic care according to Article 2 (1) of the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a B-VG.\(^5\) Such an individual need of assistance exists if a person cannot or cannot sufficiently procure the necessities of life for him/herself and the dependants living with him/her in the same household from his/her own efforts and means and also does not or cannot sufficiently obtain them from other persons or institutions. Displaced persons from Ukraine thus receive the same benefits from basic services (e.g., health insurance, food, accommodation, etc) as other entitled persons. The Federal Ministry of the Interior further reports that displaced persons from Ukraine have access to health care, the labour market and the education system - also independent of basic benefits - and are also granted further support benefits (such as family allowance).\(^6\)

The NGO “kleine herzen” reports that the majority of their children evacuated from Ukraine have not yet reached kindergarten age, and only a small number attend kindergarten. The municipal kindergarten in Neudauberg has opened a separate group for this purpose, and the integration of the Ukrainian children is working excellently according to the NGO. Some of the caregivers’ children already go to school and the integration there is also excellent.\(^7\)

The NGO “kleine herzen” further reports that the medical care is excellent, with both the director of the Ukrainian orphanage and another person who came with them from Ukraine being doctors, so that basic medical care is guaranteed in any case. In addition, there is great care in the specialist departments of the hospitals in Oberwart and Graz -

\(^4\) Information provided by the NGO “kleine herzen” by email on 6 June 2023.

\(^5\) Austria, Agreement between the Federal State and the Provinces on Basic Care – Art. 15a B-VG, Federal Law Gazette I No. 80/2004.

\(^6\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.

\(^7\) Information provided by the NGO “kleine herzen” by email on 6 June 2023.
especially for the children with disabilities or special needs and illnesses, according to the NGO.\textsuperscript{48}

The NGO “kleine herzen” reports that the group of children evacuated from the Ukrainian orphanage has been lovingly welcomed and cared for by the local population since their arrival. There are also regular activities for the children and their carers - such as donations of toys and clothes, free visits to the hairdresser, and much more.\textsuperscript{49}

### 2.6. Child-friendly information and means to ensure participation of children from Ukraine

#### 2.6.1. Child friendly information

Austrian ministries, such as the Austrian Federal Ministry of the Interior,\textsuperscript{50} the Federal Ministry of Finance,\textsuperscript{51} the Federal Ministry of Education, Science and Research,\textsuperscript{52} as well as local authorities, such as the City of Vienna,\textsuperscript{53} the Austrian Integration Funds,\textsuperscript{54} provide information specifically for persons having fled the war in Ukraine. However, no specific efforts to provide information to children from Ukraine in a child-friendly manner have been identified.\textsuperscript{55}

\textsuperscript{48} Information provided by the NGO “kleine herzen” by email on 6 June 2023.

\textsuperscript{49} Information provided by the NGO “kleine herzen” by email on 6 June 2023.

\textsuperscript{50} Austrian Federal Ministry of the Interior, [Ukraine](https://www.bmei.gv.at/).  

\textsuperscript{51} Austrian Federal Ministry of Finance, [Informationen für ukrainische Staatsangehörige](https://www.bmei.gv.at/).  

\textsuperscript{52} Austrian Federal Ministry of Education, Science and Research, [War in Ukraine – help and support from the BMBWF](https://www.bmbwf.gv.at/).  

\textsuperscript{53} Vienna, StartWien, [Wohnen und Verkehr](https://www.wien.gv.at/).  

\textsuperscript{54} Austrian Integration Funds, [Angebote des ÖIF für vertriebene Ukrainerinnen und Ukrainer](https://www.oi-gesamt.at/).  

\textsuperscript{55} A request for information was also sent to the Human Rights Coordinator at the Federal Ministry of the Interior.
2.6.2. Child participation

No particular practices to be reported. Participation projects of various stakeholders have been consulted.\textsuperscript{56}

NGOs that operate larger facilities have developed a variety of concepts for resident representation and participation. In the area of unaccompanied children house meetings are often conducted, yet with the prime aim to provide information to children. For UNHCR, the establishment of an external, third body for complaints and concerns is important.\textsuperscript{57}

\textsuperscript{56} The Ministry of Education, Science and Research has no information on this issue as reported by email on 28 June 2023. Moreover, \textit{good practice examples} of child participation have and the participation organisation “beteiligung.st” been consulted without relevant results.

\textsuperscript{57} Raithelhuber E., \textit{Es braucht ein effizientes und effektives Obsorgesystem ab Tag eins}, Ein Gespräch zwischen Stephanie Sladek vom UNHCR-Länderbüro Österreich und Eberhard Raithelhuber, Österreichisches Jahrbuch Soziale Arbeit, p. 114.
3. **Access to social rights**

3.1. **Access to health care**

3.1.1. **Scope of medical care for children fleeing Ukraine**

**Table 4 – Scope of medical care for children**

<table>
<thead>
<tr>
<th>Scope of medical care for children</th>
<th>Y/N</th>
<th>Reference / details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only emergency care/essential treatment of illnesses (Article 13.2 TPD)</td>
<td>N</td>
<td>Due to an ordinance issued by the Federal Minister for Social Affairs, Health, Care and Consumer Protection on 11 March 2022, displaced persons from Ukraine are legally included in the health insurance scheme. They have the same entitlement to benefits and services from health insurance as other insured persons in Austria. This means that they are entitled to medical treatment and assistance in case of physical infirmity (e.g., medical assistance, medicines, therapeutic aids and appliances, therapeutic treatment, clinical-psychological diagnosis, ambulance and emergency transport) as well as institutional care (hospital) and</td>
</tr>
<tr>
<td>Complete medical check-up / health screening</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Mental health screening (PTSD, depression, anxiety)</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Vaccinations for children</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Mental health / psychosocial support</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Children with disabilities and those with chronic illnesses have access to the medical care needed</td>
<td>Y</td>
<td></td>
</tr>
</tbody>
</table>
Due to their residence status, displaced children from Ukraine are per se entitled to health insurance benefits. This means that these persons are directly connected to the regular medical system.

### 3.1.2. Challenges in practical provision

No major challenges have been identified. According to the Integration Centre Styria, for instance, the provision of displaced Ukrainians with access to medical care and mental healthcare was no challenge in general in Styria.\(^58\)

### 3.1.3. Mental health and psychosocial support for children fleeing Ukraine

No specific gaps or challenges with regard to the availability and provision of mental health and psychosocial support services to children fleeing the Ukraine identified.

Since many displaced persons suffered from acute traumatisation, the Vienna Social Fund, in cooperation with proven supporting organisations, implemented several measures to ensure rapid and needs-oriented psychological care for all recipients of basic services in Vienna. This range of services includes, among others, clinical psychological counselling, counselling for relief, psychoeducational groups and crisis intervention. In addition, outreach psychiatric consultations are available to ensure immediate professional support.\(^59\) The Vienna Social Funds also identified a high need

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\(^58\) Telephone interview with a member of the Integration Centre Styria on 24 January 2023.

\(^59\) Information provided by the Vienna Social Fund (Fonds Soziales Wien) via email on 24 January 2023.
for care in relation to children. Accordingly, the measures offered increasingly include this target group.\textsuperscript{60}

The city of Vienna also provides comprehensive information on healthcare issues specifically for persons who have fled the war in Ukraine on a website, including information on services specifically for children. The information provided includes guidance on where and how to find a medical doctor. In addition, several municipality-run organisations and NGOs are listed that provide psychological support and counselling.\textsuperscript{61} Psychosocial Services Vienna is the largest provider of psychosocial and psychiatric care in Vienna and offer help with mental illness. This network of treatment institutions, counselling centers and other medical psychiatric support services in Vienna provides a factsheet on psychosocial services for persons having fled the war in Ukraine.\textsuperscript{62} In Styria, the demand for psychotherapeutic counselling and care as well as crisis intervention in the national language is met by the Graz-based NGOs Zebra\textsuperscript{63} and Omega\textsuperscript{64}. Moreover, experts from “Rat auf Draht” provide free psychosocial online chat counselling for children and young people in Ukrainian and Russian.\textsuperscript{65}

However, the Austrian Society for Psychiatry, Psychotherapy and Psychosomatics and the Austrian Society for Child and Adolescent Psychiatry, Psychosomatics and Psychotherapy point at a general, serious shortage of psychiatrists for all age groups in Austria.\textsuperscript{66} According to the Austrian Society for Child and Adolescent Psychiatry, Psychosomatics and Psychotherapy, there have been positive developments in the sense of promoting telephone counselling services or in the context of the project “Healthy out of the Crisis” (\textit{Gesund aus der Krise}\textsuperscript{67}), so that an increase in psychosocial help has begun. However, in the view of the Austrian Society for Child and Adolescent Psychiatry, Psychosomatics and Psychotherapy, this is not yet sufficient to counter the current crisis. There is still a lack of measures in the area of prevention at school and in

\textsuperscript{60} Information provided by the Vienna Social Fund (\textit{Fonds Soziales Wien}) via email on 24 January 2023.

\textsuperscript{61} Vienna, StartWien, \textit{Gesundheit}.

\textsuperscript{62} Austria, Psychosocial Services Vienna, \textit{Aktuelle Informationen}.

\textsuperscript{63} Zebra, \textit{Website}.

\textsuperscript{64} Omega, \textit{Website}.

\textsuperscript{65} Austria, Rat auf Draht, \textit{Ukraine Nothilfe-Projekte}.

\textsuperscript{66} Austrian Society for Psychiatry, Psychotherapy and Psychosomatics and the Austrian Society for Child and Adolescent Psychiatry, Psychosomatics and Psychotherapy (2023), \textit{Stellungnahme der ÖGPP und der ÖGKJP „Gravierender Mangel an Psychiater:innen für alle Altersgruppen in Österreich“}.

\textsuperscript{67} Professional Association of Austrian Psychologists, \textit{Gesund aus der Krise}. 

the workplace, as well as in the area of low-threshold support at schools and in vocational training, but also in the area of child and adolescent psychiatric care, both in private practice and in the inpatient sector.⁶⁸

3.2. Access to education

3.2.1. Types of schooling

Table 5 – Enrolment and attendance of children fleeing Ukraine

<table>
<thead>
<tr>
<th>Types of schooling</th>
<th>Number of children enrolled</th>
<th>Number of children attending</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>National formal educational system</td>
<td></td>
<td></td>
<td>The number of children in nursery is not publicly available.⁶⁹</td>
</tr>
<tr>
<td>Children in nursery</td>
<td>n/a</td>
<td>n/a</td>
<td>The Federal Ministry of Education, Science and Research has no data on children in nursery as these are the responsibility of the provinces.⁷⁰</td>
</tr>
<tr>
<td>Children in primary education</td>
<td>As of 6 February 2023: 5,682</td>
<td>n/a</td>
<td>Austria Press Agency, Rund 13.000 ukrainische Kinder in</td>
</tr>
<tr>
<td></td>
<td>As of 5 June 2023: 5,686</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Children in secondary education</th>
<th>As of 6 February 2023: 7,467</th>
<th>As of 5 June 2023: 7,409</th>
<th>n/a</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Physical attendance of Ukrainian led school / educational setting</th>
<th>0</th>
<th>0</th>
<th>There are no such schools in Austria.(^{71})</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Online attendance of Ukrainian led school / educational setting</th>
<th>n/a</th>
<th>n/a</th>
<th>This number is not available as it is the parents' responsibility to decide about the</th>
</tr>
</thead>
</table>

\(^{71}\) Information provided by the Human Rights Coordinator at the Federal Ministry of Education, Science and Research by phone on 28 June 2023.
3.2.2. Support to integration in the formal educational system

According to a press release by the Austrian Federal Minister of Education of 6 February 2023, 218 Ukrainian teachers have been employed at the schools. According to the Minister, the integration of Ukrainian children and young people is working well. The measures already taken in 2022, such as transition courses for those young people who want to improve their German language skills in order to enter a grammar school, a vocational secondary and higher schools, or a profession, are already having an effect.

The number of German support classes (Deutschförderklassen) was increased. These separate groups must be attended by those children who do not have a good enough command of German and are therefore classified as extraordinary pupils. In these classes, they are taught German for up to 20 hours a week; only subjects such as handicrafts, music or gymnastics are taught together with their regular class. There are now 1,415 German support classes in Austria, 580 of them in Vienna.\(^{73}\) The German support classes run in parallel to the regular schedule for those pupils who are unable to follow lessons due to insufficient language skills. The aim of the German support classes is the early and intensive learning of German, so that these pupils can be taught together in class as soon as possible according to the curriculum of the respective type of school and school level. The German support classes are usually designed for one semester and can be attended for a maximum of four semesters. Afterwards, the pupil must be transferred to regular status. They are free of charge. In a press conference in May 2023, the Minister of Education announced that the funds for German classes will

\(^{72}\) Information provided by the Human Rights Coordinator at the Federal Ministry of Education, Science and Research by phone on 28 June 2023.

be increased by one third to € 40 million per year from autumn 2023. The number of staff positions for these classes will be increased from 442 to 577.\textsuperscript{74}

Contact persons for refugee families with pupils have been established in the provincial education directorates.\textsuperscript{75}

The Integration Funds Austria launched a buddy programme for young people from Ukraine. The aim of this buddy programme is to connect young Ukrainians with people in Austria and thus make their start in a new country easier. The buddies can support young displaced persons in learning German, get to know their new school or university together, network them with local associations and organisations, or help them make new friends through shared hobbies.\textsuperscript{76}

The Federal Ministry of Education, Science and Research published a special edition of “Educational Pathways in Austria”, which that contains information that can be particularly helpful for families who have fled from Ukraine.\textsuperscript{77} The publication generally provides an overview of the entire Austrian education system - from elementary education to adult education.

### 3.2.3. Data on drop outs and NEETs (not in education, employment, or training)

This number is not available to the Federal Ministry of Education, Science and Research.\textsuperscript{78}

\textsuperscript{74} Austria Press Agency, Deutschklassen - Mittel werden um ein Drittel aufgestockt, 10 May 2023.

\textsuperscript{75} Federal Ministry of Education, Science and Research, Krieg in der Ukraine - Unterstützungsangebote für geflüchtete Familien, für Schülerinnen und Schüler und für Pädagog/inn/en.

\textsuperscript{76} Integration Funds Austria, Das Buddy-Programm für junge Menschen aus der Ukraine.


\textsuperscript{78} Information provided by the Human Rights Coordinator at the Federal Ministry of Education, Science and Research by email on 28 June 2023.
3.3. Access to social welfare – forms of social assistance related to children

In Austria, children fleeing the Ukraine who are in need of assistance receive support within the framework of basic care (*Grundversorgung*) to cover the basic needs of their daily lives. They are among the target group of Article 2 (1) 3 of the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a B-VG\(^79\) and therefore have access to the respective benefits in terms of Article 6 of this Agreement.\(^80\)

In case children fleeing the Ukraine are accommodated in organised accommodation, the operator of the accommodation pays for all costs and provides them with food.\(^81\) In addition, such children will receive a financial allowance for school supplies (up to € 200 per child per year) and clothing (€ 150 per person per year) as well as a pocket money (up to € 40 per person per month).\(^82\) In case children live in private accommodation and have no financial means available, they can still apply for basic care. In such cases, they can receive the following maximum amounts, while the exact amount is determined by the competent authority: rent subsidy for a single person (up to € 165/person/month), rent subsidy for a family for 2 persons or more (up to € 330/ family/month), food allowance for children (up to € 145/person/month), clothing allowance (up to € 150/person/year), and school supplies allowance (up to € 200/child/school year).

On 8 July 2022 the Austrian National Council agreed to also entitle temporary protection beneficiaries from Ukraine to family allowance and associated social benefits. The new regulation come into force retroactively as of 12 March 2022.\(^83\) Persons from Ukraine with an ID for displaced persons are also entitled to childcare allowance.\(^84\) There are no differences in social assistance related to the type of residence permit.

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80 Austrian Integration Fund, *Häufig gestellte Fragen*.
81 Austrian Integration Fund, *Häufig gestellte Fragen*.
82 Austrian Integration Fund, *Häufig gestellte Fragen*.
83 Austria, Parliamentary correspondence, *Familienbeihilfe: Lösung für Vertriebene aus der Ukraine und Rücknahme der Indexierung*, 8 July 2022.
84 Austrian Integration Fund, *Häufig gestellte Fragen*.
4. Additional legal and practical barriers and challenges

4.1. General challenges

The NGO “kleine Herzen” reported that administrative efforts are often a challenge. A lot of time and effort has to be invested, especially when it comes to a large group of children evacuated from Ukrainian institutions. Wherever responsibility lies with the municipality, however, low-threshold coordination with short decision-making paths is possible and lived practice according to this NGO.\(^85\)

The Federal Ministry of the Interior reported that there are no challenges within their sphere of operations.\(^86\)

4.2. Challenges for children at multiple risk/disadvantage

No particular challenges identified for children at multiple risk fleeing the Ukraine.

\(^{85}\) Information provided by the NGO “kleine herzen” by email on 6 June 2023.

\(^{86}\) Information provided by the Federal Ministry of the Interior by email on 15 June 2023.
5. Policies in place

5.1. Dedicated action plan and/or integrated measures

No dedicated policy or action plan addressing children fleeing Ukraine identified.\(^87\)

5.2. European Child Guarantee

Austria has not yet adopted a National Action Plan for the European Child Guarantee. The Federal Minister of Social Affairs, Health, Care, and Consumer Protection explained in February 2023 that the coordinating ministries are currently in the process of finalising the draft.\(^88\)

5.3. Budget

There is no specific budget allocated for displaced children from Ukraine in the budget for 2023.\(^89\) However, for the overall care and provision of displaced persons from Ukraine, funds in the amount of € 400 million were budgeted in 2022 and a further € 700 million are included in the Federal Framework Budget 2022-2025 for 2023.\(^90\)

The Federal Budget 2023 foresees expenditures in the amount of € 1,054.8 million for the relevant budget item “Alien Affairs”, which is € 307.4 million more than in the Federal Budget 2022. Based on current estimates, it is assumed that there will be a continuous decrease in the number of Ukrainian displaced persons in basic care, so that

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\(^87\) Austria, Federal Chancellery, Nationale Aktionspläne und Strategien: Jugendpolitische Anknüpfungspunkte.

\(^88\) Austria, Federal Minister of Social Affairs, Health, Care, and Consumer Protection, Response to parliamentary question 13174/J, 1 February 2023.

\(^89\) Austria, Federal Ministry of Finance, Budget 2023.

the expenditures will decrease to €567.8 million by 2026.\textsuperscript{91} In 2023, funds are also earmarked to cover additional needs in connection with pupils displaced from Ukraine, especially with regard to the promotion of German.\textsuperscript{92}

\textsuperscript{91} Austria, Federal Ministry of Finances, \textit{Erläuterungen zum Budget 2023}, p. 74.

\textsuperscript{92} Austria, Federal Ministry of Finances, \textit{Erläuterungen zum Budget 2023}, p. 161.
Annex 1 – Research and data

Table 6 – Research on experiences of children fleeing Ukraine

<table>
<thead>
<tr>
<th>Surveys or research studies on experiences of children fleeing Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name/title</strong></td>
</tr>
<tr>
<td><strong>Main findings (max. 1000 chars)</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Highlight any findings re. gender, age, disability and diverse characteristics</strong></td>
</tr>
<tr>
<td><strong>Methodology (for surveys/polls indicate sample size and sample method)</strong></td>
</tr>
<tr>
<td><strong>Source</strong></td>
</tr>
</tbody>
</table>

Table 7 – Research on experiences of children fleeing Ukraine

<table>
<thead>
<tr>
<th>Surveys or research studies on experiences of children fleeing Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name/title</strong></td>
</tr>
<tr>
<td>Main findings (max. 1000 chars)</td>
</tr>
<tr>
<td>--------------------------------</td>
</tr>
<tr>
<td>Highlight any findings re. gender, age, disability and diverse characteristics.</td>
</tr>
<tr>
<td>Methodology (for surveys/polls indicate sample size and sample method)</td>
</tr>
<tr>
<td>Source</td>
</tr>
</tbody>
</table>

## Annex 2 - Promising practices

### Table 8 – Promising practice # 1

<table>
<thead>
<tr>
<th>Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name/title</strong></td>
</tr>
<tr>
<td><strong>Implementing body (public authority, CSO etc)</strong></td>
</tr>
<tr>
<td><strong>Funding body</strong></td>
</tr>
<tr>
<td><strong>Reference in EN and original language (incl. URL, where available)</strong></td>
</tr>
<tr>
<td><strong>Start / end date or ongoing</strong></td>
</tr>
<tr>
<td><strong>Main target group</strong></td>
</tr>
<tr>
<td><strong>Scope (local/regional/national)</strong></td>
</tr>
<tr>
<td><strong>Objectives and outputs</strong></td>
</tr>
<tr>
<td><strong>Brief description (max. 1000 chars)</strong></td>
</tr>
</tbody>
</table>
3. Austria-Compass: Austria-Compass is the information portal for refugees from Ukraine living in Austria. Austria-Compass is available in German and Ukrainian and offers information on topics such as financial matters, work, housing, health, school, German courses, mobility, life in Austria, etc.

4. Counselling for accommodation providers: online psychological video counselling for accommodation providers of refugee families from Ukraine.

<table>
<thead>
<tr>
<th>Highlight key elements of the programme/Practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)</th>
<th>The counsellors all have Ukrainian backgrounds and offer support without language barriers from the community for the community.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring and evaluation and the bodies involved</td>
<td>No information available.</td>
</tr>
</tbody>
</table>

**Table 9 – Promising practice # 2**

| Promising programme / practices aimed at providing protection and support to displaced children fleeing the war in Ukraine |
|---|---|
| Name/title | n/a<sup>93</sup> |
| Implementing body (public authority, CSO etc) | |
| Funding body | |
| Reference in EN and original language (incl. URL, where available) | |
| Start / end date or ongoing | |
| Main target group | |

No further promising practices identified. There are no promising practices to be reported according to the NGO “kleine herzen.” The Federal Ministry of the Interior did not report a practice that would qualify as promising practice.

<sup>93</sup>
<table>
<thead>
<tr>
<th>Scope (local/regional/national)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Objectives and outputs</td>
<td></td>
</tr>
<tr>
<td>Brief description (max. 1000 chars)</td>
<td></td>
</tr>
<tr>
<td>Highlight key elements of the programme/practice which makes it promising (sustainability, measurable impact etc) (max. 500 chars)</td>
<td></td>
</tr>
<tr>
<td>Monitoring and evaluation and the bodies involved</td>
<td></td>
</tr>
</tbody>
</table>