

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

Belgium

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Contractor: Vrije Universiteit Brussel

Author: Pieter Van Roeyen

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*This report is based on publicly available information, combined with consultation of multiple actors working in the field. Not all actors have responded to the information request. As a result, this report does not provide an exhaustive overview, but is limited to the information that could be gathered within the available timeframe.*

# 1. Children fleeing Ukraine

## 1.1. Data on children fleeing Ukraine

**Table 1 Children fleeing Ukraine**

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children	N (see below)	<p>Number of children that received the temporary protection status as of 30 April 2023<sup>1</sup>:</p> <p>Male, age 0-12: 8,249 Male, age 13-17: 3,280</p> <p>Female, age 0-12: 7,968 Female, age 13-17: 2,905</p> <p>Undetermined, age 0-12: 6 Undetermined, age 13-18: 1</p> <p><b>Total: 22,409</b></p>
Arrived accompanied by mother, father or another legal guardian	N (see below)	Number of children that received temporary protection as of 30 April 2023 and was not signalled as

<sup>1</sup> Immigration Office (Algemene Directie Dienst Vreemdelingenzaken, Direction Générale de l'Office des étrangers) (2023), [Temporary protection, monthly statistics December 2022](#), Brussels, 5 January 2023; Immigration Office (Algemene Directie Dienst Vreemdelingenzaken, Direction Générale de l'Office des étrangers) (2023), [Temporary protection, monthly statistics April 2023](#), Brussels, 10 May 2023; [Information on displaced persons from Ukraine](#) on the webpage of the Belgian Bureau for Statistics (Belgisch statistiekbureau, l'office belge de statistique) (Statbel).

		unaccompanied minor by the Immigration Office <sup>2</sup> : <b>21,111</b>
Arrived as Unaccompanied Minors according to Belgian Law (see point 3)	N (see below)	<p>1) Number of children that received temporary protection as of 30 April 2023 and were signalled as unaccompanied minor by the Immigration Office:</p> <p>Male: Age 0-5: 27 Age 6-12: 128 Age 13-17: 582</p> <p>Female: Age 0-5: 24 Age 6-12: 132 Age 13-17: 405</p> <p>Undetermined: 0</p> <p><b>Total: 1,298</b></p> <p>2) The Guardianship Service provided following numbers<sup>3</sup>:</p> <p>On 14 June 2023:</p>

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<sup>2</sup> Immigration Office (*Algemene Directie Dienst Vreemdelingenzaken, Direction Générale de l'Office des étrangers*) (2023), [Temporary protection, monthly statistics December 2022](#), Brussels, 5 January 2023; Immigration Office (*Algemene Directie Dienst Vreemdelingenzaken, Direction Générale de l'Office des étrangers*) (2023), [Temporary protection, monthly statistics April 2023](#), Brussels, 10 May 2023. This number is based on the total amount of children that received temporary protection status as of 30 April 2023, minus the amount of children that were signaled to the Guardianship Service according to the monthly statistics of the Immigration Office.

<sup>3</sup> Interview with a project coordinator at the Guardianship Service, 14 June 2023.

		<ul style="list-style-type: none"> <li>- 1,453 Ukrainian unaccompanied minors had been signalled</li> <li>- 186 legal guardians had been appointed <ul style="list-style-type: none"> <li>o 78 of these guardianships were still ongoing</li> <li>o 108 of these guardianships had terminated (43 due to the minor turning adult; 4 transfers to another member state; 22 because the parents were identified; 32 because the parents arrived in Belgium)</li> </ul> </li> <li>- Aprox. 80-85% of UAM's resides with family or friends</li> <li>- Aprox. 155 UAM's are accompanied by foster families</li> </ul>
Arrived without parents, but with other family members, neighbours or family friends	N (see below)	<p>No information available.</p> <p>Available information does not differentiate between children that arrived without parents, but with other family members, neighbours or family friends and children that arrived unaccompanied.</p>
Arrived unaccompanied	N (see below)	<p>Available information does not differentiate between children that arrived without parents, but with other family members, neighbours or family friends and children that arrived unaccompanied.</p>
Arrived within a group of children, as an organised	N (see below)	No conclusive information available.

<p>evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)</p>		<p>The Cabinet of the State Secretary for Asylum and Migration stated to be aware of an evacuation of 58 children from the area of Bucha.<sup>4</sup> However, they were not evacuated from institutions or foster carers, but from their families.</p> <p>The Cabinet stated there may be other initiatives, but they were not aware of them. However, not other government agencies or contacted stakeholders have mentioned other organised evacuations.</p> <p>(see below)</p>
<p>Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)</p>	<p>N (see below)</p>	<p>No information available. (see below)</p>

There is no centralised registration system that holds information on all children fleeing Ukraine.

Multiple registration systems and databases exist that hold parts of this information, for example the Population Registries<sup>5</sup>, the internal database of the Commissioner General for Refugees and Stateless Persons, the internal database of the Federal Asylum Agency (Fedasil). There is, however, no single system or database that can identify all children concerned. On the other hand, there is an overlap of data in some cases. For example, persons applying for both temporary protection and international protection will be registered in multiple databases. In some registration systems (for example, the

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<sup>4</sup> E-mail from the Cabinet of the State Secretary for Asylum and Migration, 22 June 2023.

<sup>5</sup> Based on Belgian Federal Government, [Act on Population registers, identity cards, aliens cards and residence documents](#) (*Wet betreffende de bevolkingsregisters, de identiteitskaarten, de vreemdelingenkaarten en de verblijfsdocumenten, Loi relative aux registres de la population, aux cartes d'identité, aux cartes des étrangers et aux documents de séjour*), 19 July 1991, published in the Belgian Official Journal on 3 September 1991.

Population Registries), it is impossible to clearly identify the link between the registration and the war in Ukraine, unless a person has a temporary protection status.

The most important part of available data concerns all children that received a temporary protection status.

The first source for this data is the official website of the Immigration Office of the Federal Public Service for Home Affairs (*Dienst Vreemdelingenzaken van de Federale Overheidsdienst Binnelandse Zaken, Office des Étrangers du Service Public Fédéral Intérieur*). On the website, the Immigration Office shares monthly reports on temporary protection. The reports<sup>6</sup> mention that the data is based on information in the database of the Immigration Office, Evibel. For the first weeks of the mass influx, information is based on counts by the Immigration Office staff.

The second source is the official website of the Belgian Bureau for Statistics, Statbel, part of the Federal Public Service for Economy (*Federale Overheidsdienst Economie, Service Public Fédéral Economie*). The source of this data is the Immigration Office.

This only covers a part of the requested data.

This data shows how many children have received temporary protection since the activation of the Temporary Protection Directive. It does not show how many are still registered in Belgium on 30 April 2023. It also does not show children fleeing Ukraine that reside in Belgium but do not have temporary protection.

To bridge the gap between this publicly available information and the requested data, the author contacted multiple public actors:

- The statistics service of the Immigration Office
- The Guardianship Service (*Dienst Voogdij, Service des Tutelles*), part of the Federal Public Service for Justice (*Federale Overheidsdienst Justitie, Service Public Fédéral Justice*)
- The communication service of the Commissioner-General for Refugees and Stateless persons (*Commissariaat-Generaal voor Vluchtelingen en Staatlozen, Commissariat-général aux réfugiés et aux apatrides*)
- The Cabinet of the State Secretary for Asylum and Migration

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<sup>6</sup> Immigration Office (*Algemene Directie Dienst Vreemdelingenzaken, Direction Générale de l'Office des étrangers*) (2023), [Temporary protection, monthly statistics April 2023](#), Brussels, 10 May 2023.

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Only the Guardianship Service and the Cabinet of the State Secretary for Asylum and Migration responded within the timeframe. Their information however is also limited and does not cover all of the requested data.

## 2. Child protection – legal, policy framework and procedures in place

### 2.1. Responsibilities of child protection authorities

In Belgium, the organisation of public services for child protection is mainly addressed by Community legislation (Wallonia-Brussels Federation; Flemish Community; German Community). In addition, many non-profit, private organizations and local initiatives exist that include care for children amongst their concerns.

In Flanders, the main responsible government agency is Growing Up (*Opgroeien*) and more specifically its division Youth Aid (*Jeugdhulp*)<sup>7</sup>. The decree Integral Youth Aid<sup>8</sup> enshrines far-reaching cooperation between all sectors involved in youth aid. It is a complex landscape. There is a wide variety of actors and services<sup>9</sup> available, offering simple advice or more complex problem-related help. The agency has a project “Supporting Ukrainians on the move”<sup>10</sup>. The focus is on families with young children, pregnant women and unaccompanied children.

For the Wallonia-Brussels Federation, the Youth Support Service<sup>11</sup> (*Service Aide à la Jeunesse, (SAJ)*) was created to help young people under 18 whose health or safety is at risk, and parents who are having difficulties with their children. It works with them to find solutions to their problems. These general services are also available for Ukrainians. Much of the information booklets on these services have been translated into Ukrainian

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<sup>7</sup> General [Website](#) of Growing Up.

<sup>8</sup> Flemish Government, [Decree](#) Integral Youth Aid (*Decreet betreffende de Integrale Jeugdhulp*), 12 July 2013, published in the Belgian Official Journal on 13 September 2013.

<sup>9</sup> Article on the [Website](#) of Youth Aid explaining how youth aid works in Flanders.

<sup>10</sup> Article on the [Website](#) of Growing Up dedicated to information on the support of supporting displaced people from Ukraine.

<sup>11</sup> General [Website](#) of the Youth Support Service.

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and Russian. This includes for example information on the Youth Support Service and its contact details<sup>12</sup>, on available socio-medical support for future mothers during pregnancy and first years after child birth<sup>13</sup> and on foster care<sup>14</sup>. Central to the legal framework of child protection in Wallonie-Bruxelles is the decree holding the Code on prevention, youth aid and youth protection.<sup>15</sup>

### 2.1.1. Individual children, including unaccompanied and separated children

In Flanders, Growing up is mainly responsible for supporting unaccompanied minors from Ukraine.<sup>16</sup> Foster Care (*Pleegzorg*) is central and combined with intensive support almost immediately after the arrival.<sup>17</sup> Support of these children and of the foster carers is provided by a foster care counsellor and by the organisation Minor Ndako<sup>18</sup> specialised in aid for unaccompanied minors from third countries. If a child registers at the Registration Centre for temporary protection without having a place to stay, the Federal Asylum Agency contacts a permanency service operated by Foster Care, which immediately proceeds to match the child with an appropriate foster family. The child is

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<sup>12</sup> Youth Support Service, [flyer](#) with general information in Ukrainian.

<sup>13</sup> Office of Birth and Childhood (*Office de la naissance et de l'enfance, (ONE)*), general information [booklet](#) in Ukrainian.

<sup>14</sup> Mentor Jeunes, [flyer](#) with general information in Ukrainian.

<sup>15</sup> Wallonia-Brussels Federation, [Decree](#) holding the Code on prevention, youth aid and youth protection (*Décret portant le Code de prevention, aide à la jeunesse et protection de la jeunesse*), 18 January 2018, published in the Belgian Official Journal on 3 April 2018.

<sup>16</sup> Growing Up (2022), '[Support and shelter for people fleeing Ukraine \(Ondersteuning en opvang mensen op de vlucht uit Oekraïne\)](#)'.

<sup>17</sup> Growing Up (2022), official communication, '[Opvangbeleid m.b.t. de vluchtelingen uit Oekraïne](#)'. In 2022 in Flanders, there were 175 of these fast placements in foster care of unaccompanied Ukrainian minors. 55 children were placed in foster care after a collective evacuation, 69 were registered for network observation and were staying with someone in their social or family network. 51 fell outside of these categories. On 31 December 2022, 56 placements had ended. Flemish Government, Ukraine Taskforce (2023), [2022 Report of activities](#) (*Vlaanderen helpt Oekraïne, terugblik op 2022*).

<sup>18</sup> Official [website](#) of Minor Ndako.

transferred to the foster family and support is started immediately.<sup>19</sup> If a child registers and does know a family where he/she can go, or if a child applies in the company of a family, the child will immediately stay with this family. The family is given an explanation of how Foster Care works, including contact details. The family can contact Foster Care to start up counselling. The municipalities are also informed about the activities of Foster Care. So when the child registers at the municipality, the municipality can also contact Foster Care or refer the child or the family.<sup>20</sup> A staff member of Foster Care stated that the initial idea was to inform the Foster Care permanency of the arrival of every child, not only in case a child did not have shelter. This turned out to be impossible because of the high amount of arrivals. As a result, not all children and families may be aware of the potential support provided by Foster Care.<sup>21</sup>

If foster care turns out not the most adapted measure, a child can be referred via the classic child protection system and a measure can be taken that is more adapted to the personal situation of the child, such as placement in a childcare facility.<sup>22</sup>

In the field of mental healthcare, the non-profit organisation Solentra<sup>23</sup>, which has built up years of expertise in the treatment of unaccompanied refugee minors, was strengthened. Next to actors specialised in working with migrant children, actors working with all children also provide support, such as the Student Guidance Centres (*Centra voor Leerlingenbegeleiding, CLB*).

The Flemish Minister for Welfare, Public Health and Family stated that there is a strong focus on the connection between the parents, the child and the foster family, and that additional help/support, such as psychological counselling, is provided when needed.<sup>24</sup>

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<sup>19</sup> E-mail from a staff member of Foster Care, 22 August 2023.

<sup>20</sup> E-mail from a staff member of Foster Care, 22 August 2023.

<sup>21</sup> E-mail from a staff member of Foster Care, 22 August 2023.

<sup>22</sup> E-mail of a staff member of Minor Ndako, 23 June 2023.

<sup>23</sup> Official [website](#) of Solentra.

<sup>24</sup> Flemish Parliament (2022), [answer](#) of Minister Hilde Crevits to written question nr. 236 by member of the Flemish Parliament Katja Verheyen, 16 December 2022.

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For the support and guidance of families with children they push forward the regular actors, for example the Houses of the Child (*Huizen van het Kind*), the local Child and Family (*Kind en Gezin*) teams and partnerships like 1 Family, 1 Plan<sup>25</sup>.

In Wallonia and Brussels, the UAM Department of Youth Support Agency coordinates assistance for unaccompanied children.<sup>26</sup> The association Mentor Jeunes<sup>27</sup> selects host families and provides support for the unaccompanied children entrusted to these families. Also in this region however, separated children arriving in Belgium under the care of a relative that does not hold parental authority or legal guardianship, will stay with this relative, unless there are counter-indications.<sup>28</sup> The relative can take the role of foster carer, but this is not necessarily the case.

In general, a central role in the protection of unaccompanied children can be taken up by a guardian (see further section 3).

Nonetheless, for unaccompanied children staying with relatives or other persons taking care of them, the level of follow up and monitoring can be limited. The Guardianship Service (see further section 3) stated<sup>29</sup> they are contacting the unaccompanied minors that have not yet received a guardian to check on their current whereabouts and individual situation. In these cases it will be up to services that are in touch with the child (local government, school,...) to remain vigilant and contact child protection authorities if needed.

## 2.1.2. Children evacuated from Ukrainian institutions

**In Belgium** the Cabinet of the State Secretary for Asylum and Migration confirmed 58 children were collectively evacuated from the region of Bucha in a bilateral collaboration between the Ukrainian and Belgian governments.<sup>30</sup> However, these were not orphans

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<sup>25</sup> Youth Aid, official [website](#) of 1 Family, 1 Plan (*één gezin, één plan, (1G1P)*).

<sup>26</sup> Union of the Cities and Municipalities of Wallonia (*Union des Villes et Communes de Wallonie, (UVCW)*) (2022), '[Mineurs étrangers non-accompagnés \(MENA\) en provenance d'Ukraine](#)', 30 June 2022.

<sup>27</sup> Official [website](#) of Mentor Jeunes.

<sup>28</sup> E-mail of a staff member of Minor Ndako, 23 June 2023.

<sup>29</sup> Interview with a project coordinator of the Guardianship Service, 14 June 2023.

<sup>30</sup> E-mail from the Cabinet of the State Secretary for Asylum and Migration, 22 June 2023.

from Ukrainian institutions, but children whose parents had given permission for them to be accommodated in safer areas because they were temporarily unable to look after them or to travel with them to Belgium. All these children were placed with foster families after a couple of days in a collective facility where they could relax and be introduced to Foster Care and their foster carers.<sup>31</sup> The foster carers are guided by Foster Care and Minor Ndako. Minor Ndako confirmed they played a role as facilitator and liaised between Ukrainian and Belgian officials.<sup>32</sup> The organisation was also involved in preparation (identification, organisation of the transfer,...) and general welcoming of the children.

The Flemish Minister for Welfare, Public Health and Family<sup>33</sup> that there was a medical screening of these children both before and after arrival. Further follow up of their medical situation is carried out by the foster carer as well as by Child and Family and the Student Guidance Centre (*Centrum voor Leerlingenbegeleiding*), depending on their age.

The Cabinet of the State Secretary for Asylum and Migration stated that the majority of these children have returned to their families with the help of the Federal Asylum Agency (Fedasil) and the Ukrainian Government. Minor Ndako stated they assisted in the return and were present during the return journey of a group of the children. Some of the children still remain in foster care.<sup>34</sup>

On this section 2, information is missing on evacuation missions, but also on specific types of support. Different actors were contacted (Cabinet of the State Secretary for Asylum and Migration, Flemish Agency Growing up, Minor Ndako, the Guardianship Service and the Youth Support Agency). The Guardianship Service and the Cabinet confirmed they had no knowledge of other similar actions. Other actors have not yet responded to this question.

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<sup>31</sup> Flemish Radio and Television (*Vlaamse Radio en Televisie, (VRT)*) (2022), '[Alle kinderen uit Boetsja die naar België kwamen, wonen nu bij pleeggezinnen: "Zorg, maar vooral ook normaliteit bieden"](#)', 25 April 2022.

<sup>32</sup> E-mail from a staff member of Minor Ndako, 23 June 2023.

<sup>33</sup> Flemish Parliament (2022), [Report](#) of the meeting of the Committee on Welfare, Public Health, Family and Poverty Reduction, 5 July 2022.

<sup>34</sup> E-mail from a staff member of Minor Ndako, 23 June 2023.

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

### 3.1. Arrived unaccompanied

In **Belgium**, unaccompanied children fleeing Ukraine fall under the same guardianship system as other unaccompanied third country national children. This guardianship system is governed by the Guardianship Act of 24 December 2002<sup>35</sup>. The Guardianship Service is responsible for the organisation of this system, that is applicable to all unaccompanied minors.

An unaccompanied minor is<sup>36</sup>:

- A person under the age of 18 years;
- who is not a citizen of a country that is a member of the EER<sup>37</sup>;
- who is not accompanied by an adult exercising parental authority or legal guardianship
- and who has either applied for international protection or does not meet the conditions of entry and residence in the territory

Although in certain cases, children fleeing Ukraine will not meet the last condition, the Guardianship Service confirmed to apply this flexibly.

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<sup>35</sup> Belgian Federal Government, [Act](#) on Guardianship for Unaccompanied Minors (hereafter Guardianship Act), *Programmawet (I)(art. 479) - Titel XIII - Hoofdstuk VI : Voogdij over niet-begeleide minderjarige vreemdelingen*, 24 December 2002, published in the Belgian Official Journal on 31 December 2002.

<sup>36</sup> Art. 5 of the Guardianship Act.

<sup>37</sup> For children who are citizens of Switzerland or an EER-member state, different conditions apply, as mentioned in art. 5/1 of the Guardianship Act.

All government services, including police, the Immigration Office and local authorities as well as all social actors or regular citizens can signal an assumed unaccompanied minor to the Guardianship Service 24/7<sup>38</sup>.

According to the Guardianship Act<sup>39</sup>, the Guardianship Service will assess whether the signalled person is an unaccompanied minor and appoints a guardian to each unaccompanied minor.

Not everyone can be appointed as guardian. A person needs to go through a selection procedure, showing the right competences and knowledge, before the Guardianship Service will recognise them as guardians. Guardians can be volunteers or professionals.<sup>40</sup>

The tasks of the guardian are defined by the Law<sup>41</sup> and clarified in official guidelines<sup>42</sup> and a handbook<sup>43</sup>. They include legal representation and accompaniment, safeguarding the minor and assisting to access education, psychological support, medical care and property management.

Generally speaking<sup>44</sup>, the guardian's mission is to use the human, cultural and legal resources of parental authority to contribute to a lasting solution in accordance with the child's interests. He involves the child in the various steps and decisions expected of him and accompanies him until the end of the guardianship.

Amongst others, the guardian is responsible for submitting an asylum application or an application for a residence permit for the minor; exercising remedies if he/she considers that decisions regarding the child are not in accordance with his/her best interests; ensuring that the child receives education and psychological support as well as the

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<sup>38</sup> Website of the Guardianship Service, [information on signaling an unaccompanied minor](#).

<sup>39</sup> Art. 6 and 8 of the Guardianship Act.

<sup>40</sup> Website of the Guardianship Service, [information on how to become a legal guardian](#).

<sup>41</sup> Art. 9 to 16 of the Guardianship Act.

<sup>42</sup> Guardianship Service (2013), '[General guidelines for guardians of unaccompanied foreign minors](#)' (*Algemene richtlijnen voor voogden van niet-begeleide minderjarigen*), Brussels, 2 December 2013.

<sup>43</sup> Guardianship Service (2022), [Handbook for legal guardians](#) (*Handboek voor voogden*).

<sup>44</sup> Website of the Guardianship Service, [introductory information on guardianship](#).

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necessary medical care, appropriate accommodation and help from the authorities; and to take all useful measures to trace the child's family members<sup>45</sup>.

The guardian acts with the support of the Guardianship Service and under the supervision of the Justice of the Peace. Among other things, he has, by way of methodological framework, the 'life project', defined in the Council of Europe Recommendation of July 2007 on life projects for unaccompanied foreign minors<sup>46</sup>.

The guardianship can come to an end for several reasons, the most important being when the child is entrusted to the person exercising parental authority or guardianship or when the child reaches 18 years of age<sup>47</sup>.

However, the Guardianship Service has confirmed that<sup>48</sup>, in practice, not all unaccompanied children immediately receive a guardian, due to a shortage of recognised guardians. On 14 June 2023 on a total number of 1.453 unaccompanied children that had been signalled to the Guardianship Service, 186 guardians had been appointed. Due to this shortage, priority is given to vulnerable children such as pregnant children, victims of human trafficking, children with (mental) health issues or children arriving in Belgium alone or in need of emergency shelter. Children that are not immediately included on this priority list, can be added at any given moment when the Guardianship Service would be informed of any vulnerabilities. The Guardianship Service assigns a guardian to children on the priority list within a maximum of a couple of weeks. Nonetheless, this leaves more than 1.200 unaccompanied children waiting for a guardian. These children are given the contact info of the Guardianship Service. They can contact the Service if they are in need of information or urgent help.

The media reported that the lack of guardians entails potential risks for this vulnerable group that may be exposed to abuse.<sup>49</sup>

In some cases other legal representation mechanisms could be used to provide children with a legal representative in Belgium, such as foster guardianship (art. 475bis –

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<sup>45</sup> Website of the Guardianship Service, [information on the tasks and responsibilities of the legal guardian](#).

<sup>46</sup> Council of Europe, Committee of Ministers (2007), [Recommendation](#) CM/Rec(2007)9 to member states on life projects for unaccompanied migrant children, 12 July 2007.

<sup>47</sup> Website of the Guardian Service, [information on the end of the guardianship](#).

<sup>48</sup> Interview with a project coordinator at the Guardianship Service, 14 June 2023.

<sup>49</sup> Flemish Radio and Television (2022), '[More than 1.000 unaccompanied minors from Ukraine registered in our country](#)' (*Meer dan 1.000 niet-begeleide minderjarigen uit Oekraïne geregistreerd in ons land*), 24 August 2022.

475septies Belgian Civil Code), legal guardianship (art. 389 – 420 Belgian Civil Code) or PCSW-guardian (art. 63 – 68 PCSW-act<sup>50</sup>). The Guardianship Service stated to facilitate these types of legal representation, but observes that these protection mechanisms are often unknown and rarely activated in practice.<sup>51</sup> It is not known if they have been used for children displaced from Ukraine, how often and whether these measures have been effective.

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

**In Belgium**, according to the Law of 24 December 2002, a child accompanied by family members, neighbours or family friends that do not hold parental authority or legal guardianship, is considered to be unaccompanied. If a person claims to hold parental authority or legal guardianship, the Guardianship Service will verify this claim. The Guardianship Service stated that they had not yet accepted a Ukrainian legal guardianship in Belgium. Notary documents do not suffice to establish legal guardianship.<sup>52</sup> Discussion however remained limited, as the adult accompanying the child often will keep an important role in the daily life of the child, the Guardianship Service confirmed.

If the child is considered an unaccompanied minor, the system mentioned under 3.1. applies.

Although a guardian should be appointed, due to the current lack of guardians, no guardian will be appointed unless the unaccompanied minor is considered to be very vulnerable. As a consequence, in most cases, the accompanying adult will assume the parental role. As this person is not a legal representative, this may create problems whenever a legal representative is needed (see below, 4).

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<sup>50</sup> Belgian Federal Government, [Act](#) regarding Public Centers for Social Welfare (*Organieke Wet betreffende de Openbare Centra voor Maatschappelijk Welzijn*), 8 July 1976, published in the Belgian Official Journal on 5 August 1976.

<sup>51</sup> Interview with a project coordinator at the Guardianship Service, 14 June 2023.

<sup>52</sup> Interview with a project coordinator at the Guardianship Service, 14 June 2023. Also mentioned in Guardianship Service (2022), [Handbook for guardians](#) (*Handboek voor voogden*), p.27.

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

**In Belgium**, according to the author's knowledge, no group arrivals from Ukrainian institutions or foster carers have taken place.

For the group of children evacuated from Bucha, as mentioned under point 2.1.2., guardians were appointed by the Guardianship Service.

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

**In Belgium**, there is no overview of children arriving within a group through a private initiative. The Cabinet of the State Secretary for Asylum and Migration confirmed that there most likely have been multiple private initiatives, such as sports players that already had links with Belgium, accompanied for example by their coach.<sup>53</sup> An example is the Ukrainian National U17 Cycling team. These children follow the same procedures as other children (see 3.1. and 3.2.), but the Service confirms to remain vigilant.

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<sup>53</sup> E-mail from the Cabinet of the State Secretary for Asylum and Migration, 22 June 2023.

## 4. Information and practical challenges in access to basic services for children fleeing Ukraine

### 4.1. General information and challenges

In Belgium, due to a severe shortage of guardians<sup>54</sup>, not every unaccompanied minor can be assigned a guardian right away<sup>55</sup>. There is a long waiting list.<sup>56</sup> The shortage of guardians can lead to multiple problems. Not only is there no one to specifically defend the interests of the unaccompanied children and keep an eye on them, there are also more concrete bottlenecks. For example, a lot of banks refuse to open basic banking services if there is no legal guardian, there can be problems with school registrations and receiving child support.<sup>57</sup> Another possible consequence is that non-accompanied children who are more vulnerable but not registered as such or not yet assigned a guardian may remain under the radar for longer.

Media reported that in Flanders, the high amount of newcomers has put great pressure on the specific reception classes for newcomers who don't master the Dutch language leading to children ending up on waiting lists and not going to school.<sup>58</sup> Minor Ndako

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<sup>54</sup> Website of the Flemish Government regarding Ukraine, [guidelines for local authorities on wellbeing](#).

<sup>55</sup> Website of the Flemish association for Cities and Municipalities (*Vlaamse Vereniging voor Steden en Gemeenten, VVSG*), [information on unaccompanied minors from Ukraine](#).

<sup>56</sup> Le Soir (2022), '[War in Ukraine: unaccompanied minors are waiting for a guardian](#)' (*Guerre en Ukraine: les mineurs non accompagnés attendent un tuteur*), 12 April 2022.

<sup>57</sup> Website of the Flemish association for Cities and Municipalities, [information on unaccompanied minors from Ukraine](#).

<sup>58</sup> Flemish Radio and Television (2022), '[Shortage of OKAN classes continues to grow in Antwerp: 200 foreign-speaking young people are not getting classes](#)' (*Tekort aan OKAN-klassen blijft toenemen in Antwerpen: 200 anderstalige jongeren krijgen geen les*), 12 October 2022.

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confirmed this and stated that this problem affects mainly the children that arrived most recently.<sup>59</sup>

## 4.2. Challenges for children at multiple risk/disadvantage

**In Belgium**, and more specifically in Flanders, Minor Ndako stated that accommodating unaccompanied children with specific care needs is always a challenge, regardless of their nationality. The Flemish Agency for Persons with a Handicap (*Vlaams Agentschap voor Personen met een Handicap, VAPH*) does not offer specific assistance for newcomers. Determining the extent to which someone has a disability often requires testing. This requires a certain level in Dutch, which can be a problem.

For both sections 4.1. and 4.2. multiple actors were contacted, such as Minor Ndako and Unicef.

The author has only received a response from Minor Ndako.

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<sup>59</sup> E-mail of a staff member of Minor Ndako, 23 June 2023.

## 5. Policies in place

### 5.1. Dedicated action plan and/or integrated measures

**In Belgium** a dedicated action plan combining the various issues that concern children fleeing Ukraine and that covers multiple subjects and government stakeholders, does not exist.

Although no overarching action plan is in place, there seem to be some initiatives to organise the government approach on issues relating to children fleeing Ukraine.

In March 2022 Minister of Development Cooperation communicated on the creation of a plan in collaboration with Unicef Belgium to protect children on the run, from Ukraine until they arrive in Belgium.<sup>60</sup> The Minister stated that she had asked Unicef Belgium to share information and expertise with the competent authorities in Belgium and to provide tools. Unicef Belgium confirmed that the Belgian support to Unicef for humanitarian actions in Ukraine and neighboring countries in 2022 amounted to a total of 5,000,000 euros. In addition, another 500,000 euros was added specifically for the protection of children on the run in Ukraine. Next to this a meeting was organised between the cabinet of the Minister and Unicef's Regional Office for Europe and Unicef Belgium keeps on providing the Minister with general messaging on the situation of children from and in Ukraine.<sup>61</sup> Unicef Belgium confirmed they performed no other concrete activities related to this plan.

The Flemish Government organised a Task Force "Flanders Helps Ukraine" consisting of the leading officials (or their delegates) of the relevant Flemish policy domains, facilitating coordination of measures in the different domains.<sup>62</sup>

In the Wallonia-Brussels Federation, a Ukraine task force has been set up. An action plan for Ukrainian children was drawn up by the administration in April 2022 but never

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<sup>60</sup> Minister of Development Cooperation (2022), '[Meyrame Kitir brings plan to protect children on the run and supports Unicef](#)' (*Meryame Kitir brengt plan ter bescherming van kinderen op de vlucht en steunt Unicef*), press release, 23 March 2022.

<sup>61</sup> E-mail from the External Relations Manager of the Belgian Committee for UNICEF, 26 June 2023.

<sup>62</sup> Website of the Flemish Government, [information on the Taskforce](#).

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obtained official status.<sup>63</sup> The Walloon Region also has a Ukraine task force, and a number of working groups have been set up in Brussels, such as the WG on health and social affairs within the Brussels-Capital Joint Community Commission.<sup>64</sup>

## 5.2. European Child Guarantee

In **Belgium**, the Federal public planning service for Social Integration, anti-Poverty Policy, Social Economy and Federal Urban Policy (PPS SI-POD MI)<sup>65</sup> is the federal public service responsible for the implementation of the European Child Guarantee. The service has confirmed<sup>66</sup> that the national action plans on the implementation of the European Child Guarantee<sup>67</sup> were not adapted to the specific situation that has come about because of the war in Ukraine. The first biennial update is expected in March 2024 and there is a possibility that specific initiatives for children fleeing Ukraine will be added<sup>68</sup>.

## 5.3. Budget

In **Belgium**, the Flemish Government provided an overview<sup>69</sup> of budgets used in 2022 for various measures regarding the mass influx of displaced persons from Ukraine in an intermediary report on the implementation of the plan “Flanders helps Ukraine” (*Vlaanderen Helpt Oekraïne*). This includes for example budgets for child support,

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<sup>63</sup> E-mail of the director of the department for the educational, administrative and financial management of unaccompanied foreign children of the Youth Support Agency, 31 July 2023.

<sup>64</sup> E-mail of the director of the department for the educational, administrative and financial management of unaccompanied foreign children of the Youth Support Agency, 31 July 2023.

<sup>65</sup> General [website](#) of the PPS SI-POD MI.

<sup>66</sup> E-mail of the PPS SI, 16 June 2023.

<sup>67</sup> PPS Social Integration, Anti-Poverty Policy, Social Economy and Federal Urban Policy (2022), [Belgian National Action Plan for the European Child Guarantee 2022-2030](#), Brussels, 3 May 2022.

<sup>68</sup> E-mail of the PPS SI, 16 June 2023.

<sup>69</sup> Flemish Government, Ukraine Taskforce (2023), [2022 Report of activities](#) (*Vlaanderen helpt Oekraïne, terugblik op 2022*).

financial means for Foster Care , Child and Family , 1 family 1 plan , Student Guidance Centres, Minor Ndako and Solentra and multiple measures to strengthen the school system.

The Guardianship Service stated<sup>70</sup> they had received extra resources from the Federal Government to increase their capacity, as well as temporary funding via EU AMIF to follow up on the unaccompanied minors fleeing Ukraine. A Ministerial Decree of 12 July 2022<sup>71</sup> awards extra financial resources to organisations employing professional guardians for unaccompanied minors to increase their capacity. On 9 June 2023, the Council of Ministers decided to prolong the extra financing for the Guardianship Service for the year 2023 for an amount of 700.000,- EUR.<sup>72</sup> These resources will be used for registration and follow up of newly arriving unaccompanied children fleeing Ukraine.

There is no information on the general budget allocated by the Brussels-Wallonia Federation. The Youth Aid Agency however confirmed a budget of 185.180,- EUR was allocated to Mentor Jeunes for 2023.<sup>73</sup>

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<sup>70</sup> Interview with a project coordinator of the Guardianship Service, 14 June 2023.

<sup>71</sup> Belgian Federal Government, [Royal Decree](#) of 12 July 2022 (*Koninklijk besluit houdende toekenning van een uitzonderlijke en tijdelijke subsidie aan de verenigingen waarmee de dienst Voogdij protocolakkoorden heeft afgesloten in uitvoering van de artikelen 7bis en 13, § 3 van het koninklijk besluit van 22 december 2003, en laatst gewijzigd bij besluit van 6 december 2018*), 12 July 2022, published in the Belgian Official Journal on 18 October 2022.

<sup>72</sup> Federal Government, Council of Ministers, '[Ukraine: additional financing for the guardianship service of the Department of Justice](#)' (*Oekraïne: bijkomende financiering voor de dienst voogdij van de FOD Justitie*), press release, 9 June 2023.

<sup>73</sup> E-mail of the director of the department for the educational, administrative and financial management of unaccompanied foreign children of the Youth Support Agency, 31 July 2023.

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