FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

BULLETIN #3

# THE RUSSIAN AGGRESSION AGAINST UKRAINE — CHILDREN FLEEING UKRAINE FINDING PROTECTION IN THE EU

Non-discrimination | Migration | Children | EU Charter of Fundamental Rights

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# Foreword

We must do whatever it takes to protect children's lives and dignity – it is their right and it is our duty. Our actions will have long-lasting effects on the lives of this young generation and future generations in the EU and beyond.

The scale of displacement resulting from the Russian aggression against Ukraine is immense; of the 4 million displaced people receiving temporary protection in the European Union, 1.3 million are children.

The full scale of the impact of Russia's invasion on the rights and well-being of the children of Ukraine is impossible to assess at this stage. Evidence gathered by the EU Agency for Fundamental Rights (FRA), through its surveys, field work and engagement with various sources, speaks to an experience of suffering, stress, and trauma.

National and local responses to displaced Ukrainian people across the EU have been tremendous. Efforts to quickly implement the Temporary Protection Directive, to provide access to services and support, and to welcome displaced people into communities have been positive, resolute, and tireless. However, this report – the third of its kind to be produced by FRA – highlights instances where the needs of children are not being met and their rights not fully respected, protected or fulfilled.

The absence of a transparent and coordinated response to the registration of displaced children, the significant variations in approaches to receiving unaccompanied children and the lack of clarity regarding legal responsibility are just some of the challenges facing Member States in their efforts to implement the Temporary Protection Directive. The risks of reversing progress made on deinstitutionalisation and inadequacies in the provision of education and mental health services are particularly concerning.

Many of these children live in perpetual uncertainty. In their short lives, they have borne witness to a global pandemic, the violent invasion of their country, and a journey to a new country. They have been separated from family members, have had to learn a new language, understand a new culture, and make new friends, all the while not knowing how long this precarious chapter will last.

The way forward must be one anchored in existing EU and international law, which binds us all. Both the Convention on the Rights of the Child and the 1996 Hague Convention are ratified by all Member States and Ukraine. Moreover Article 24 of the EU Charter of Fundamental Rights protects the rights of the child, providing that "Children shall have the right to such protection and care as is necessary for their well-being." Above all, we must recognise that all decisions be guided by our primordial obligation to act in the best interests of the child.

Michael O'Flaherty

**Director**

# Acronyms and abbreviations

- **CRC -** UN Convention on the Rights of the Child
- **CRPD -** UN Convention on the Rights of Persons with Disabilities
- **CSO** - Civil society organisation
- **EU** - European Union
- **EUAA** - European Union Agency for Asylum
- **FRA** - European Union Agency for Fundamental Rights
- **the Charter** - Charter of Fundamental Rights of the European Union
- **TPD** - Temporary Protection Directive
- **UN -** United Nations
- **UNHCR** - UN High Commissioner for Refugees
- **UNICEF** - UN Children's Fund

# Key findings

One third of the over 4 million people who are receiving temporary protection in the European Union are children. By the end of June 2023, the 1.3 million children, comprise approximately 681,000 boys and 652,00 girls. More than 1 million of these children are under the age of 14. Three Member States have the largest number of these children receiving temporary protection: Poland (430,165), Germany (358,315) and Czechia (95,685) (see Introduction, Figure 1).

Children fleeing Ukraine and seeking international protection in the EU remains a high priority for the EU and its Member States.

This is the third bulletin in the series of FRA publications addressing fundamental rights in the EU following Russia's invasion of Ukraine and focuses on children who have been displaced and now find themselves in EU Member States. Based on data and information collected by FRA's multidisciplinary research network, Franet, it looks at the situation of children since the first arrivals began in February 2022. The data covers all 27 Member States and was collected between June and July 2023.

Building on FRA's Bulletin #2 and FRA's survey on the experience of displaced persons, this bulletin explores the respect, protection and fulfilment of the fundamental rights of children displaced in the EU. It focusses on the guarantees in the EU Temporary Protection Directive (TPD) (2001/55/EC). Areas of particular concern covered in this bulletin are:

- laws and policies on protecting children from Ukraine;
- registration systems and data;
- child-friendly information and child participation;
- access to social rights;
- protection and care of unaccompanied and separated children;
- protection of other children in vulnerable situation, such as children who were evacuated from Ukrainian institutions and children with disabilities, and fundamental rights risks for children going missing or falling victim to crimes.

The legal framework protecting children displaced from Ukraine emanates from several international and European legal instruments on child rights and international protection. Full and correct application of the relevant legal framework requires close cooperation between different public authorities within and across the EU Member States, as well as with Ukrainian consular officials. Figure 2 provides an overview of the legal framework under which children displaced from Ukraine receive protection in the EU.

## Protecting children displaced in the EU from Ukraine: laws, policies

## and funding

The TPD applies to all EU Member States, [1] except Denmark that has a similar national protection scheme. The TPD entitles those displaced because of the war to legal residence, and access to work, housing and social assistance, healthcare, and education. The directive contains specific provisions for the protection of children, such as the appointment of a legal guardian for unaccompanied children (Article 16.1).

Following the Council Implementing Decision (EU) 2022/382 on temporary protection to those displaced from Ukraine, Member States responded by creating temporary protection through various legal acts and policies.

- Some EU Member States adopted or amended national legislation addressing specific issues related to children displaced from Ukraine. Some address specific processes, such as registration for temporary protection; others focus on children's access to social rights, including access to social welfare or access to education. Few addressed the prevention of human trafficking in human beings.
- About a third of the EU Member States either developed policies on children's access to education and healthcare or implemented measures related to children in targeted action plans addressing displaced persons from Ukraine. In some Member States, such measures were integrated in existing policies and strategies.
- All EU Member States increased their budget allocations to support persons arriving from Ukraine. However, fewer than half of Member States put in place dedicated budgets specifically related to the reception and inclusion of displaced persons from Ukraine, including children.
- There is a mixed picture of how children displaced from Ukraine are covered by national actions plans for the implementation of the European Child Guarantee (2021/1004/EU). Three EU Member States have not yet submitted their final national action plans. Of the remaining Member States, one third make no reference to children fleeing Ukraine. Seven Member States acknowledge the challenge posed by the displacement from Ukraine but do not contain concrete measures or indicators, while eight set out specific measures in their national action plans, largely focussing on access to early childhood education and/or care, and access to education.

## Establishing registration systems and existing data on children displaced in the EU

Under Article 10 of the TPD and as detailed in its Annex II, Member States must register personal data of persons who are granted temporary protection on their territory. In its FAQs on registration, reception and care of unaccompanied children, the European Commission stressed that "children are entitled to protection, full care and access to all basic rights immediately upon

arrival" clarifying that registration with the child protection services is a distinct and important step to help ensure the child's protection, including appropriate guardianship.

Various approaches exist across the EU regarding the national systems in place for the registration of adults and children – specifically unaccompanied children – displaced from Ukraine.

- Across the EU, multiple authorities are involved in registration procedures and systems all of which hold various types of personal data depending on their competences. In some Member States, the system is decentralised which can pose an additional complexity for a unified approach to screening for vulnerability and care and compiling necessary data.
- Procedures and definitions used to register data about different categories of children are not unified across Member States. About a third of Member States register accompanied, separated and unaccompanied children in separate categories; other register separated children under the category of unaccompanied children.
- In line with the European Commission's recommendation some countries established special registries for unaccompanied and separated children. Two Member States have registers of all children displaced from Ukraine as beneficiaries of temporary protection (TP), including those who came with their parents or legal guardians.

Eurostat data show that more than 1.3 million children had received temporary protection status in 25 Member States as of June 2023. Thirteen Member States had registered 7,695 unaccompanied children as beneficiaries of temporary protection.

- No comprehensive national data are available on the number of children displaced in the EU Member States, beyond the Eurostat data. Regularly updated and published data at national level is only available in about a third of the EU Member States.
- Additional complexity derives from the fact that data sets are updated at different intervals and the level and type of disaggregation differ. Data from Member States are not always disaggregated by age and sex, making it difficult to access the different risks and protection needs for different age groups and, in particular, for girls.

## Ensuring access to child-friendly information and child participation

The best interests of the child (Article 3) is a right, principle and a rule of procedure under the UN Convention on the Rights of the Child (CRC). A child's right to express their views freely is another cornerstone right protected under Article 12 CRC, Article 7 (3) CRPD and Article 24(1) of the Charter of Fundamental Rights of the EU.

Article 15 (4) of the TPD confirms that in cases where families that already existed in the country of origin were separated due to circumstances surrounding the mass displacement, Member States shall take into consideration the best interests of the child.

- Specific child-friendly information initiatives were found only in a few Member States. Generally, they included distributing leaflets and posters informing children about their rights, safety, available support, and complaints mechanisms.
- Structured efforts to ensure the participation of children in decisions affecting them occurred only in a few Member States. The examples found relate mostly to child participation concerning guardianship.

## Providing healthcare and social welfare

The TPD requires Member States to grant all beneficiaries of temporary protection access to rights, such as access to medical assistance and healthcare (Article 13 (2), (4)), access to education (Article 14 (1)) and access to social welfare and means of subsistence if they do not have sufficient resources (Article 13 (2), (3)).

Along with ensuring full protection, in the operational guidelines for implementation of the TPD, the European Commission underscores that Member States must ensure swift access to "specific rights of children – education, healthcare, including preventive care and mental health care, and, psychosocial assistance as well as any necessary support services to secure the child's best interests and wellbeing".

FRA's previous research on the fundamental rights challenges related to Russia's war of aggression against Ukraine, and evidence from national and European level, show that those who benefit from temporary protection also face difficulties in their daily lives. This research also illustrates the variety of different approaches taken by Member States.

2023 saw increased efforts on the part of the European Commission and respective Ukrainian ministries for more effective coordination, including by signing agreements for sustained cooperation on education and coordination on health.

- While most Member States grant beneficiaries of temporary protection access to healthcare, including mental health care, equivalent to nationals and permanent residents, some countries require additional steps, such as the requirement to obtain a health card or residency permit. Challenges in children's access to healthcare persist, largely related to delays in access, language barriers, and lack of accessible information. Previously existing challenges in national health systems remain, such as lack of sufficient medical staff or insufficient mental health support, which hinder access to services by displaced populations.
- Internationally recommended vaccinations for children are available free of charge in most Member States, however the low vaccination coverage among displaced children led some Member States to initiate awareness raising campaigns targeting parents.
- Research points to the deep psychological consequences for children displaced by this war. The language barrier continues to be the most challenging obstacle in providing mental

health services and trauma support.

Article 13 (2) of the TPD scheme grants access to social welfare support if they do not have sufficient resources.

- Most Member States provide social welfare support to children displaced from Ukraine within their general social assistance system. Some Member States, however, require parents or guardians displaced from Ukraine to take additional administrative steps, such as applying for other types of residence permits.
- In some Member States, disability certificates are not automatically recognised and thus children with disabilities do not automatically qualify for allowances and support when they arrive. They may have to undergo an assessment by the authorities or translate their documents have their documentation which can cause delays and involve additional costs.

## Ensuring access to education

The TPD requires Member States to grant everyone aged under 18 years old access to education under the same conditions as their own nationals (Article 14 (1)). Despite Member States' effort to include displaced children from Ukraine in mainstream national education systems, only about half a million were enrolled in the 2022/2023 academic year.

- Some Member States require enrolment to compulsory education for children fleeing from Ukraine. In many cases, those who are permitted to have home-based schooling in the Ukrainian language must take exams as part of the formal educational system.
- To support efforts encouraging school attendance in Member States, the Ukrainian Ministry of Education and Science issued an order on 15 May 2023. This order allows Ukrainian pupils and students attending school in the EU to not attend Ukrainian online education, which was previously required for continuing education in Ukraine in future. This recent change could positively affect school registration and attendance for the 2023/2024 academic year.
- Ongoing challenges hinder the inclusion of children displaced from Ukraine into mainstream schooling including a lack of capacity to enrol additional students, lack of teaching staff, insufficient access to language classes and support for those who continue to take Ukrainian schooling online.
- Member States developed targeted policies and measures to alleviate existing barriers. For example, Member States increased budgets, hired Ukrainian-speaking support teachers and provided language preparatory classes.
- Data on enrolment and attendance of children displaced from Ukraine in Member States' schools is not comprehensive. Data are either not collected or not publicly available. In most cases, data are not centrally collated making it difficult to monitor dropouts during the academic year.

## Protecting unaccompanied and separated children

The Charter of Fundamental Rights of the EU grants children the right to protection and care necessary for their well-being (Article 24).

Children temporarily or permanently deprived of their family environment are entitled to special protection and assistance provided by the State (Article 20, CRC). Article 22 of the CRC outlines the protections for those considered as refugees: "a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures, whether unaccompanied or accompanied […] shall receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights under the CRC".

With children making up around one third (34.6%) of the nearly 4 million people from Ukraine benefitting from temporary protection in the EU, child protection systems across Europe are under increased pressure. Existing issues in establishment and operation of national child protection systems, as well as coordination with other actors, have once again become apparent, as over a million children sought refuge in the EU while fleeing Ukraine.

- In all Member States general child protection system applied to children displaced from Ukraine. Policies and practices developed for other third-country national children arriving unaccompanied also applied for unaccompanied children arriving on their own. Some Member States have developed special policies in the first weeks and months to ensure consistency and clarity of procedures and to strengthen coordination between different actors.
- With various bodies sharing responsibilities related to accommodation, representation and follow-up of unaccompanied and separated children displaced from Ukraine, some Member States created specialist teams to strengthen and coordinate the response to children arriving from Ukraine.
- Children arriving entirely on their own were placed in reception centres or foster families. However, the majority were separated children, meaning they arrived without parents but came with another adult relative or family friend. In these cases, the children would generally be placed with the accompanying adult in reception centres for families or in private accommodation. Other children came in groups, often on the initiative of a sport club or a non-governmental organisation. and accompanied by adults linked to these initiatives who were also accommodated together as a group.
- The oversight of child protection authorities with respect to separated children depends on the agreed care arrangement. If a guardian was assigned in Ukraine, child protection authorities in Member States will only intervene if there is a risk for the child, with the authorities making use of the possibility of establishing urgent protection measures under the 1996 Hague Convention on Child Protection.

## Assigning a guardian for unaccompanied children

Assigning a legal representative to support a child who does not have parental care is a key element of child protection. It is a well-established requirement in international law (Article 22, CRC) as well as in national and EU law, including in the TPD (Article 16).

Existing challenges in the practical implementation of legal guardianship for unaccompanied children seeking asylum in Europe, evidenced in the FRA's report on guardianship, were exacerbated by the large influx of children displaced from Ukraine.

- Legal and procedural uncertainty about accepting Ukrainian guardianship documents, particularly in the first weeks and months when people started arriving, created extra challenges. There was a lot of uncertainty about cross-border recognition of judicial or administrative decisions regarding parental responsibility and child protection, as per the 1996 Hague Convention on Child Protection. Different actors helped to clarify the situation, including the European Judicial Network and the Hague Conference on Private International law. The Ukrainian embassies in all Member States played an important role in clarifying the legality of Ukrainian documents.
- There are diverse approaches in how Member States appointed or recognised guardians for children who arrived with an appointed guardian from Ukraine. In most cases, the accompanying adult functioned as the legal representative of the child, but sometimes the responsibility was shared with Member States' authorities, and certain decisions were taken together with national authorities or with the parents who remain in Ukraine.

## Ensuring the protection of the fundamental rights of children evacuated from Ukrainian institutions

Research shows that institutionalisation of children, for example, in care or other institutions, is detrimental to the development of a child. It violates rights enshrined under international law, the CRC and the UN Convention on the Rights of Persons with Disabilities (CRPD). In addition to obligations under international and European law, the lived experience of persons who have resided in institutions demonstrates the need to move away from this practice.

EU Member States have made progress on deinstitutionalisation in recent years. However, since Russian's invasion of Ukraine, some Member States are finding themselves forced to revert to institutional practices to accommodate groups of children arriving from Ukrainian institutions, who, as originally requested by Ukrainian authorities, should be kept together. As the groups are of large numbers, in practice this often means Member States cannot provide appropriate community-based care in small family-type facilities, according to their obligations under the CRPD.

- Most of these children arrived with carers and/or the director of a Ukrainian institution. Their guardianship over the children is legally established in Ukraine and, in most instances, legally recognised by the relevant authorities in the receiving Member State.
- In some Member States, there was no engagement with child protection authorities. Member States' authorities monitoring the situation identified several cases of neglect concerning children in institutional care.
- Some Member States seem to have allowed for a different standard for facilities hosting children from Ukrainian institutions, which is lower than other national childcare facilities. As a result of bilateral agreements and other less formal arrangements, children were placed together in large facilities and facilities which were not adequate for the care of children and children with disabilities.
- Data on the number of children displaced from Ukrainian institutions appears fragmented and uncorroborated. Information gathered by FRA suggests that 18 Member States received children from institutions. FRA's research could not gather a clear overview of how many children may have since returned to Ukraine.

## Guaranteeing protection and equal access to support for children with disabilities

All EU Member States, Ukraine and the EU itself have acceded to the CRPD which is the UN convention on people with disabilities and their rights. The CRPD requires States Parties to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children (Article 7), the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict (Article 11) and the respect of children with disabilities' right to family life and care within the community in a family setting (Article 23 (5)). The best interests of the child are a primary consideration.

- Some Member States ensured equal access to national benefits and allowances for children with disabilities fleeing Ukraine and their families. Some developed targeted support programmes or lowered thresholds to access certain benefits.
- Challenges in accepting medical diagnoses or disability certification from Ukraine also emerged, limiting the access to support services to children with disabilities until a national disability certificate was issued.
- A few Member States established specific procedures to ensure the appropriate reception of children with disabilities evacuated from Ukrainian institutions, such as referral mechanisms.

## Safeguarding children at risk of becoming victims of crime, including

## illegal adoption

During times of conflict, children are particularly vulnerable and at risk of going missing or falling victims to crimes, including trafficking, sexual abuse, and other forms of exploitation. Unaccompanied and separated children are a particular concern.

- All Member States have transposed the EU Directive on the rights of victims of crime into national law. A small number of Member States implemented specific measures to address risks and provide targeted support for children displaced from Ukraine.
- Most EU Member States launched information campaigns to tackle the risk of crime, in particular the risk of human trafficking of women and children. Such initiatives were primarily carried out by civil society organisations (CSOs) and international organisations or jointly with state authorities.

It is an agreed international principle that inter-country adoptions of children should not happen during situations of war or conflict. The Hague Convention Bureau restated this again for Ukraine. The intention is to avoid taking hasty and consequential decisions in an emergency setting where an adopted child could be later reunited with their family, which is, in principle, the best setting for the child's development.

- Some Member States implemented specific safeguards or reported targeted engagement with law enforcement agencies to prevent illegal adoptions.

# Introduction

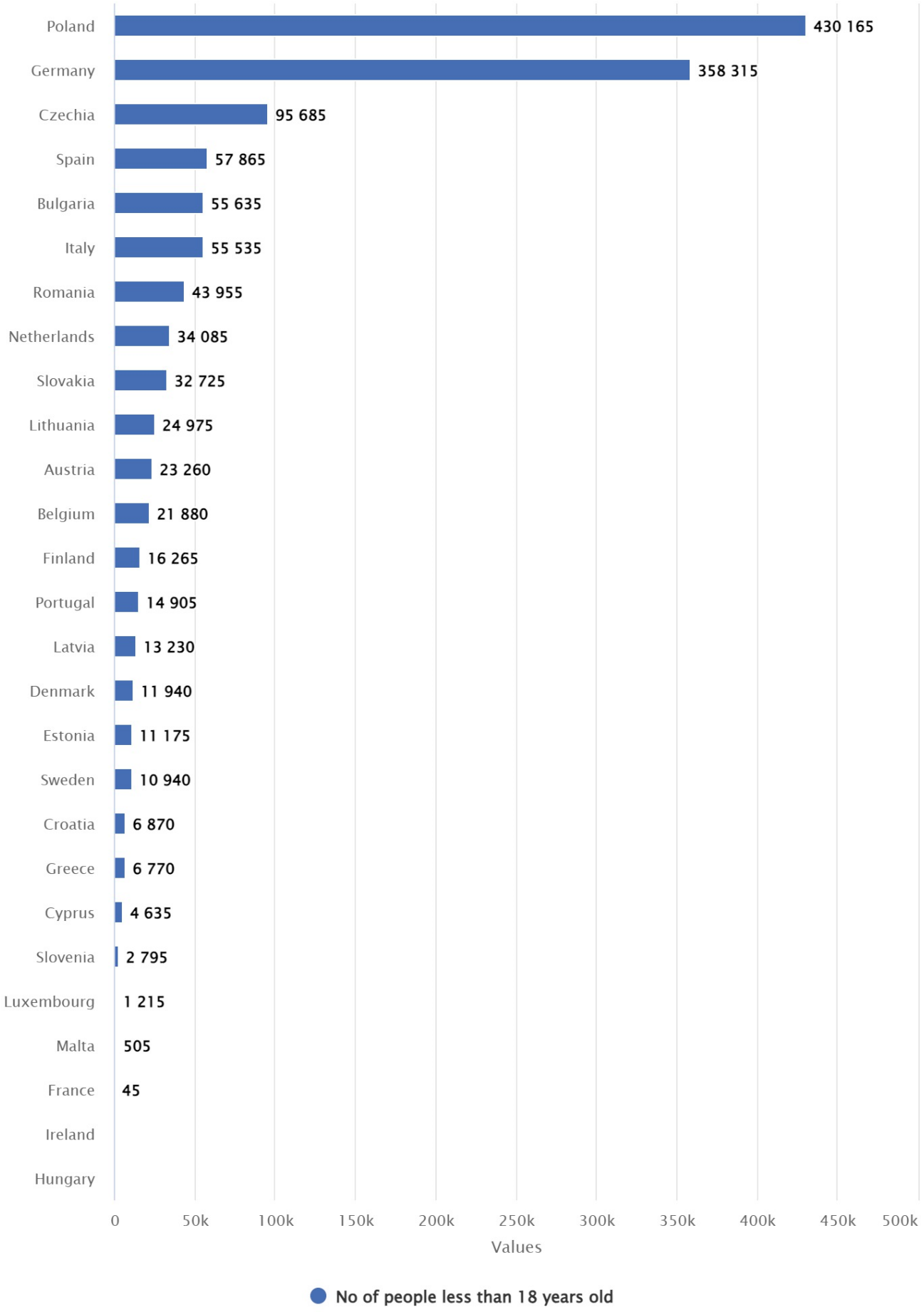
The Russian invasion of Ukraine caused millions of people to be displaced from their homes and flee Ukraine. The European Union showed solidarity and reacted quickly. It activated the EU Temporary Protection Directive (TPD) (2001/55/EC) for the first time in the EU's history. Allowing people fleeing Ukraine to stay temporarily in the EU, the Directive also entitles them to legal residence and access to work, housing, social assistance, education and healthcare.

Public support for the EU to help Ukraine and the Ukrainian people remains very high, despite the challenges that can arise in integrating large numbers of refugees into communities. 88% of EU citizens surveyed are in favour of providing humanitarian support to the people affected by the war and 86% are in favour of welcoming into the EU people fleeing the war, according to a Eurobarometer survey conducted in June 2023.

By the end of June 2023, over 4 million non-EU citizens who fled Ukraine had received temporary protection status in EU countries. One third (34.6%) or more than 1.3 million are children, according to Eurostat data illustrated in Figure 1. Out of the total, around 681,000 are boys and around 652,00 are girls. More than 1 million children are below the age of 14 years.

However, beyond the Eurostat data – which also lacks data from some Member States – there is no comprehensive data on the number of children displaced from Ukraine in the EU. Not all EU Member States provide updated statistics to Eurostat, and data collected in the context of this research revealed – in some cases – considerable differences (see Annex 1). Lack of comprehensive data is also the case for children in particularly vulnerable situations, such as children who arrived unaccompanied. For example, Eurostat data presents information from only 13 Member States referring to 7,695 unaccompanied children granted temporary protection (see Figure 5). The national data on unaccompanied children FRA obtained for this report cover 25 Member States (see Annex 2) and even if collected at different periods and for different purposes, the data indicate an estimated number three times higher (over 20,000 unaccompanied children). See Chapter 2.2.

**Figure 1 – Number of children (0 to 18 years.) who are beneficiaries of temporary protection in EU Member States, as of June 2023**




A horizontal bar chart shows that three Member States have the largest number of children who are beneficiaries of

temporary protection: Poland (430,165), Germany (358,315) and Czechia (95,685). This is almost two thirds of the total 1,3 million children in the EU granted temporary protection.

*Source:* Eurostat, data extracted on 14 September 2023.

All children, regardless of nationality or legal status, are entitled to the respect, protection and fulfilment of their human rights. Under Article 24 of the EU Charter of Fundamental Rights "children shall have the right to such protection and care as is necessary for their well-being" and "in all actions relating to children […] the child's best interests must be a primary consideration". EU institutions and EU Member States are bound by the Charter (Article 51), when implementing EU law, including the TPD.

In addition to the Charter, several international legal instruments on child rights and cross-border cooperation establish the governing legal framework for children displaced from Ukraine in the EU.

All EU Member States and Ukraine have ratified the United Nations (UN) Convention on the Rights of the Child (CRC) and the UN Convention on the Rights of Persons with Disabilities (CRPD). The EU also acceded to the CRPD in 2010. The Convention relating to the Status of Refugees (the Geneva Convention) and relevant asylum-acquis Directives are also relevant. Furthermore, two legal instruments on cross-border cooperation came to the forefront of authorities' response to the large number of refugees: the Brussels IIb Regulation and the 1996 Hague Convention on Child Protection.

Other relevant EU instruments include the EU Victims' Rights Directive (2012/29/EU), the EU Directive on combating child sexual abuse (2011/93/EU), the EU Directive on preventing and combating trafficking in human beings (2011/36/EU) and the Council of Europe Convention on violence against women (Istanbul Convention). All EU Member States have ratified the Convention, except Bulgaria, Czechia, Hungary, Latvia, Lithuania, and Slovakia.

## Terminology

An **'unaccompanied child'** is a child who arrives unaccompanied by an adult responsible for them whether by law or custom (Article 2 (f), TPD). A **'separated child'** is a child who is accompanied by relatives or known (non-related) adults.

In the context of Ukraine, there are two additional categories of children:

- **children from Ukrainian institutions**, who often arrive in the EU in groups accompanied by a guardian appointed by the competent Ukrainian authorities;
- **children** who arrive in the EU **accompanied by a guardian** appointed by the competent Ukrainian authorities.

Source: European Commission (2022), Unaccompanied and separated children fleeing from war in Ukraine – FAQs on registration, reception and care.

Unaccompanied children who had been living in institutions for the care of children emerged as concern, sparking fear that long obsolete institutions were re-opening across the EU. This stemmed from the Ukrainian authorities request that Member States preserve the unity of the groups of children coming from institutions. In response, the European Commission stressed the importance of ensuring "a high standard of reception and care in a deinstitutionalised environment, so that children are hosted in line with EU standards of community and family-based care" and in line with EU and Member States' obligations under the CRPD.

The bulletin is the third in a series of FRA publications on fundamental rights implications within the EU following the Russian invasion of Ukraine. Bulletin #1, published on 19 May 2022, captures the fundamental rights challenges arising during the first weeks of Russia's invasion bordering countries (Hungary, Poland, Romania and Slovakia). Bulletin #2 followed in October 2022, covering all EU Member States and examined developments as Member States began implementing longer-term solutions, including issues relating to the protection of unaccompanied children and access to guardianship.

FRA's Fundamental Rights Report 2023 addressed fundamental rights implications for the EU of the war in Ukraine. Underscoring the need for effective long-term measures, it included opinions from FRA on how countries could move from short-term fixes to more durable solutions.

## A selection of FRA opinions

- EU Member States should verify that **private housing** is affordable, **safe and suitable**, particularly for women and **children**.
- EU Member States should strengthen efforts to ensure **displaced children from Ukraine are integrated in ordinary schools** and childcare facilities as early as possible with due consideration for their language and culture.
- Particular **attention should be paid to children with disabilities**, notably those who were **living in institutional facilities in Ukraine**, to ensure that their specific needs for accessibility and additional support are duly addressed. This integration would facilitate their socialisation and add normalcy to their daily lives.
- National and EU **funding** should be used to provide language classes [in ordinary schools across the EU Member States], to increase numbers of staff and to increase childcare and school capacities.

Source: FRA (2023), Fundamental Rights report – 2023 'Fundamental rights implications for the EU of the war in Ukraine'.

## Structure of the bulletin

This bulletin focusses on children displaced from Ukraine in the EU and examines issues of particular concern for the respect, protection and fulfilment of their fundamental rights.

Chapter 1 provides a short summary of the interplay of relevant and applicable European and international legal instruments in the context of children displaced from Ukraine and sets out national legal and policy frameworks in place. It also looks at existing targeted budget allocation, and if children displaced from Ukraine are covered by national action plans for the implementation of the EU Child Guarantee.

Chapter 2 examines the existing registration systems as well as gaps in the availability of comprehensive data concerning children displaced from Ukraine in the EU.

Chapter 3 presents national efforts to provide child-friendly and age-appropriate information and to promote the right of children to participate.

Chapter 4 explores the evidence on children's access to rights guaranteed by the Temporary Protection Directive, including access to education, healthcare and mental health services.

Chapter 5 examines the responsibilities assigned to national child protection authorities, as well as practical arrangements of legal guardianship and placement for unaccompanied children.

Chapter 6 presents findings related to children evacuated from Ukrainian institutions in selected EU Member States, children with disabilities and their protection and care, and outlines efforts for prevention of trafficking in human beings and prevention of illegal adoption.

## Methodology

This bulletin looks at the situation of children since the first arrivals began in February 2022. The data covers all 27 EU Member States and was collected between June and July 2023 by FRA's multidisciplinary research network, Franet. The bulletin also draws on evidence from FRA's Bulletin #2, FRA's survey on the experience of displaced persons from Ukraine in the EU and other relevant national and international research.

### Note on sources

This bulletin uses some sources available in the public domain. Where relevant, references are provided by hyperlinks embedded in the text.

Much of the data comes from email exchanges and interviews between FRA's Franet research network and ministries, public authorities, CSOs and others. References are provided in footnotes and full references can be found in the

respective Franet country reports.

Some Member States received more Ukrainian children than others, for example, neighbouring countries and those closer to the border of Ukraine. Therefore, the situation in these countries is examined in more detail and additional information was collected for this report. The information presented in Chapters 3, 4 and 6.3 draws mainly on data gathered in 14 Member States: Austria, Bulgaria, Czechia, Germany, Spain, Croatia, Italy, Lithuania, Hungary, the Netherlands, Poland, Romania, Slovenia and Slovakia. The information presented in the rest of the bulletin covers all Member States.

# 1. Legal and policy framework

## 1.1 Interplay between various legal instruments

The urgent need to protect huge numbers of displaced children from Ukraine following Russia's invasion in 2022 created many new challenges for Member States.

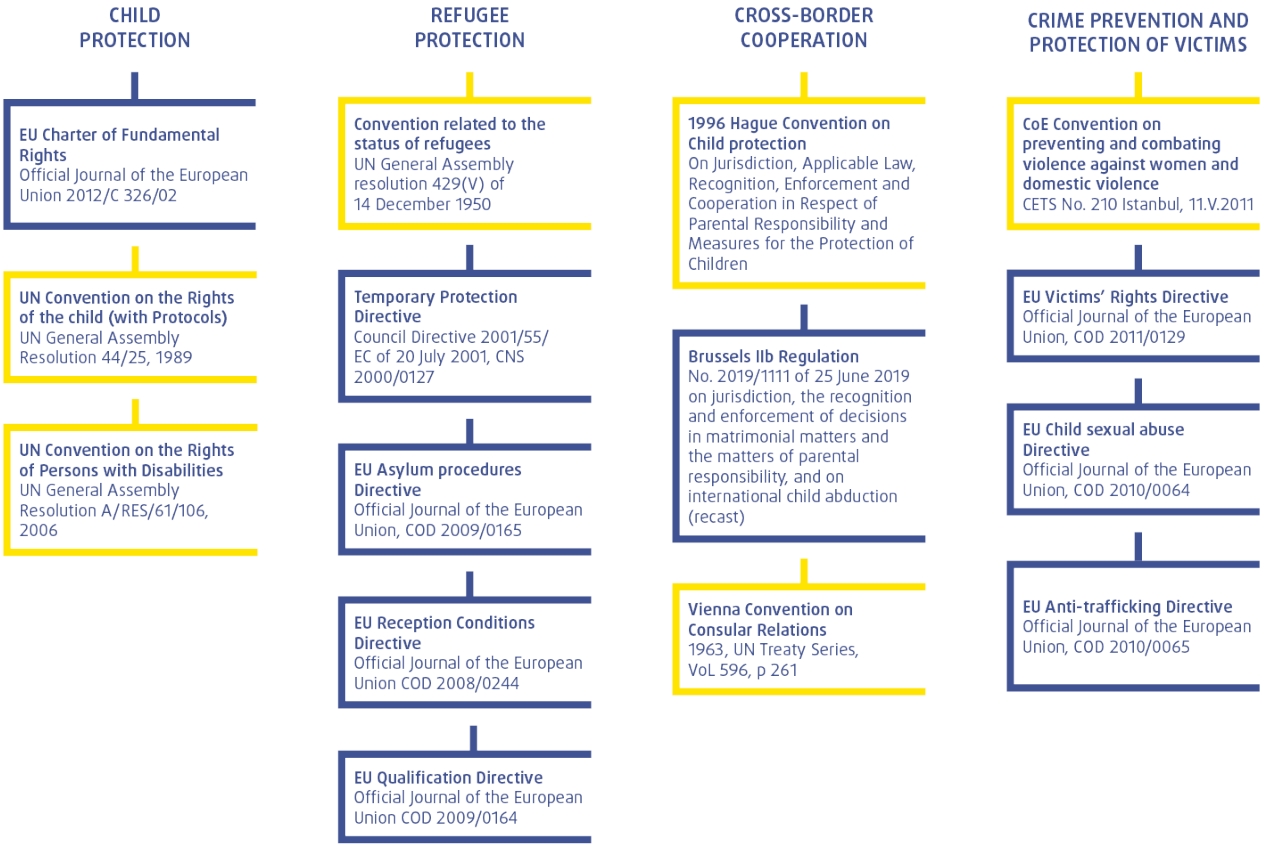
Several international and European legal instruments on child rights and international protection are applicable. All EU Member States and Ukraine have ratified the United Nations (UN) Convention on the Rights of the Child (CRC) and are obliged to protect all children in their territory, regardless of their nationality, place of residence or other status. The CRC provides children with the right to access education, health and child protection services, as well as the right to be protected from violence or abuse, and to seek refugee status. Furthermore, all EU Member States, Ukraine and the EU itself have acceded to the UN Convention on the Rights of Persons with Disabilities (CRPD). The CRPD establishes that parties shall ensure the protection and safety of persons with disabilities in situations of risk, ensure the best interests of children is a primary consideration, and ensure the respect of children with disabilities' right to family life and care within the community in a family setting.

Beyond the general applicability of the CRC and the CRPD, and regarding refugees specifically, the following are relevant:

- the Convention relating to the Status of Refugees (the Geneva Convention);
- EU instruments on the protection of asylum applicants, such as the Asylum Procedures Directive (2013/32/EC); Reception Conditions Directive (2013/33/EU) and the Qualifications Directive (2011/95/EC).

The EU Charter of Fundamental Rights applies when Member States apply EU law, including the Temporary Protection Directive
The various supranational legal instruments protecting children displaced from Ukraine can be grouped into four categories: general child protection, protection of refugees, cross-border cooperation and protection of victims (see Figure 2).

**Figure 2 – Legal framework protecting children displaced from Ukraine**




A graphic outlines the main legal framework protecting children displaced from Ukraine in the EU. The different legal instruments are grouped in four categories: general child protection, protection of refugees, cross border cooperation, and protection of victims.

*Source: FRA, 2023*

*Notes: See the European Union Fundamental Rights Information System (EFRIS) on human rights commitments and compliance of the 27 EU Member States; and the UN interactive dashboard.*

The EU Temporary Protection Directive (TPD) (2001/55/EC), the central legal instrument in this context, was adopted in 2001 but activated by the EU Council (2022/382/EU) for the first time in EU's history in 2022. It establishes the right of displaced persons from Ukraine, including children, to stay lawfully in the EU and to benefit from education, healthcare, housing and social assistance. [2] It also provides for the appointment of a legal guardian (Article 16.1) and assistance to persons with special needs, including unaccompanied children (Article 13.4).

For the first time, two private law instruments on cross-border cooperation influenced EU authorities' response: the Brussels IIb Regulation and the 1996 Hague Convention on Child Protection.

Each instrument establishes a framework for recognition of judicial or administrative decisions across borders regarding parental responsibility, including measures for the protection of the child. Those decisions cover issues such as rights of custody, guardianship, placement and foster care. All EU Member States and Ukraine are parties to the 1996 Hague Convention on Child protection.

EU Member States must apply the rules established in the Brussels IIb Regulation regarding a child whose habitual residence is in an EU Member State, while the 1996 Hague Convention on Child protection is applicable if Ukraine is still considered the habitual residence of the child. According to guidance provided by the European Judicial Network, the Ukrainian courts continue to retain jurisdiction if the child was habitually resident in Ukraine before the displacement to the EU. This means parental responsibility decisions are governed by Ukrainian law and any measure taken by Ukrainian authorities is automatically recognised in the EU Member States. The change of habitual residence would require the child living in Europe for some time and a court or authority would need to make sure that certain requirements are fulfilled.

The question regarding jurisdiction has raised practical challenges and Member States have sometimes followed different approaches. This is particularly apparent in the recognition of legal guardianship of children evacuated from Ukrainian institutions (see Chapter 6.1).

Other EU instruments applicable to situation of children displaced from Ukraine may include the EU Victims' Rights Directive (2012/29/EU), the EU Directive on combating child sexual abuse (2011/93/EU) and the EU Directive on preventing and combating trafficking in human beings (2011/36/EU).

The EU recently acceded to the Council of Europe Convention on violence against women (Istanbul Convention) which is relevant to preventing violence against girls.

The legal complexity is further accentuated by the need to coordinate within the EU and between Member States as well as with Ukrainian national authorities. This has led to the creation of several coordination mechanisms at EU level. The European Commission created the Solidarity Platform, a coordination network where Member States share information on the reception of persons fleeing the Ukraine to address practical challenges. The Council of Europe has also created a cooperation mechanism with the sole purpose of coordinating actions for the protection of children fleeing Ukraine.

## 1.2 Implementing the Temporary Protection Directive

### 1.2.1 National laws transposing the child-related aspects of the Directive

The Temporary Protection Directive applies to all EU Member States, except Denmark [3] . Denmark is not bound by the TPD but has introduced a national protection scheme which offers similar protection.

Following the Council Implementation Decision (EU) 2022/382, Member States provided temporary protection for displaced persons from Ukraine at the national level through various legal acts. For example, government or ministerial decisions (executive acts), legislative acts and or decisions of a competent administrative authority. [4] FRA has also published information on

some aspects of national legislation implementing the TPD.

Some Member States adopted or amended national legislation addressing specific issues related to children displaced from Ukraine. Some address specific processes, such as registration for temporary protection and respective competences of national or provincial/regional authorities. Others focus on children's access to social rights, such as access to social welfare and access to education (see Chapter 4).

Some Member States strengthened protections for children including those displaced from Ukraine. Some strengthened integrated child care services (for example, in Hungary, Croatia, Lithuania, Romania), or addressed the situation for unaccompanied children specifically. The Polish Law on assistance to citizens of Ukraine, for example, introduces a specific register of unaccompanied Ukrainian children and regulates the supervision and support of temporary guardians. It also sets a ban on placing Ukrainian children under the age of three in institutional foster care.

Beyond the scope of implementing the TPD, Lithuania and Poland signed specific agreements or a memoranda with the Ukrainian authorities focusing on the protection and care of Ukrainian children (see Chapter 5 and 6.1).

### 1.2.2 National action plans and funding addressing children

Dedicated strategies and action plans at national level that addressed specific challenges made the implementation of the TPD more effective. This allowed for better coordination between public authorities and different levels of government. Coupled with adequate funding and budgeting structures, policy frameworks that translate laws and policies into activities made a comprehensive national response possible.

National policy approaches differed. Some developed action plans addressing displaced persons from Ukraine generally, including measures related to children, for example, Czechia and Latvia. Others developed policies in specific areas, for example addressing children's access to education or healthcare (see Chapter 4). In other Member States, relevant measures were integrated through general instruments, such as national child rights strategies, for example, in Luxembourg.

Another means of facilitating coordination of measures adopted by some Member States was the creation of coordination frameworks. For example, in Romania, in addition to a high-level task force that monitors activities of the ministries involved in the management of the influx of refugees, the government also established a working group on children and youth. Similar coordination mechanisms were also established in Austria, Belgium (Flemish region), Croatia, Ireland, and the Netherlands.

Efforts at the national level compliment initiatives on the regional and city level. The Land of Hessen in Germany, for example, developed an action plan to integrate children displaced from

Ukraine into the education system.

Several cities developed apps and established dedicated websites providing for centralised access to assistance and information. The municipality of Copenhagen, for instance, established a hotline for information to displaced Ukrainians, while the municipality of Aarhus created a counselling centre for newly arrived Ukrainians.

### FRA activity – Fleeing Ukraine: implementing temporary protection at local levels

The sudden, high and unpredictable arrivals of numbers of persons fleeing Russia's invasion of Ukraine thrust cities and local governments to the forefront of the EU and its Member States' relief work.

FRA's forthcoming report on the implementation of the TPD at the local level describes the key measures that local authorities in 26 locations took in ensuring access to housing, education, employment and healthcare.

In relation to funding, FRA's research found examples of targeted budget allocations or assigned increased expenditures related to the reception and inclusion of people displaced from Ukraine in less than half of the EU Member States.

Increased budget allocations supported and expanded reception needs (in Finland, the Netherlands, Sweden). In the majority of countries, budgets supported children's inclusion in national education systems. Common measures included increased staffing and funding for national language courses. For example, the Austrian Minister of Education announced an increase of funds for German classes by one third to 40 million EUR from autumn 2023 and the number of staff from 442 to 577.

Some Member States provided additional resources to national guardianship systems. In Belgium, an extra 700,000 EUR was allocated in June 2023 to the Guardianship Service for the registration and follow up of newly arriving unaccompanied children. In the Netherlands, additional expenditures related to the reception of displaced persons earmarked 5 million EUR for the guardianship organisation Nidos.

In Ireland, the Child and Family Agency (Tusla) was allocated a funding of €31 million for the provision of services in 2023.Access to welfare and allocations linked to accessing social rights and guaranteed by the TPD is discussed in Chapter 4.

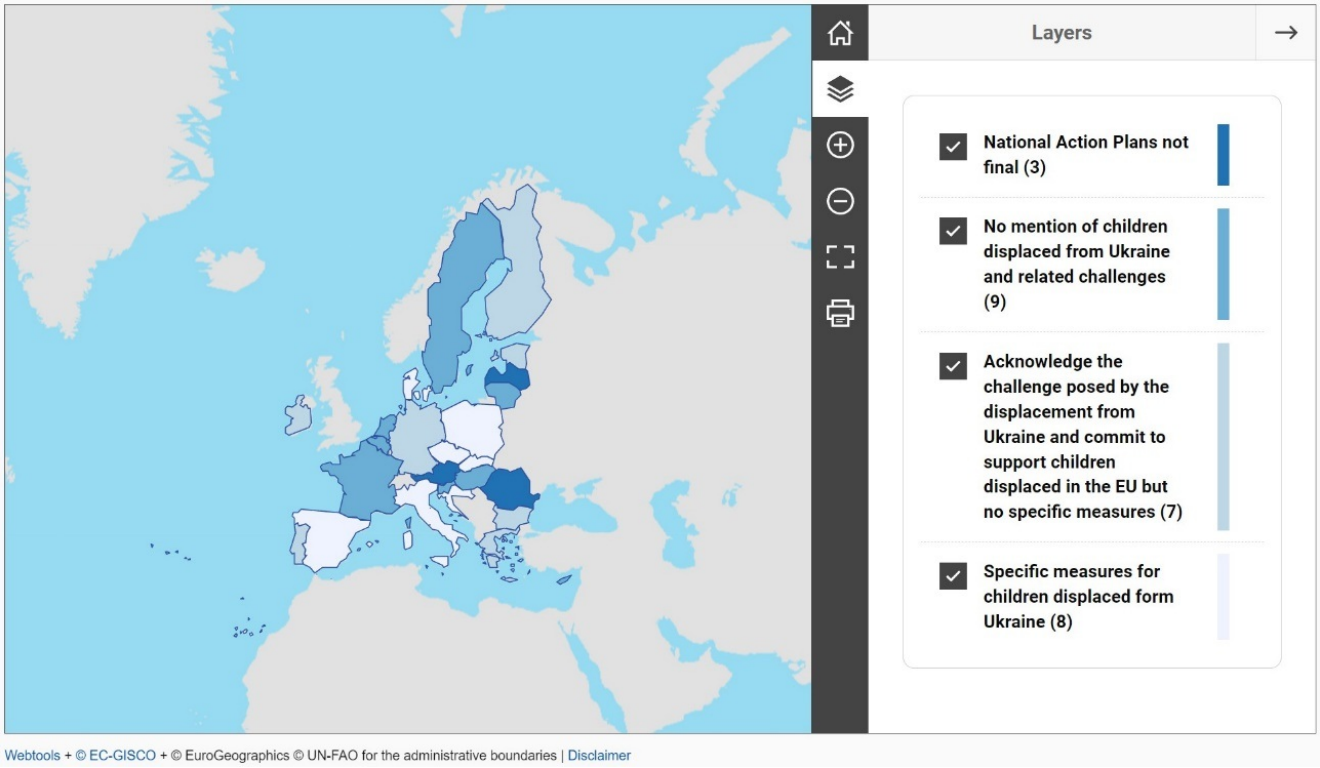
## 1.2.3 European Child Guarantee

The European Child Guarantee is one of the main social policy initiatives established by the EU.

Adopted in 2021, it aims to guarantee children at-risk-of poverty their effective and free access to basic rights such as healthcare, quality education, childcare (particularly early education and childcare), healthy nutrition and adequate housing. The Child Guarantee cannot be seen in isolation from the European Semester that regulates European economies and coordinates social policy, including policies related to child poverty. Civil society has recommended that the European Semester pay more attention to the Child Guarantee to enhance social inclusion for vulnerable groups.

The Child Guarantee applies to all children, but it is recommended that Member States consider children who experience specific disadvantages, such as children with a migrant background (including refugee children) or children with disabilities. Article 11 of the Council Recommendation establishing the European Child Guarantee recommends Member States to develop national action plans (NAPs) until 2030, setting targets and defining measures and sources of funding. The deadline for submission of the national action plans was just a few weeks after the Russian invasion of Ukraine impacting Member States' ability to develop and include targeted measures. This leads to a mixed picture across the EU (see Figure 3).

**Figure 3 – Children displaced from Ukraine covered by national action plans for the implementation of the European Child Guarantee**




A map of EU Member States shows if and how children displaced from Ukraine are covered by national action plans for the implementation of the European Child Guarantee.

Notes: For the NAPs see European Commission's website on the European Child Guarantee and the national Franet reports.

*Source:* FRA, June 2023.

A year after the deadline for Member States to submit NAPs, pursuant the Council

Recommendation establishing the European Child Guarantee, Austria, Latvia and Romania had still not submitted. Austria has submitted a draft and the Latvian NAP is in consultation with the European Commission.

About one third of EU Member States' NAPs make no reference to children fleeing Ukraine and contain no measures to manage the increased pressure to deliver support, ensure children's safety or access to basic rights and services. The lack of specific references, however, does not mean that children displaced from Ukraine are not benefiting from measures intended for all children in need. Some Member States have followed the Commission's Recommendation and identified children with migrant background, asylum seekers or unaccompanied children as a group in vulnerable situation. The NAPs of Cyprus, Lithuania and Sweden, for example, recognise children with migrant background as 'children in need' and either set out specific measures or stress that children in these situations need to be taken into account in the measures set out in the NAP.

Furthermore a UNICEF project providing support to develop NAPs suggests that most of the countries are adapting their plans to include measures addressing displaced children from Ukraine.

In seven EU Member States, the NAPs acknowledge the challenge posed by the displacement from Ukraine and commit to support children displaced in the EU but do not contain concrete measures or indicators. The Estonian NAP acknowledges that "the war in Ukraine has brought children and young people to Estonia as war refugees, which is why there is a possibility that the target groups […] and measures, will change in the coming years." The NAP of Greece mentions separated children fleeing Ukraine as a specific category of children in need under the title: "Homeless children or children experiencing severe housing deprivation".

The NAPs of eight EU Member States set out specific measures for children displaced from Ukraine. Some identify specific challenges, while others focus on the planned measures. In Spain, for example, the State Action Plan for the Child Guarantee, expressly mentions children displaced from Ukraine under the specific category of vulnerable children setting a number of concrete measures, including the implementation of a collaboration programme for Ukrainian language assistants for Spanish schools, and access to free health care. The Slovak NAP identifies particular risks for children displaced from Ukraine, including unavailability of childcare facilities; lack of systemic coverage of psychological care and financial coverage for medical care required by children with disabilities; lack of guidance in addressing war trauma; and the overload associated with parallel education in the Slovak and Ukrainian system.

A European Parliament study on the Child Guarantee NAPs focusing on support for refugees found that measures contained in the NAPs focus on access to early childhood education or care and access to education, funding school and out-of-school-based activities, access to healthcare and adequate housing and access to healthy nutrition including at least one healthy meal for each school day.

Reflecting the importance of the local level implementation of the actions contained in the NAPs,

the European Committee of the Regions and UNICEF signed an agreement to support regional and local administrations in the European Union in their work on child protection and promote the European Child Guarantee with a focus on children displaced from Ukraine.

### 1.2.4 EU funding opportunities

Adequate funding of relevant policies and measures is necessary for protecting fundamental rights in Member States. The Council Implementing Decision (EU) 2022/382 which activated the TPD sets out in recital 22 of the Preamble that "all efforts of Member States to comply with the obligations deriving from this Decision will be supported financially by the Union Funds. Emergency and flexibility mechanisms within the Multiannual Financial Framework 2021-2027 may also mobilise funds [and] the Union Civil Protection Mechanism has been activated."

The European Commission facilitated the mobilisation of EU funding mechanisms to support national demands. It introduced a flexible use of funding available from the 2014-2020 cohesion policy funds and created the Recovery Assistance for Cohesion and the Territories of Europe (REACT-EU) to meet emergency support needs. The Cohesion's Action for Refugees in Europe (CARE) enabled reallocation of resources for support to people fleeing Ukraine. Emergency funding for integration and psychosocial support financing was provided to Member States who had the most pressing needs.

**"The European Union reiterates its commitment to reinforce support of displaced persons, both in Ukraine and in the European Union, including through adequate and flexible financial assistance to the Member States who carry the largest burden of medical, education and living costs of refugees."**

*European Council conclusions of 9 February 2023, para. 13.*

An existing dedicated toolkit on the use of EU funds for the 2021–2027 programming period provides ongoing practical support to stakeholders at national, regional and local levels in designing and implementing policies targeted at people with a migrant background.

## FRA activity box – The EU funding cycle 2021-2027: putting the fundamental rights safeguards into practice

The new regulatory framework for EU funds found in the Common Provisions Regulation (CPR) puts fundamental rights front and centre, by requiring compliance with the entirety of the Charter and full inclusion of CSOs and national bodies for the promotion of fundamental rights at each stage of the funding cycle.

An upcoming FRA report, to be published in December 2023 will provide a set of proposals on how to ensure the fundamental rights-related provisions contained in the CPR at the national level are put into practice.

On 20 June 2023, the Commission announced a new Ukraine Facility with a budget of 50 billion EUR. It aims to meet short-term recovery needs and support Ukraine's reconstruction and modernisation and provide reliable financial support for Ukraine from 2024 to 2027. The facility will assist Ukraine in addressing the social, economic and environmental consequences of the war, consistent with and complementary to the respect for fundamental rights and the protection and promotion of human rights. Furthermore, "in line with the European Pillar of Social Rights, the Facility should support solidarity, integration, and social justice […] ensuring equality of, and access to, opportunities and social protection, protecting vulnerable groups and improving living standards." [5]

# 2. Registration and existing data

## 2.1 Registration systems

During the days and weeks that followed the Russian invasion of Ukraine, thousands of women and children crossed the borders into the EU. Registration of children, particularly those who could be traveling unaccompanied, proved challenging. Gaps persist in the referral of children displaced from Ukraine to national child protection authorities, as documented in previous FRA reports, including its previous bulletins and the 2023 Fundamental Rights Report.

Under Article 10 of the TPD, Member States must register personal data of people who register for temporary protection on their territory. Personal data includes name, nationality, date and place of birth, marital status, and family relationship. As part of the 10-Point Plan for stronger European coordination, on 31 May 2022 the European Commission launched a platform for the registration of temporary protection beneficiaries enabling exchange of information between Member States to avoid double registrations and limit possible abuse. This platform serves as the only EU-wide point of reference for Member States, as large-scale EU IT systems and databases, such as Eurodac, cannot be used for registration of beneficiaries of temporary protection. The European Commission advised Member States to register temporary protection beneficiaries in existent national registers for in full respect of the General Data Protection Regulation (EU 2016/679).

### 2.1.1 Multiple systems and databases

Various approaches exist across the EU regarding the design and operation of registration systems and the authorities responsible. Within Member States there are also different systems and procedures applied for registration of adults, of children and specifically of unaccompanied children displaced from Ukraine.

In most Member States, migration authorities register people fleeing Ukraine seeking temporary protection. Data are recorded in the same national databases used for all persons seeking international protection. An EUAA report outlines the general registration procedures, the responsible authorities and processing times.

Responsibility for registration rests at the level of municipalities and local administrative authorities in France, the Netherlands and Slovenia. [6] In the Netherlands, registration takes place at the 25 Safety Regions, which refers displaced persons to a municipality that receives them. Once they are resident, they must register at the national Personal Records Database. A report by

Defence for Children found that as no central registration takes place due to the decentralised reception and "the overarching perspective and overview when it comes to screening for vulnerability and care needs is often lacking."

There are often multiple authorities involved in the registration procedure. In Germany, for example, the Reception Centres, Foreigners' Offices, or the police carry out the registration of people displaced from Ukraine. Families arriving with children must get in touch with the Youth Welfare Office as early as possible. In the case of unaccompanied children, it is the registering authority which contacts the Youth Welfare Office directly. The latter communicates the number of children (accompanied and unaccompanied) registered in the federal state to the Federal Office of Administration. Two specific offices were set up: one for the reception of children evacuated from institutions, coordinated at federal level, and one for larger groups of persons with disabilities (see Chapters 6.1 and 6.2).

Due to many actors with different competences being involved in registering displaced people, there are multiple registration systems and databases that hold different parts of the recorded information in Member States. For example, in Belgium, information on displaced people, including children, is stored in the Population Registries, the database of the Immigration Office (Evibel), the internal database of the Commissioner General for Refugees and Stateless Persons, and the internal database of the Federal Asylum Agency (Fedasil). There is no single system or database to identify all children.

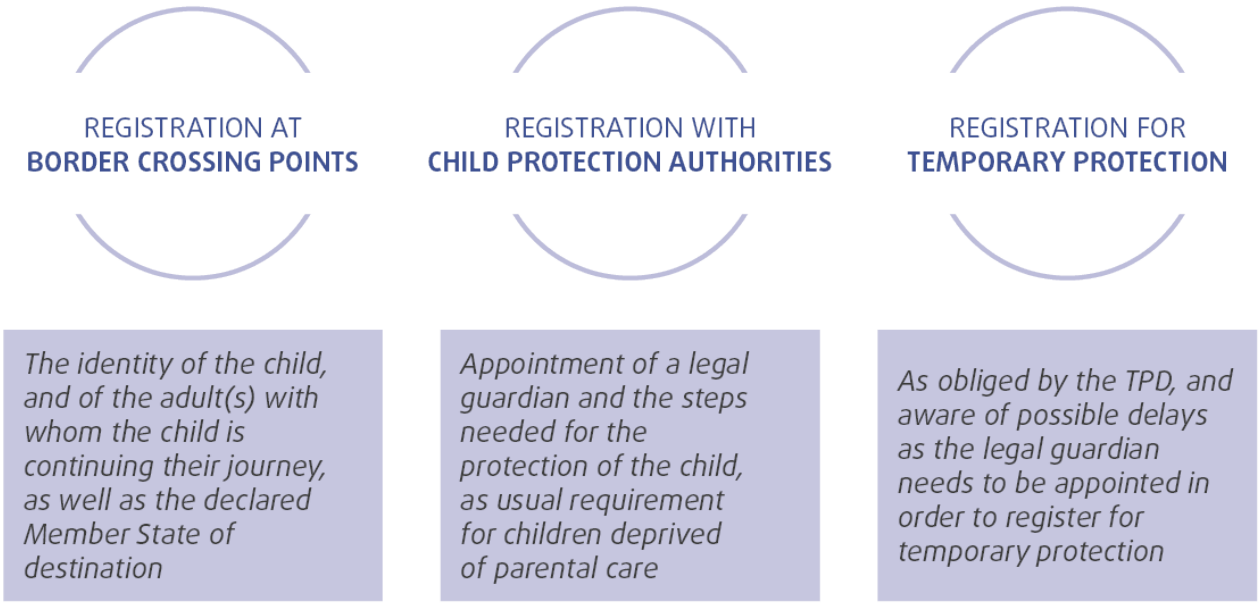
The lack of cross-referencing between data registers could result in discrepancies. For example in Latvia, the Population Register includes all permanent residents, including those under temporary protection. Another register, the Register of Information Necessary for Providing Support to Ukrainian Civilians, contains information on Ukrainian people who applied for social services and allowances to governments of local municipalities. The total number of registered children varies across these registers. [7]

In Bulgaria, the State Agency for Child Protection maintains a register of all children displaced from Ukraine, including those who came with their parents or legal guardians. Also in Romania, a dedicated application, PRIMERO, is used to identify and register Ukrainian children seeking protection in Romania.

### 2.1.2 Registration of unaccompanied and separated children

The European Commission outlined three types of registration that are essential to ensure a child's safety in its operational guidelines for implementation of the TPD and the FAQs on registration, reception and care of unaccompanied children. These are: initial registration at the border, registration with the national child protection authorities, and registration for temporary protection, as illustrated in Figure 4.

**Figure 4 – Registration for unaccompanied and separated children**




A graphic presents the three types of registration of unaccompanied children essential to ensuring a child's safety: initial registration at the border, registration with the national child protection authorities and registration for temporary protection.

*Source:* European Commission and a FAQ on unaccompanied children.

The existence of a special registry for children displaced from Ukraine "is not indispensable - what ultimately matters is to ensure that the child is registered with the child protection services", according to the European Commission.

Data are not comparable between Member States as there is no unified system across the EU, and procedures and definitions used to register children differ between Member States. About a third of the EU Member States categorise accompanied, separated and unaccompanied children separately for registration purposes.

For example, in Sweden, the Migration Agency publishes statistics on each category, where data can be obtained. As of 28 May 2023, 863 unaccompanied children were granted residence permits. Of these, 801 were separated children and 62 had arrived unaccompanied. [8]

Other Member States, for instance Belgium, Denmark and Finland, categorise and register separated children as unaccompanied children. There are few examples of separate registration for children who arrived in groups. In Poland, registration is only obligatory for unaccompanied children and those who are part of an organised evacuation from institutions or foster care.

Several Member States have specific registries for unaccompanied migrant children. Most often, countries which experience large numbers of arrivals of unaccompanied children have these kinds of registries. In Italy, the Ministry of Labour and Social Policies monitors unaccompanied migrant children and collects and reports data to a central Child Information System database. The Greek National Emergency Response Mechanism (NERM), tasked with protection for and reception of all unaccompanied and separated children, has a dedicated register for unaccompanied and separated children fleeing Ukraine. A specific registration procedure [9] is triggered when an

unaccompanied or separated child arriving from Ukraine enters Greece.

In some Member States, responsibility for registration is shared among different authorities. For example, in Slovakia and Estonia, border and police authorities manage the data on arrivals and residence permits and social protection authorities manage data on unaccompanied children.

Latvia and Poland created platforms to record unaccompanied children fleeing Ukraine in respective national laws. In Latvia, the Law on Assistance to Ukrainian Civilians, prescribes that the State Inspectorate for Protection of Children's Rights maintains a unified register of unaccompanied children. Also in Poland, according to Article 25a of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine children who are unaccompanied and those who were previously in foster care in Ukraine must be registered in a 'register of minors'.

## 2.2 Availability of data

While progress has been made in the 18 months since the Russian invasion, there remains lack of comprehensive EU-wide data on displaced children in Member States. Specifically, there is a lack of data on the number of children, how they are categorised and the number in each category in each Member State.

Temporary protection beneficiaries have the right to move freely before and after a residence is issued under certain conditions. If a person subsequently moves to another Member State and receives another residence permit, the first residence permit and its ensuing rights must expire and be withdrawn, in accordance with the spirit of Articles 15(6) and 26(4) of the TPD.

Given this complexity, aggregated data on children displaced in the EU is not comparable between the Member States. There are a variety of registration systems which hold different types of personal data depending on the authorities' competences.

A compilation of national data reported to FRA on the overall number of children displaced in each Member State is available in Annex 1. Information on children who were evacuated from institutions in Ukraine is presented in Chapter 6.1.

### 2.2.1 Available data at national level – access, update intervals and disaggregation

Most EU Member States report monthly statistics to Eurostat as part of a voluntary agreement. Regarding the number of children who receive temporary protection, nine EU Member States (Belgium, Germany, Denmark, Greece, Ireland, Italy, Lithuania, the Netherlands and Sweden) publish data on publicly available websites, national statistical offices, or migration information systems.

Some Member States, for example Denmark, Lithuania and Sweden, have publicly available databases of persons displaced from Ukraine that allow for disaggregation by sex and by different age groups below 18 years of age.

In other Member States, public authorities provide information about children. For example, in Germany the Central Register of Foreigners published a factsheet on refugee children from Ukraine and the Ministry for Family Affairs produced a dedicated report on unaccompanied children's situation in Germany.

Data on people displaced from Ukraine in Ireland is compiled weekly by the Central Statistics Office The government receives a detailed report, while selected data on Ukraine statistics is publicly available. It includes details on unaccompanied children referred to Tusla (the Child and Family Agency), beneficiaries of social welfare, and education enrolment.

In Austria, Bulgaria, Cyprus, Czechia, Finland, Latvia, Luxembourg, Malta, Slovakia, Spain and Poland, FRA's research network had to request information from the competent authorities. There was no publicly available data on the number of children displaced from Ukraine in each respective Member State.

In four Member States, France, Slovenia, Spain and Romania, FRA's research network did receive information they requested within the timeline of data collection for this research. For more details on each country see Franet national reports.

A wide variety of approaches exist across the EU in terms of regularity and frequency of updating available data on registrations and granted temporary protection. Data are updated monthly in Austria, Greece and Italy, and weekly in Ireland, the Netherlands, and Sweden. In Denmark, information about people displaced from Ukraine who have been granted residence permits is published on a monthly basis by the Immigration Service in accordance with the 'Special Act' legislation. Statistics Denmark provides data quarterly.

Data received by Franet for this research refers in general terms to the overall number of children registered for temporary protection in the country, rather than giving precise information. This is the case for the information received from the authorities in Bulgaria, Cyprus, Estonia, Hungary and Slovakia. In Bulgaria, the State Agency for Child Protection provided a figure of 53,867 children in the country, but this refers to the overall number of children granted temporary protection since the beginning of the war until 9 June 2023. Denmark's data refer to the current number of children with Ukrainian nationality living in Denmark, including children who arrived in Denmark before 24 February 2022.

The lack of up-to-date and comprehensive data has been criticised by civil society in Bulgaria, who called for the collection of more precise data on vulnerable groups of children to provide targeted support.

Some Member States have several different registers of children displaced from Ukraine (see Chapter 2.1). In Latvia, for example, in addition to the unified register of unaccompanied children, the Population Register contains information about permanent residents in Latvia and includes

children to whom temporary protection has been awarded. However, it does not indicate how many people are currently in Latvia as they can move freely within the EU or return to Ukraine without renouncing their temporary protection status. Another register lists the Ukrainians who have applied for types of social services and support. Regarding children, there is a register that collects data to provide support to Ukrainians, gathering information on the people who arrive with the child, the level of education that the child has obtained and their plans to continue education in Latvia. The register also indicates how many children have a disability and require medical assistance or special services, as reported by the person.

Similarly, in Ireland there is a register on the number of parents or guardians receiving child welfare benefits among arrivals from Ukraine. This is in addition to the statistics available on the number of children allocated a personal public services number (PPSN) which enables them access to some public services.

Lack of disaggregation by age and sex may hinder the development of targeted measures in Member States. The data provided by national authorities to FRA's research network differ in terms of the level and type of disaggregation. Approximately one third of Member States provide age disaggregated data, often distinguishing between children under 13 and those aged 14 to 17. Some Member States like Cyprus, Finland and Latvia use more detailed age categories.

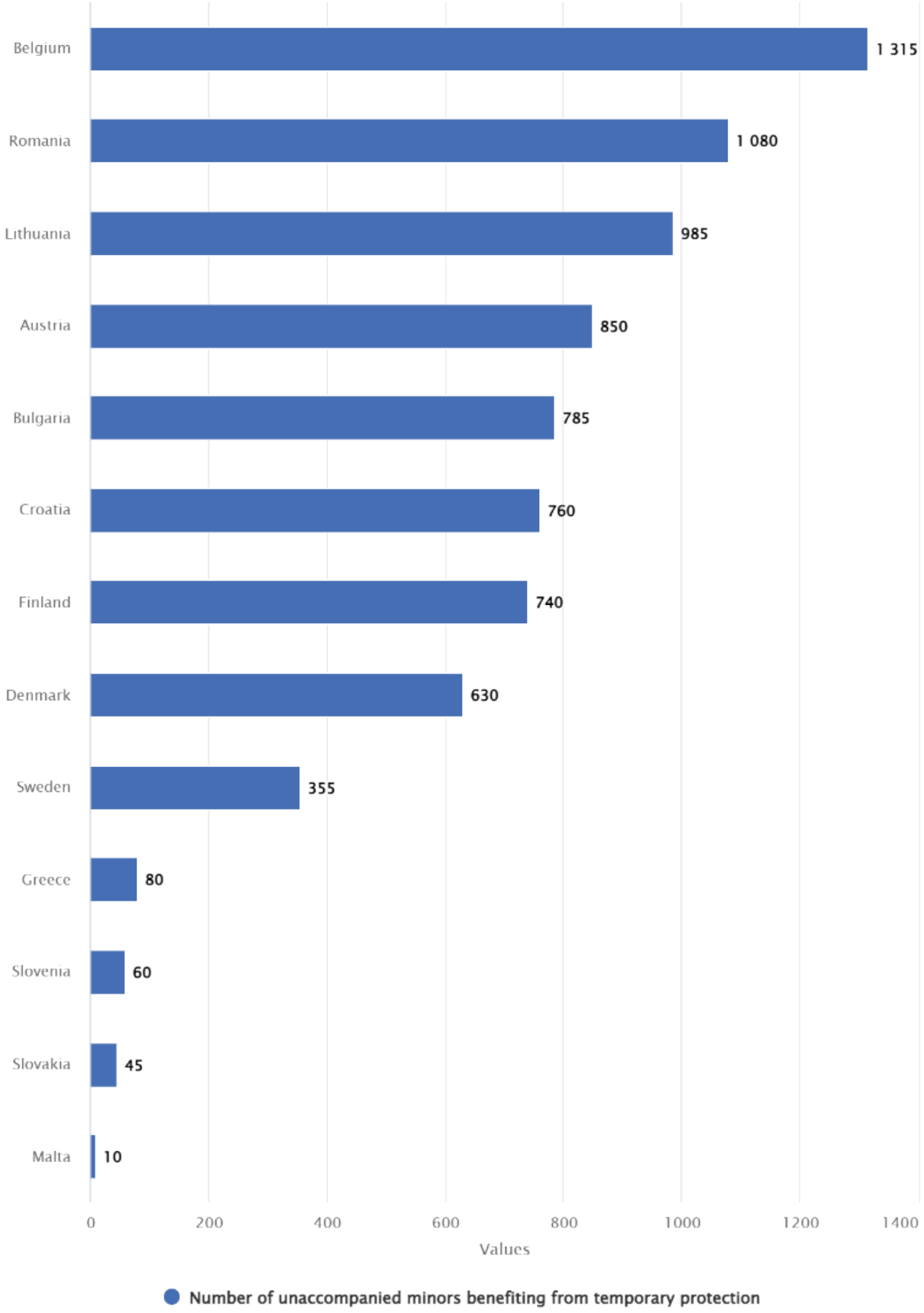
Data disaggregated by sex is available in about half of the Member States, mostly using binary representation except for Belgium. Certain Member States like Greece, Luxembourg, Portugal and Finland provide disaggregated data based on nationality. This enables identification of children who fled Ukraine but do not hold Ukrainian nationality.

### 2.2.2 Data on unaccompanied children

As of July 2023, 13 Member States had granted temporary protection to 7,695 unaccompanied children, according to Eurostat data. Belgium, Romania and Lithuania had the highest number of registered cases, as shown in Figure 5.

However, data FRA received indicate that other Member States received higher numbers of children than the three identified by Eurostat. Germany, Spain and Italy reported high numbers of unaccompanied children displaced from Ukraine, but do not appear in Eurostat data. See Annex 2 for a compilation of the national data reported to FRA on the number of unaccompanied children in EU Member States.

**Figure 5 – Number of unaccompanied children (0 to 18 y.) beneficiaries of temporary protection, in EU Member States, as of July 2023**




[End alternative ]

A horizontal bar chart shows Eurostat data for 13 Member States on the number of unaccompanied children who are beneficiaries of temporary protection as of June 2023. Numbers range from over 1,200 in Belgium to 10 in Malta.

*Source:*Eurostat,data extracted on 14 September 2023.

FRA's research network, Franet, gathered data from national authorities regarding various categories of children displaced from Ukraine, including unaccompanied children. The comprehensiveness of the data varies greatly. Typically, the numbers reflect the total count of children granted temporary protection status in each Member State since March 2022.

The top five countries with the highest recorded count of unaccompanied children who fled the Ukraine and were granted temporary protection or an alternative residence status are as follows: Romania (5,008, 30 April 2023); Italy (4,706, 30 April 2023); Germany (3,891, 30 October 2022); Spain (2,000, 22 March 2023).

In Belgium, both the national Guardianship Service and the Federal Public Service for Home Affairs register unaccompanied children who fled Ukraine: the Guardianship Service indicated 1,453 unaccompanied children as of 14 June 2023 and the Federal Public Service for Home Affairs had 1,298 as of 30 April 2023.

All other EU countries have registered fewer than 1,000 unaccompanied children displaced from Ukraine, except Austria that recorded 1,105 as of 1 May.

Data updates are irregular and the recording methods differ across Member States. Some report on the number of unaccompanied children who have left. For example, Croatia recorded 528 children who arrived without parents or legal guardians since the beginning of the war, however, 381 guardianships ended, 332 for boys and 39 for girls, due to the child turning 18 or leaving Croatia. Data received by FRA, as of 4 July 2023, indicate only three unaccompanied boys remain in Croatia. [10]

Slovakian data make it possible to distinguish between the total number of unaccompanied children who were registered (153) and those who, as of 30 April, are still present in the country (32 children).

The extent of breakdown and additional information varies. In Belgium, the Guardianship Service provided a detailed breakdown concerning the 1,453 unaccompanied children from Ukraine. As of 14 June 2023, data reveal that 186 children had legal guardians appointed; 78 of these guardianships were ongoing and 108 had concluded.

# 3. Child-friendly information and child participation

The UN Convention on the Rights of the Child (CRC) contains four general principles for interpreting and implementing the rights in the Convention. [11] These are: the principle of non-discrimination (Article 2), the best interests of the child (Article 3), the right to life, survival, and development (Article 6), and the right to express views and have them be taken into account with due weight in accordance with age and maturity (Article 12).

Most relevant to the current context is Article 12, which is both referred to as the child's right to be heard and the child's right to participation. Provision of information is a precondition for the realisation of the right of the child to participate.

The Charter establishes the right of children to express their views freely in Article 24(1), and Article 24(2) stipulates that, in all actions relating to children, the child's best interests must be the primary consideration.

The guidelines for implementing the TPD emphasises that "children must be heard and taken into account".

## 3.1 Child-friendly information

This section assesses the availability and use of child friendly information. When the war began and people started fleeing, Member States established emergency reception structures that provided information and had child-friendly areas. These were gradually replaced by one-stop service points which served as both reception and registration centres. [12] Information was provided at the European, national and local level. For example, the EU provided information for people fleeing the war, many countries set up emergency helplines and cities welcomed displaced people.

Specific child-friendly information materials or initiatives, however, were found in just a few of the 14 Member States where information was collected (see Methodology). Notably, the research found only one example. The cooperation agreement between Lithuanian and Ukrainian authorities takes measures to ensure a provision of information to every child about child rights and available services. This includes providing it in a language the child understands or providing interpretation, while considering age, maturity and individual needs.

> **“Member States are encouraged to ensure that all children are provided, in a child-friendly and age- and context appropriate manner, with relevant information on the situation, their rights and on procedures and services available for their protection. All decisions or actions to be taken in relation to children must be based on the principle of the best interests of the child as the primary consideration.”**
>
> *European Commission, Operational Guidance on the application of the Temporary Protection Directive.*

Leaflets and reports were used most frequently as the way to provide child-friendly information to children about their rights, safety, available support and complaints mechanisms.

National human rights bodies or public institutions developed such information in many Member States. In Czechia, for example, the Ombuds body published an information leaflet, in both Czech and Ukrainian, about children’s rights, services and psychological support. Information about child rights in Lithuania was developed by the Child Rights Protection and Adoption Service. In Bulgaria, the State Agency for Child Protection developed leaflets and posters in English and Ukrainian [13] , and experts from the agency visited places accommodating children from Ukraine and met with the children and their parents. The campaign is part of an international project implemented by Child Helpline International in partnership with UNICEF European and Central Asian Regional Office.

Similar joint initiatives between state authorities, CSOs and international organisations were also found in Spain and Romania. In Spain the Ministry of Social Rights and Agenda 2030, UNHCR Spain and Plataforma Infancia (a network of 75 child-rights organisations), published a child-friendly report on rights to temporary protection, family reunification and where to find psychological support. In Romania, UNHCR published information for children and young people arriving from Ukraine and IOM Romania disseminated child-friendly safety information.

Across the EU, there were a range of activities including campaigns to raise awareness, strengthening anti-trafficking hotlines with additional Ukrainian speakers and training professionals, such as asylum officers, the police and CSOs. For more information on activities, see Chapter 6.2 on children with disabilities and FRA’s Fundamental Rights Report 2023 Focus chapter on the fundamental rights implications for the EU of the war in Ukraine.

In Germany, the German Society for Psychology and in the Netherlands, Pharos (a knowledge centre on health disparities) produced child-friendly videos about trauma and depression.

## 3.2 Child participation

Child participation involves assuring children capable of forming their views, the right to express those views freely in all matters affecting them, and it is one of the four core principles of the CRC (Article 12(1)). Article 24 of the Charter outlines the right to express views freely, and should considered on matters which concern them depending on their age and maturity. It binds the Member States when implementing EU law, which is the case when implementing the TPD.

Despite these layered obligations for Member States to respect the right to participation, and an increased focus on child participation both in the EU and national level, structured efforts to ensure participation of children displaced from Ukraine were found only in few Member States.

The few examples found were in relation to guardianship for unaccompanied children. In Italy, the National Authority for Childhood and Adolescence issued a recommendation on listening to and considering the opinions of unaccompanied children displaced from Ukraine. The Authority met unaccompanied migrant children living in reception facilities to hear about their experiences. According to information provided by the Croatian Ministry of Labour, Pension System, Family and Social Policy, when appointing a guardian, the regional offices of the Croatian Institute for Social Work are required to listen to the child, in accordance with their age and maturity. [14]

Previous FRA research on guardianship systems for unaccompanied children in the EU identifies efforts to ensure child participation around guardianship in Finland and the Netherlands. FRA's desk research for this study did not identify examples in the public domain of ensuring the right to be heard in relation to accompanied children.

Participation of Ukrainian children in national children or youth counsels was found only in few countries. In Romania on 1 June 2023, the Senate of Romania organised the third annual Senate of Children involving children from Ukraine. In Lithuania, a Youth Exchange Council of Lithuania and Ukraine has existed since 2015 facilitating youth exchanges, events, meetings and funding various specific projects. In Slovakia, within the framework of updating the national action plan for the implementation of the European Child Guarantee, child participation is planned for and the working groups to gather children's input will also include children from Ukraine. [15]

# 4. Access to social rights

The TPD requires Member States to grant all beneficiaries of temporary protection access to rights, including access to medical assistance and healthcare (Article 13 (2), (4)), access to education (Article 14 (1), (2)) and access to social welfare and means of subsistence if they do not have sufficient resources (Article 13 (2), (3)).

## Legal corner: Right to healthcare, education, and social security and assistance

**Article 13 (2) and (4) of the TPD - healthcare**

(2) Without prejudice to paragraph 4, [Member States shall make provision for persons enjoying temporary protection to receive] the assistance necessary for medical care shall include at least emergency care and essential treatment of illness.

(4) The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

**Article 14 of the TPD - education**

(1) The Member States shall grant to persons under 18 years of age enjoying temporary protection access to the education system under the same conditions as nationals of the host Member State. The Member States may stipulate that such access must be confined to the state education system.

(2) The Member States may allow adults enjoying temporary protection access to the general education system.

**Article 13 (2) and (3) - social security and assistance**

(2) The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as for medical care.

(3) Where persons enjoying temporary protection are engaged in employed or self-employed activities, account shall be taken, when fixing the proposed level of aid, of their ability to meet their own needs.

The Charter protects the right to education (Article 14), healthcare (Article 35), and housing assistance (Article 34).

**"Full protection and swift access to the specific rights of children (education, healthcare, including preventive care and mental health care, and psychosocial assistance) as well as any necessary support services to secure the child's best interest and wellbeing to all children fleeing from the Ukrainian conflict, must be ensured."**

*European Commission, Operational guidelines for implementation of the TPD,*

*21 March 2022, p. 7.*

Despite the European Commission's emphasis on the need for protection and swift access to specific rights for children, one year after the war started, it reaffirmed the persistent challenges in access to healthcare, education and social welfare. FRA's previous research, as well as other evidence from the national and European level, demonstrates the difficulties temporary protection beneficiaries face in daily life and accessing their social rights granted under the TPD.

Effective access to healthcare is impeded by lack of information and language barriers and the differences of vaccination schedules also presented challenges for health systems in host countries. According to Caritas, numerous challenges relate to pre-existing systematic problems. This includes underfinanced healthcare services, costly medicines, and a lack of psychologists and paediatricians due to labour shortages.

Despite Member States' efforts to include displaced children from Ukraine in their education systems, only half a million children were enrolled in 2022/2023. Reinforcement of basic infrastructure, including accommodation and accessible housing, is necessary for access to education.

Language and psychosocial support are critical for sustained enrolment rates. 76% of respondents in an UNHCR survey preferred online Ukrainian curriculum studies to education in the Member State. Language barriers, curriculum differences, and long distances to schools, as reported in FRA bulletin #2, may contribute to this preference.

Member States include beneficiaries of temporary protection in the social welfare support systems and some of them developed specifically targeted measures. In such cases, the level of support is often less generous than those for permanent residents or are limited by time duration.

The majority of Member States also provide different types of additional benefits or one-off support measures. According to the Commission, civil society also frequently provided essential support through voluntary support platforms, individual donations and other initiatives.

### Promising practice – Connecting families with host families in Spain

A project in Spain connected Ukrainian families with families to host them in their homes, for a minimum of six months. The project, 'Family looking for family' was established by the Ministry of Inclusion, Social Security and Migration and the foundation of the bank La Caixa. The project took place in four of the provinces with the highest volume of arrivals: Madrid, Barcelona, Murcia and Malaga.

## 4.1 Access to healthcare

FRA's survey on experiences of people displaced from Ukraine in the EU illustrates widespread challenges in access to healthcare. Almost half of respondents aged 16+ mention 'language difficulties' and almost a third mention 'not knowing where to go or whom to contact' as the most frequent problems when seeking healthcare.

One year on from the start of the war, the European Commission concluded that Member States provided access to temporary protection beneficiaries on a par or closely mirroring that of their citizens, with few exceptions. However, the Commission acknowledged that some challenges exist.

Accordingly, an arrangement for cooperation on health between the European Commission and the Ministry of Health of Ukraine, signed in June 2023, aims to address these challenges. Both "increased mental health and psychosocial support" and "improved access to healthcare for refugees and people displaced from Ukraine" feature as two of the six priorities set out in the agreement. Another initiative under the Arrangement is to establish a training programme for people working with children to equip them with skills to provide trauma-informed care. The European Commission and Ukraine intend to provide specialised rehabilitation services to distressed children in both Ukraine and the EU.

### 4.1.1 Extent of medical care for displaced children from Ukraine

In most Member States, displaced persons from Ukraine, including children, are automatically

included in the public health insurance scheme once they register for temporary protection. They have the same entitlement to benefits and services from health insurance as other insured persons, nationals and residents in the respective Member State.

Many Member States reported challenges, such as delays in beneficiaries of temporary protection accessing healthcare, language difficulties, and the lack of accessible information, such as Malta, Greece, Romania, Netherlands. Some Member States, including Croatia, Italy and Spain, developed guides or protocols providing accessible information on access to health care for children and their parents or guardians.

Additional challenges reported by, for example Slovakia and Czechia, [16] relates to the lack of paediatricians available to children displaced from Ukraine, linked to a more general problem of insufficient numbers of health personnel. In Slovakia, for example, practicing paediatricians saw an increase of up to 20% following the displacement from Ukraine. As a result, paediatricians tended to refuse new patients, especially those who were beneficiaries of temporary protection. [17] In Bulgaria, temporary protection beneficiaries face many of the same challenges in accessing health services as other vulnerable people related to lengthy administrative procedures requiring different types of documents.

Some countries require additional measures to be put in place beyond acquiring a temporary residence status. For example, in Italy, Greece and the Netherlands, it is necessary to have an additional health card, residency permit or a code in order to access health services. Cyprus does not grant access to children fleeing Ukraine to the general healthcare system and they do not have the right to be assigned a personal doctor of their choice. Access is given only to the state hospitals for emergency care and the right to be treated by the hospital doctors available at the time. [18]

### Promising practice – Clinic for children displaced from Ukraine in Bratislava, Slovakia

Regional authorities in Bratislava, with the support of UNICEF and WHO, opened an outpatient clinic for children fleeing Ukraine in one of the city's health centres. The clinic assists 20 to 40 children daily and employs three paediatric doctor. Services are provided in Ukrainian language through Ukrainian medical staff working in the clinic, as well as through a Facebook platform.

## 4.1.2 Vaccination of children fleeing the war in Ukraine

Vaccination rates for children in Ukraine against measles, polio and tuberculosis are estimated to be below the Word Health Organisation (WHO) recommended levels. With the flow of children from Ukraine to Member States, there is a need to continue the vaccination process to meet

internationally recommended levels. The European Commission reiterates the need for vaccination, highlighting that "priority will be given to the vaccination of displaced children, according to the vaccination programmes of the host country".

According to a report prepared by the European Observatory on Health Systems and Policiescommissioned by the European Commission, routine childhood vaccinations are free and covered by the national system in many countries. However, FRA's research found that there is a low coverage among displaced children from Ukraine, for example in Bulgaria and Ireland. In the latter, national authorities have launched a nationwide vaccination programme for migrant children and young adults. All Community Healthcare Organisations are now engaged in the delivery of Catch-up Vaccination Services, as a priority public health programme. [19] In Poland, launched communication campaigns about free vaccinations for adults and children.

A small number of Member States insist on obligatory vaccination as condition for entry to the educational system. Bulgaria and Greece require children to have all necessary vaccinations to enrol in schools.

### 4.1.3 Mental health and psychosocial support

The TPD highlights the assistance needed by people with special needs, such as unaccompanied children and people who have experienced torture, rape, or other serious forms of psychological, physical or sexual abuse (Article 13(4)). Means for a full rehabilitation, should be also provided in the case torture, according to the Convention against torture and other cruel, inhuman or degrading treatment or punishment.

Recognising the profound psychological impact of the trauma children who fled Ukraine are subject to, the European Commission committed to establish a specialised e-learning program to equip paediatricians and primary care medical staff with the necessary skills to provide trauma care. Specialised rehabilitation services will also be offered to distressed children in both the EU and in Ukraine.

FRA's survey on experiences of people fleeing Ukraine provides evidence of children's immense stress and trauma. Of children aged 16 and 17 who were surveyed, three quarters had experienced the threat of shooting, bombing or missile attacks. Some 40% of children aged between 12 to 15 continue to experience depression, anxiety or panic attacks and almost half find it difficult to sleep or concentrate. In some Member States, research has explored the mental health and well-being of children arriving from Ukraine. In Germany, research finds that children predominantly present non-specific symptoms or symptoms on the anxiety and depression spectrum. Most of them had mental or neuro-psychiatric disorders. Similarly, research in Lithuania shows that the majority need psychological, social and other pedagogical support. Research in the Netherlands finds high levels of anxiety, stress and other disorders. It also claims that there are not enough Ukrainian and Russian-speaking professionals with a Dutch registration to work, which further complicates the provision of support. A Save the Children Denmark report finds that more

children express that they feel more lonely in Denmark than they usually do at home. It finds that many children have difficulties becoming part of groups and communities in school and engaging in social life activities.

Regarding access to mental healthcare, Germany, Greece, Malta, the Netherlands, Slovenia [20] and Slovakia reported challenges, all of which reflect those related to the provision of other forms of healthcare, namely long waiting lists, a lack of specialists and a language barrier. In Hungary, it is possible to request an interpreter at short notice to facilitate communication between patients and doctors. [21] A European Observatory on Health Systems and Policies report, commissioned by the European Commission, identifies the language barrier as one of the most challenging obstacles to provide mental health services.

To contend with such challenges, non-governmental organisations (NGOs) were called upon to provide psychological support for children displaced from Ukraine, such as clinical counselling, relief counselling, psychoeducational groups, and crisis intervention.

For example, some non-governmental support programmes in Member States include: Austria (ÖGPP and ÖGKJP), Bulgaria (UNICEF, UNHCR, Blue Dot centres, Bulgarian Red Cross, Karin Dom, and Child and Space Association), Czechia (Amiga via DUMKA and Society for All), Italy (UNICEF and Doctors Without Borders, Save the Children), Poland (Faces of Depression, Mazovian Centre for Neuropsychiatry, Forum against depression), Slovenia (AMBIENT) and Slovakia (Mental Health League).

In Lithuania, displaced children receive free emotional support from psychologists and psychiatrists, and consultations are available online in Russian or Ukrainian.

Non-governmental and volunteer-organised mental health support plays a key role in filling in gaps across the EU Member States. But this is not sustainable in the long-term, as reported by the NGO Locika in Czechia. While short-term mental health counselling is available both through NGOs and the public health system, temporary protection holders from Ukraine have issues accessing long-term psychological support such as long-term therapy sessions that are not covered by public health insurance. [22]

The European Network of Ombudspersons for Children called on Member States that, in addition to strengthening existing hotlines and access to mental health support, there is a need to develop new forms of psychological support specifically designed for dealing with trauma of war.

### Promising practice – Facilitating access to mental health services

Member States have provided information to help parents care for their traumatised children and to find information about accessing mental health services. These have been provided in the form of dedicated websites and guidelines in Ukrainian and other languages. For more details on programmes in

the respective country, see the links for each Member State as follows: Austria, Belgium, Bulgaria, Czechia, Germany, Greece, Spain, Finland, Croatia, Hungary, Ireland, Italy, Lithuania, Poland and Slovenia. [23]

## 4.2 Access to education

According to the European Commission, as of 30 April 2023, close to 780,000 Ukrainian nationals were registered in national education systems of EU Member States and the four non-EU countries associated to the Schengen activities of the EU (Iceland, Liechtenstein, Norway and Switzerland).

According to the FRA's survey on displaced people's experiences in the EU, carried out in 2022, less than half of respondents who were in education shortly before leaving Ukraine have continued their education as offered in their host country. Almost two thirds of children attend online education with a school or university in Ukraine or teach themselves using materials or with support from Ukraine. The language barrier is identified as the biggest challenge in accessing education.

In a dedicated staff working document on education, the European Commission emphasised the following needs: address language barriers and psychological trauma; provide parents with information about educational support; ensure access to extracurricular activities, psychological care and language classes; and recruit Ukrainian-speaking teachers to support children's integration into the education system. In June 2023, the European Commission and the Ministry of Education and Science of Ukraine signed an agreement for cooperation aimed at strengthening cooperation and dialogue on education.

The Commission welcomed further efforts by Ukraine to encourage schooling in the EU Member States. The order of the Ministry of Education and Science of Ukraine of 15 May 2023 gives refugee pupils and students the option to not attend Ukrainian online education as a prerequisite for continuing their education in Ukraine at a grade appropriate for their age after their return. This might positively influence the enrolment rates in the 2023/2024 academic year.

National or local research published in Member States shows that significant administrative and bureaucratic obstacles exist alongside confusion about how to navigate a new education system. In Czechia about 81% of parents surveyed do not feel sufficiently informed about the educational system.

Although overall enrolment rates in schools are high, a significant percentage of children seem to prefer attending Ukrainian school system online. Research in Hungary demonstrates the difficulties of children from the Roma community who faced segregation and discrimination and high drop-out rates.

Lastly, some Member States reported challenges related to children's accommodation and accessing schools due to the distance between the two, as was noted, for example, in France [24] , Greece and Ireland.

Information on accommodation for unaccompanied children and children evacuated from institutions in Ukraine is provided in Chapter 5.4 and Chapter 6.1 respectively. Beyond these categories of children the FRA's bulletin #2 on the fundamental rights impact in the EU of the Russian invasion in Ukraine outlined the main forms of accommodation in which children displaced from Ukraine and their families are located.

### 4.2.1 Types of schooling

All Member States grant Ukrainian children access to education in compliance with Article 14 of the TPD, however, in various ways and with varying results. In the 2022/2023 academic year, there were mainly three types of schooling: so-called 'preparatory' classes; integration into regular classes and education; and online schooling. The Ukrainian Ministry of Education and Science created resources to allow children to continue with online education. EU Member States set up targeted policies and allocated dedicated funding to support national initiatives for the inclusion of children displaced from Ukraine in national education systems (see Chapter 1).

To overcome the language barrier, many Member States provide preparatory courses to improve the language skills of Ukrainian children and enable them to join in-person education. These language courses can be compulsory, voluntary, or part of the school curriculum.

Examples of language support classes for children include in Austria, Belgium, Cyprus [25] , Germany, Romania, Slovenia and Slovakia. German federal states enrolled children and young refugees from Ukraine in classes aimed at intensive learning of the German language. More than one year on, Ukrainian children remain in those special classes, due to lack of capacity in local schools. [26] In Belgium, there are preparatory classes for foreign newcomers. However, preparatory classes are saturated, meaning that some beneficiaries are put on waiting lists and in practice do not have access to the education system.

### 4.2.2 Registration in school and enrolment obligations

Member States continue to report relatively low rates of registration and enrolment of children in school, as presented in FRA's bulletin #2. From the information from 14 Member States it is apparent that adequate data on the enrolment and attendance of children displaced from Ukraine in education is still lacking. Only few countries require compulsory education, but even in these cases information on attendance is either incomplete or missing.

The lack of compulsory education for children displaced from Ukraine in some Member States has contributed to low enrolment rates. For example, there are only 2,656 out of 7,045 children

displaced from Ukraine (7-18 years) enrolled in Latvian schools. A letter from civil society to the parliament emphasised the need for control mechanisms and stricter policies to ensure integration of Ukrainian children in Latvian schools. A similar trend of low enrolment is seen in Slovakia, where compulsory education does not apply to children displaced from Ukraine. In Bulgaria, less than 10% were enrolled into the formal education system in the 2022/2023 academic year. According to the Bulgarian Ombudsman, at the start of that year, less than half of the children wishing to attend nurseries and 77 % of those wishing to be enrolled in schools were admitted.

In other Member States official and research data indicate higher enrolment rates. In Denmark, the National Integration Barometer, developed by the Ministry of Immigration and Integration, provides data on school enrolment. It includes children that have a residence permit granted under the Special Act. 71% of children under 5 years old are enrolled in day care. Of children aged between 6 years and 16 years old, 87% are enrolled in primary schools, as of 12 April 2023. In Sweden four out of five attend or have applied for a place in school.

An online survey in Czechia covering over 860 households and 1,200 Ukrainian children indicates that about 92% of Ukrainian children attend primary school. 43% attend secondary school and two-thirds of children aged between 3 and 5 attend kindergarten. 10% of the total combine both Czech and Ukrainian education and 53% study only by distance learning in Ukrainian schools.

Another anecdotal cause of concern report by a non-governmental organisation is that some parents are hesitant to enrol their children into formal education systems assuming that educational standards would be lacking, as was the case for Romania. [27]

In Poland, children displaced from Ukraine are not subject to compulsory education if they attend an Ukrainian kindergarten or school through the distance online educational system. If so, and according to the Decree of the Minister of Education, the child's parent or guardian shall submit a declaration of continuation of education and not attend the schooling in Poland. Civil society has been critical of the fact that more than half of the children who arrived from Ukraine were reportedly not enrolled in Polish schools, with the consequent negative impact on integration.

Based on the information from 14 Member States (see Franet country reports), it is evident that data on school enrolment and actual attendance of displaced children from Ukraine in education is either missing or not regularly updated. Only a few countries require compulsory education, but even in that case information on attendance is either incomplete or missing.

## Educational setting

There are three main types of schooling for children displaced from Ukraine: the national system, Ukrainian education programmes and remote attendance at Ukrainian schools.

In the majority of Member States, children displaced from Ukraine are integrated in the national formal education system, complying with the European Commission's working document for the

2022/2023 academic year. Some Member States provide Ukrainian educational programmes or education in schools with Ukrainian teachers and assistants.

Although one full academic year has passed since the start of the war, there are still many students following distance education in Ukrainian schools. This is most often the case in Member States that do not have compulsory in-person education for children displaced from Ukraine. Relying too much on online schooling, prevents children from integrating in local communities, learning the language, developing social skills and improving their mental health. The importance of in-person integration in local schools is crucial for proper education, as underlined by the European Commission's assessment in 2023.

Attending local schools is prioritised for example in Germany, where children residing in the country for more than three months must be enrolled in a German school. However, in some federal states the school capacities are overloaded, which impacts attendance. In Luxembourg, children are assigned to one of six international public schools and taught in English, or in national local schools taught in German or French.

A few Member States provide education in Ukrainian. In Denmark, for example, children displaced from Ukraine can be taught in English and Ukrainian in primary schools and in youth education institutions as a result of a political agreement. In Latvia and Lithuania children can attend education programmes in Ukrainian. In Bulgaria, a CSO initiative supporting people displaced by war offers Ukrainian education following the curriculum and with teachers from Ukraine.

Several Member States made use of displaced teachers and people who work in education to provide education in Ukrainian, in line with the recommendation of the European Commission. This facilitated the transition into mainstream classes and allowed children to maintain a bond with Ukrainian culture and language. For example, in Austria, 218 Ukrainian teachers have been employed in local schools.

Hiring Ukrainian assistants has become the norm in several regions and municipalities, for example, in Czechia, Estonia, Ireland, Lithuania, Poland and Spain. Some Member States allocated specific funds to support schools to do this.

Some Member States do not oblige children to attend local schools and allow for remote schooling as in Spain or Slovenia. Belgium allows for home-schooling, including remote schooling, where children can follow online schooling provided by their Ukrainian schools. Frequently, home-schooling in Ukrainian is followed by exams within the Member State formal educational system. In Germany, Ukrainian online material is provided to pupils by the German schools although it is not integrated in the regular German curriculum.

Uniquely, Lithuania provides all three options of schooling.

The European Commission considers the recognition for periods of study in schools in a host country upon return to Ukraine a critical aspect for children's education. The Ukrainian Ministry of Education and Science Order of 15 May 2023 that lifted the requirement to attend Ukrainian online education as a prerequisite for continuing their education in Ukraine could certainly

facilitate a better integration of children and higher enrolment in local schools.

### 4.2.3 Support in accessing the formal educational system

Member States' authorities or civil society organisations offer a variety of initiatives to assist with the integration of displaced Ukrainian children into the formal educational system.

In Spain, the Ministry of Education facilitated the integration of displaced Ukrainian children, such as the development of educational materials in Ukrainian. In Croatia, the Ministry of Science and Education issued guidelines and recommendations for teachers regarding the inclusion of vulnerable groups of refugee students.

Some Member States established entirely new procedures to facilitate the education process for displaced children from Ukraine. For example, in Luxembourg, the government created a system to support children in selected schools by providing 52 intercultural mediators. In the Netherlands, children benefit from an existing scheme which supports schools and municipalities to integrate migrant and refugee children in the education system.

Civil society also took on initiatives to support school integration. For example, in Czechia, the CSO META provides support to displaced children through offering tutoring, social services for families and Czech language courses. In Bulgaria, the initiative Situation Centre Open Doors supports Ukrainian children enrolled in the national education system by offering help with administrative procedures, mediation, conflict resolution and psychological support.

## 4.3 Access to social welfare

Children and families displaced from Ukraine face challenges in accessing social welfare. As highlighted in Bulletin #2, there are challenges in the amount of support available and limits on specific groups' access to allowances.

While most Member States provide social welfare support to children displaced from Ukraine through the general social assistance system, some demand additional requirements to access.

For example, children displaced from Ukraine in Germany are entitled to protection measures and youth welfare benefits from the day of their arrival, regardless of whether they arrive alone or with family. In the Netherlands, municipalities provide a subsistence allowance to displaced people from Ukraine who are living in jobless households. Italy provides an extra allowance for dependent children under the age of 18, regardless of household income. However, this allowance cannot be claimed by beneficiaries of temporary protection living in alternative accommodation facilities provided by the state.

Similarly, in Sweden, Ukrainian children granted protection under the TPD have access a level of

social welfare protection that is largely on par with that of Swedish children and other asylum-seeking children.

In Slovenia, while beneficiaries of temporary protection are not granted the full spectrum of social welfare rights, they are entitled to some allowances under the Parental Protection and Family Benefits Act.

In contrast, Bulgaria has more restricted access to social welfare, limited to social assistance. For example, an annual financial assistance payment. Similarly in Slovakia, Ukrainians with temporary protection are entitled to state social benefits only after registration to temporary or permanent residence. Parents who are employed can request some childcare allowances.

Regarding unaccompanied children and their access to social welfare, all Member States provided support, following the same procedure for other unaccompanied children who are nationals of other third-countries. Austria provided housing in organised and supervised accommodation that provided food and other benefits, including financial allowances for school supplies and pocket money. In Italy, unaccompanied children were entitled to social assistance. Municipalities receive a financial contribution for accommodating these children in local reception centres.

# 5. Protecting unaccompanied and separated children

Unaccompanied children receive some protections under international law. The Charter grants children the right to protection and care necessary for their well-being (Article 24). The CRC guarantees special protection and assistance of the State to children temporarily or permanently deprived of their family environment (Article 20.1). It requires States Parties to the Convention to take appropriate measures to ensure that a child seeking refugee status, whether unaccompanied or accompanied by their parents or by any other person, receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights (Article 22).

The CRC also requires States Parties to take all appropriate measures "to promote physical and psychological recovery and social integration of a child victim of: any form of neglect, exploitation, or abuse, torture, or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts" (Article 39).

With children comprising a third (32.8%) of the around 4 million people from Ukraine benefitting from temporary protection in the EU, child protection systems across Europe are under increased pressure. Specific situations, such as those of children traveling without parents, or the many children displaced with family friends or neighbours, require a dedicated response by child protection.

Child protection systems in the EU vary widely. FRA's mapping on child protection, which is currently being updated, shows the fragmentation of the EU legal and policy landscape, with a wide range of approaches across Member States in the structure and operation of such systems. The European Commission has emphasised the importance of providing comprehensive services, outlining 10 principles for integrated child protection systems and is developing an initiative to encourage authorities and services to work better together, as mandated by the EU Strategy on the rights of the child.

## 5.1 Responsibilities of child protection authorities

Member States' child protection authorities have an overall mandate to ensure the protection and well-being of all children in their territory, including accompanied and unaccompanied children displaced from Ukraine. Authorities would only intervene in a situation of risk, if for example the child is deprived of parental care, or if the child is a victim of neglect, violence or abuse in- or outside of the family.

Child protection services are often decentralised to the municipal level or provided by civil society actors that are sub-contracted. The procedures to protect unaccompanied children in some

Member States are provided by international protection or migration law. In other Member States their protection is a responsibility of child protection services, no matter their legal status. Responsibilities for accommodation, representation and ongoing care are frequently shared among different Ministries. Child protection authorities are generally responsible for coordinating and monitoring the situation of children evacuated from Ukrainian institutions (see Chapter 6.1).

The need for well-coordinated child protection systems involving all relevant actors has been highlighted once more with the arrival of thousands of children from Ukraine. Coordination between child protection and migration authorities is crucial when dealing with children escaping war.

In all Member States the standard child protection system applies to children displaced from Ukraine. Policies and practices applied with other third country national children arriving unaccompanied also apply to children displaced from Ukraine. Some Member States developed policies in the first weeks and months of arrival to ensure clarity of the procedure and to strengthen the coordination of different actors.

For example, the Italian authorities introduced a plan for unaccompanied foreign children to define roles and responsibilities and ensure effective communication. An accompanying addendum further defined the policy. The plan covered the procedure for possible transfers of unaccompanied children from Ukraine to Italy. This was instrumental in preventing possible displacement, disappearance or trafficking of children.

Bulgaria has a coordination mechanism for unaccompanied and separated children that defines roles and responsibilities of child protection authorities. In practice, it is only triggered when adults travelling with the children consent to child protection measures being applied to them. In all other cases, the children remain with the adults with whom they arrived and the mechanism is not triggered. [28]

In addition to establishing new bodies to coordinate a national response (see Chapter 1), several Member States (Greece, Croatia, Portugal, Romania, Italy) created teams to enhance child protection for Ukrainian children.

Portugal established a multidisciplinary monitoring group comprising teams from the Ministry of Labour, Solidarity and Social Security, the Ministry of Justice, the Immigration and Borders Service and the High Commission for Migrations. Italy appointed an extraordinary commissioner for unaccompanied minors.

The Romanian government passed legislation to establish the tasks of child protection authorities both at national and local levels. In Bucharest, for example, an Emergency Ordinance created “operative groups” for unaccompanied children, at the level of each county/sector of the city’s municipality.

Several Member States planned additional human resources or training to strengthen child protection systems. Romania recruited more staff for local child protection services. In Lithuania, the State Child Rights Protection and Adoption Service prepared training in the form of online

videos in Lithuanian, subtitled in Ukrainian, targeting caregivers, educators, doctors, social workers, and other organisations working with children.

## 5.2 Guardianship for unaccompanied and separated children

Assigning a guardian to support a child who does not have parental care is a key element of children's protection and a well-established right in national and EU law, including in the TPD.

### Legal corner: Representation of unaccompanied children (Article 16 (1), TPD)

1. The Member States shall as soon as possible take measures to ensure the necessary representation of unaccompanied minors enjoying temporary protection by legal guardianship, or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.

Most often, the mandate of a legal guardian is to safeguard the child's best interests and ensure their overall well-being. They should exercise legal representation complementing their limited legal capacity. The guardian should ensure that the child receives appropriate accommodation, goes to school and has access to a doctor. They should be involved in important decisions about the future of the child.

FRA's report on guardianship systems demonstrates that despite the national legislative developments of recent years, challenges remain in the practical implementation of legal guardianship for unaccompanied children seeking asylum in Europe. There are different models of guardianship among Member States and even within Member States. There are also differences depending on the procedure that the child is involved in.

Adding to existing difficulties, the arrival of children displaced from Ukraine brought new uncertainties. Some children were displaced and arrived in Europe completely on their own, but many children arrived separately without their parents accompanied by other family members or by friends or neighbours. Thousands of children arrived within a group, evacuated from Ukrainian care institutions or foster carers.

 Terminology guardian and legal representative    There is no uniform usage of the terms 'guardian' and 'legal representative' in EU and national law. Generally, legal representatives have a much narrower role than guardians. Representatives are often referred to as legal representatives. This bulletin uses

the following definitions:  <ul> <li class="ListBullet"> Guardian : an independent person who safeguards a child's best interests and general well-being and to this effect complements the limited legal capacity of the child. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child. <br><br>Source: <a href="https://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care"> FRA's Handbook on Guardianship</a>, drawing on the UN Committee on the Rights of the Child, General Comment No 6. </li> <li class="ListBullet"> Representative: A representative "means a person or organisation appointed by the competent bodies in order to assist and represent an unaccompanied [child] in [international protection] procedures with a view to ensuring the best interests of the child and exercising legal capacity for the [child] where necessary." <br> <br>Source: <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013L0033">Reception Conditions Directive (2013/33/EU) </a>, Article 2 (j)  </li> </ul>    

### 5.2.1 Unaccompanied children

Authorities in Member States appointed a legal representative for children that arrived on their own without any accompanying adult. They followed the same procedures as with any other third-country unaccompanied children. In some cases, the appointment was accelerated or followed slightly different procedures.

**FRA activity box – FRA support for guardians and legal representatives of children displaced from Ukraine**

In 2022, FRA and the EUAA published a guide to support guardians of unaccompanied children. The 'Practical tool for guardians on temporary protection for unaccompanied children fleeing Ukraine' explains the safeguards and rights in the TPD.

**Training for guardians in the EU**

FRA developed training materials on guardianship for unaccompanied children in the EU including a manual for trainers, published in 2023, and an online tool for guardians' self-learning.

In Slovenia, under the Temporary Protection of Displaced Persons Act, an application for temporary protection must be submitted within three days. As it is not normally possible to verify the situation of the unaccompanied child within this timeframe, social work authorities are appointed as the guardian, known as the 'special case guardian'. After the unaccompanied or separated child receives temporary protection, they assess the situation. Where the child is truly unaccompanied, they request guardianship from the court.

In the Netherlands the decentralised nature of the reception system for persons fleeing Ukraine contrasts with the regular reception system for people seeking asylum. Therefore, there was an agreement between the municipalities and guardianship authorities to coordinate and assess the child's needs.

Latvia established a regulatory framework for children fleeing the war in Ukraine. A court responsible for orphans and custody is normally responsible for the protection of unaccompanied children. However, a new law provided for quicker procedures for finding a guardian for every child displaced from Ukraine.

In Bulgaria, guardianship arrangements can be made only for children whose parents are not known, deceased or deprived of parental rights. This does not apply to most children displaced from Ukraine. For such children, the mayor of the municipality where the child lives, appoints a guardian. This is different for asylum seeking children, who are assigned a legal representative from the legal aid register.

### 5.2.2 Children without parents, but accompanied by family members, friends or neighbours

Thousands of children came from Ukraine without parents, but accompanied by other family members, friends or neighbour, known as separated children. Authorities in Member States assess the legality of the documents that accompanying adults may bring with them. Some accompanying adults had a letter from the parents of the child expressing their wish for the accompanying adults to take care of the child. In other instances, accompanying adults had an official notarised document granting legal responsibility to take care of the children.

As this was the first time Member States' authorities were confronted with this situation, it initially caused confusion and resulted in some misunderstandings which some of them have been clarified since. This was also due to the initial lack of knowledge of Ukrainian law and the different forms of legal guardianship and alternative care being used in Ukraine, as highlighted by the UNICEF/Child circle report on 'Fulfilling the rights of children without parental care displaced from Ukraine'. The European Commission also acknowledged the challenges related to unaccompanied children on arrival.

**Promising practice – Templates for parental declaration of child leaving Ukraine**

The Council of the Notariats of the EU developed a template form which for parents whose children are leaving Ukraine. It is designed to help parents provide useful information including the identity of the child, the child's legal representative and their authorisation to leave the country. The form is available in multiple languages.

The 1996 Hague Convention on child protection became the guiding instrument in this refugee crisis. According to the 1996 Hague Convention on Child protection, official documents from Ukrainian judicial or administrative authorities should be automatically recognised in EU Member States. According to guidance from the European Judicial Network, children with habitual residence in Ukraine remain under jurisdiction of Ukrainian courts and any change of habitual residence requires the child to live in Europe for a period of time. In addition, a court must ensure that certain conditions are met.

## Legal corner: 1996 Hague Convention on Child protection

**Article 16 (1) and (2)**

(1) The attribution or extinction of parental responsibility by operation of law, without the intervention of a judicial or administrative authority, is governed by the law of the State of the habitual residence of the child.

(2) The attribution or extinction of parental responsibility by an agreement or a unilateral act, without intervention of a judicial or administrative authority, is governed by the law of the State of the child's habitual residence at the time when the agreement or unilateral act takes effect.

**Article 23**

The measures taken by the authorities of a Contracting State shall be recognised by operation of law in all other Contracting States.

Central authorities in each Member State, established under the Hague Convention on Child protection, have responsibility to establish the authenticity of documents in cross-border cases. However, many lack sufficient staff and resources and some national authorities are not aware of them, as highlighted by FRA's research on child protection.

In this complex situation, the Ukrainian consulates and embassies in Member States played an important role in verifying the legitimacy of documents from Ukraine concerning the legal status of Ukrainian children fleeing the war. They supported the process of checking the authenticity of documents presented by accompanying adults and sometimes were involved in child protection decisions.

In Slovakia, the Ministry of Justice's guidance for cases involving children stipulates that Ukrainian authorities can influence decisions about the child's guardian, whether they are unaccompanied, accompanied by another adult, separated child or otherwise. [29] A bilateral

agreement on legal assistance from 1983 aligns guardianship with the legal system of the other state, thereby granting the Ukrainian embassy the right to determine guardianship. [30]

In France, Ukraine's consulate and embassy collaborated with the French authorities, aiding in cases of doubt over document authenticity is in doubt, due to the deteriorated state of some documents. In the initial stages of displacement, the consulate assisted with documentation for children and accompanying adults without the necessary legalised parental confirmation. [31]

Authorities in Greece do not request prosecutors to appoint guardians for separated children if the accompanying adult has a translated and certified notarial document confirming their custody or temporary care by the parents of a separated child, according to the procedural handbook of the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum. The same applies in cases where the child entered Greece with their parents, but they are then entrusted to the care of a relative or other adult by means of a certified and translated document from the Ukrainian consulate authorities in Greece.

### 5.2.3 Role of guardians and contact with parents

The automatic granting of temporary protection gave children immediate access to legal residence, education, social services, family benefits and other rights. This has significantly reduced the guardian's tasks compared with guardians for asylum seeking unaccompanied children. The asylum procedure is a highly complex process, requiring long-term and full involvement of the child and their legal representative, and often a lawyer.

Children displaced from Ukraine normally have a valid passport. Their age does not need to be assessed, as is usually the case of other third country national children. This also implies less responsibilities for guardians.

As guardians do not need to support children through complex procedures, this has raised the question whether a guardian is necessary for children displaced from Ukraine.

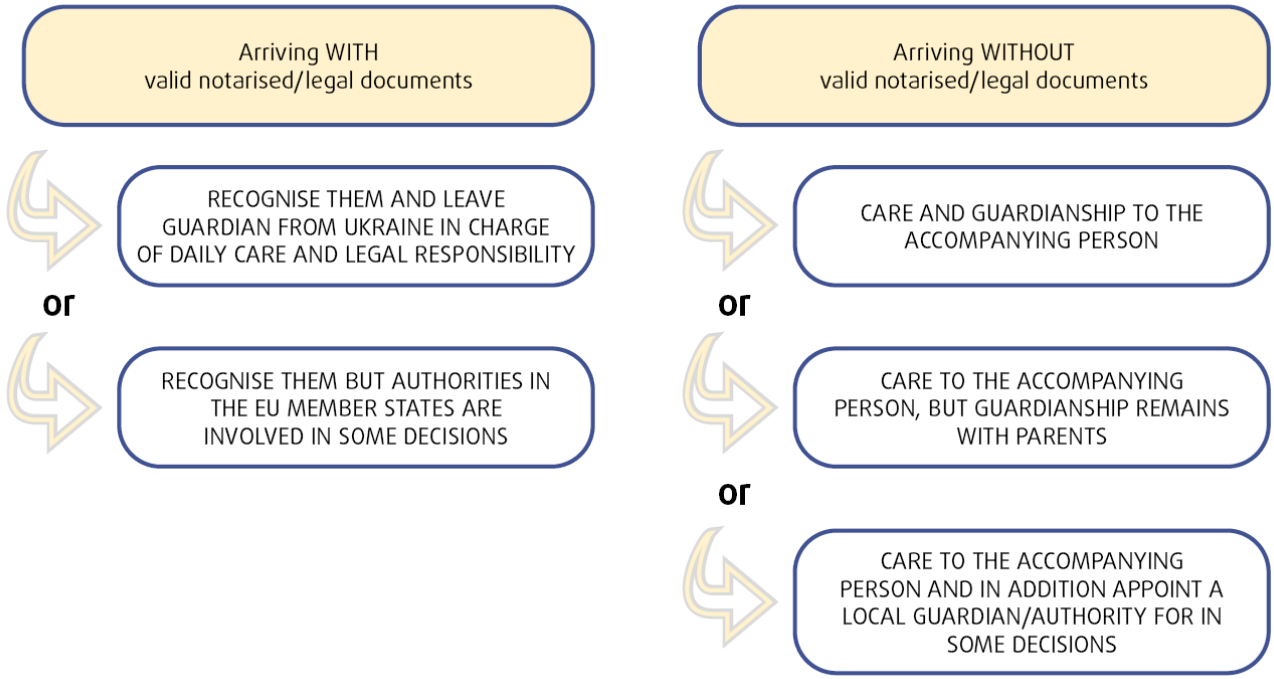
For example, in the Netherlands, the child protection board considers guardianship measure to be a serious child protection measure for which there is a strict legal threshold. Guardianship is unnecessary if a parent appears to be able to make important decisions about their child over the telephone from the country of origin or a third country. On the other hand, the guardianship authority in the Netherlands, Nidos, considers it almost impossible for parents in a war situation to exercise parental authority. Exercising parental authority from a distance, in a society that is foreign to the parents and the child, is not sufficient to gain insight and assess safety and be able to make the right decisions in the child's best interests.

According to a report by Child Circle and UNICEF, unaccompanied children need local support and assistance due to the fact that their parents are absent and not know the systems in the country. Despite their access to temporary protection, children need help navigating local procedures. A guardian may need to be appointed in line with the legal obligations. However, this does not mean

that parents located in other countries do not exercise any form of parental authority. The locally appointed guardian may need to liaise with the parents in relation to certain decisions.

EU Member States have established different models of guardianship where responsibility is shared among different adults and organisations, as shown in Figure 6. In some jurisdictions the role of parents has been considered in the guardianship arrangement. In other jurisdictions, the responsibility for the child is also shared between the accompanying adult and the national authorities of the country of arrival. The European Commission has also suggested that developing systems for supporting Ukrainian guardians with their guardianship tasks is important.

**Figure 6 – Separated children: different models of care and guardianship used in the EU Member States**




A graphic outlines the different models of guardianship used in the EU Member States. The first model concerns children arriving with notarised legal documents. In such cases states either recognise them and leave the guardian from Ukraine in charge, or they recognise the guardian but national authorities are still be involved in certain decisions. The second model concerns children who arrive without valid notarised legal documents. In such cases there are three approaches: i) the accompanying person is recognised as guardian, ii) the accompanying person is recognised as caring for the child, but guardianship remains with the parents; and iii) the accompanying person is recognised as caring for the child, but legal guardian is appointed for some decisions.

*Source:* FRA, 2023

In Spain, the Catalonian government created a simplified process for foster care of unaccompanied Ukrainian children. Suitability assessments are conducted with families. A government entity retains legal representation and the foster family are responsible for care. The Andalucian government, adopted a law to ensure the option of 'provisional guardianship' for unaccompanied or separated children in addition to the role played by parents. For this arrangement, regional authorities must have the express authorisation of those who have parental authority or guardianship.

In the Netherlands, upon identifying a child, the guardianship authority Nidos meets with the child and where possible, remotely with parent. Nidos evaluates whether to seek temporary guardianship through the court. Factors considered include the child's age, the feasibility of contact between the child and parent, the parent's ability to exercise their authority, and the perspectives of both the child and the parent. For cases referred to Nidos temporary guardianship has not been requested, custody typically remains with the parent in Ukraine, with care provided by an adult appointed by the parent.

A similar approach was taken by the Youth Welfare Office in Berlin, Germany. Until the court appoints a guardian, the Youth Welfare Office has the right and the duty to represent the unaccompanied child. Depending on the individual case and the relationship with the parents, the family court decides whether a guardian or supplementary caretaker is necessary. [32]

In Latvia, according to the Law on Assistance to Ukrainian Civilians, when the Orphan's and Custody Court appoints the accompanying adult of an unaccompanied child as an 'extraordinary guardian', the living conditions of the child are inspected to ensure they care for the child in the same way as conscientious parents would care for their own child. The extraordinary guardian must notify the court of any important or noteworthy events in the life of the child, such as major injuries and accidents, rapid deteriorations of the health of the child or if the child has run away.

Similarly in Poland, the accompanying adult can be appointed as temporary guardian but will be only responsible for the day-to-day care and representation. The temporary guardian will need to obtain authorisation from the guardianship court in order to make more important decisions about the child, such as subjecting the child to an operation and leaving the country.

## 5.3 Guardianship for children evacuated from Ukrainian institutions

Several Member States received children evacuated from Ukraine who were already residing in residential care, including institutions, foster families and other types of residential or institutional care (see Chapter 6.1).

As in the case of children with an accompanying adult, but without parents, authorities in Member States had to assess legal responsibility based on the available legal documents and the relationship established between the children and the accompanying adult. Accompanying adults were typically directors or staff from the Ukrainian institution.

In the majority of cases, as with separated children, authorities in Member States automatically recognised the decision of Ukrainian authorities regarding guardianship of these children, according to the Hague 1996 Convention. This was however not always straightforward, as Ukraine had very different forms of institutional care and in most cases, children were not orphans. The report by Child Circle and UNICEF provides an overview of the different types of institutional care.

Although most of the children were not orphans, this research found no evidence of efforts to link

the legal responsibility with the role of the parents. In the case of recognising the Ukrainian director or staff of the institution as legal guardians, it was their personal responsibility to liaise with parents, according to the Ukrainian legal framework.

In contrast to other countries that accepted adults accompanying children from institutions as their guardians without much difficulty, the situation in Spain differed. The Public Prosecutor's Office in Spain issued a statement emphasising the importance of verifying accompanying adults to ensure they were legally appointed to act as such by the Ukrainian child protection system authorities. The Public Prosecutor's Office said is not acceptable for a person who may have worked in an institution to claim that guardianship of the child, when in fact, guardianship rests with the institution itself, or the Ukrainian State.

In Belgium, Ukrainian legal guardianship was not recognised, as notary documents are not sufficient to establish legal guardianship. [33] Although a guardian should be appointed, due to the current lack of guardians, no guardian is appointed unless the unaccompanied child is very vulnerable. Consequently, in most cases, the accompanying adult assumes the parental role. As they are not the legal representative, this can create problems whenever a legal representative is needed, such as school registration or receiving child allowances.

In a few Member States, authorities adopted a different approach. For example, according to the cooperation agreement between Lithuanian and Ukrainian authorities, children deprived of parental care arriving in Lithuania from institutional care are appointed a temporary guardian (curator) in charge of the daily care and the legal representation. In practice, the guardianship (curatorship) is established by the Lithuanian legal entities licensed to provide social care services as children's legal representative. The staff of the Ukrainian institutions who arrive together with the children are placed with the children and are employed by the Lithuanian legal entity for the period of their stay in Lithuania. [34]

In Poland, recognition of guardians appointed for children evacuated from an institution depends on whether the care decision in Ukraine was taken by a court or by an administrative body. If the decision was taken by an administrative body, then a Polish court needs to confirm that decision. A temporary guardian who has custody of more than 15 children in Poland may apply to the county family assistance centre to employ a person to assist them, according to an amendment to the act on assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine. The district family support centre provides legal, organisational and psychological assistance to all temporary carers and the children in their care. [35]

## 5.4 Placement of unaccompanied and separated children

Article 16.2 of the TPD establishes four types of living situations or accommodation, known as placements, that unaccompanied children can be offered.

### Legal corner: Placement of unaccompanied minors (Article 16 (2), TPD)

2. During the period of temporary protection Member States shall provide for unaccompanied minors to be placed:

(a) with adult relatives;

(b) with a foster-family;

(c) in reception centres with special provisions for minors, or in other accommodation suitable for minors;

(d) with the person who looked after the child when fleeing.

The Member States shall take the necessary steps to enable the placement. Agreement by the adult person or persons concerned shall be established by the Member States. The views of the child shall be taken into account in accordance with the age and maturity of the child.

Except for the latter possibility (d), that is of placing the unaccompanied child with the person who looked after the child when fleeing, the other types of placements Member States offer (a, b and c) are those established for and applied to all unaccompanied children seeking asylum in Europe.

Among the group of children fleeing the Ukraine, different types of accommodation were offered depending on whether the children travelled on their own, with relatives, friends or neighbours, or within a group.

Unaccompanied children arriving totally on their own were accommodated following the same procedures as any other unaccompanied child. In most cases, it would be a reception centre adapted for unaccompanied children. However, there was a lot of public solidarity and support for those feeling the war. Due to this wave of solidarity, many private initiatives and individuals offered accommodation. This  promoted the use of foster family care in several Member States, such as Austria, Belgium, Netherlands and Spain (Catalonia).

## 5.4.1 Placement of separated children

Children fleeing Ukraine without parents, arrived with another known adult, alone or within a group. As explained in Chapter 5.3, children accompanied by a known adult, relative or friend of the family are assessed by national child protection actors. If the adult and their relationship with the child is found to be suitable, in most cases, the adult is assigned the responsibility of taking care of the child and providing accommodation. These families would then live together in family centres or private accommodation.

There were also arrivals of groups of children who were not evacuated from a Ukrainian institution or foster care (see Chapter 6.1), but were evacuated together for different reasons, for example children belonging to sport clubs.

For example, in Belgium a group of 68 children were collectively evacuated in a bilateral collaboration between the Ukrainian and Belgian governments. [36] Their 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. Although they were not in Ukrainian care institutions prior to leaving Ukraine, these children were placed with foster families.

Many countries reported groups of children arriving linked to sports clubs or charities. The general approach was that children should be kept together, as with the children evacuated from institutions. For example, in Croatia, around 80 children from a football academy and sailing group were accommodated in a hotel in Split, together with the adults that accompanied them upon arrival. Most of these children and adults have since returned to Ukraine. [37] Most frequently, the coach or caregiver was appointed by the Ukrainian authorities as a legal guardian.

In Slovakia, a group of 13 children from a football team was placed in the Centre for Children and Families, as they did not want to be separated. [38]

IIn Hungary, the UNHCR is aware of approximately 175 children who arrived with a sport group and have since been dispersed to 10 different locations in Hungary. [39]

In addition to the groups arriving from sports clubs, there were also several initiatives of private actors or religious organisations involved in bringing children from Ukraine. State authorities were sometimes not informed in advance due to a lack of coordination. Consequently, there was a lack of preparation for their arrival. Often, these organisations had long-term cooperation with Ukrainian actors. These organisations typically supported summer camps or other free time activities in the EU for children affected by the Chernobyl nuclear accident.

For example, Tusla, the Irish Child and Family Agency and guardianship body became aware that an Irish organisation called Candle of Grace Charity brought 59 Ukrainian children to Dublin from Poland. The organisation previously routinely brought children from Chernobyl to visit Ireland. They responded quickly to Russian's invasion of Ukraine. Tusla social workers conducted screening assessments and reached out to the children's parents. All the children had entered the country with their parents' knowledge and consent. Some children remain and are currently placed with host families vetted by Tusla.

### 5.4.2 Oversight and involvement of child protection authorities

Child protection authorities have an obligation to follow-up on any protection measures that have been established to ensure the child's well-being and development. This is important to prevent risks such as children going missing or becoming victims of trafficking or abuse.

The UN guidelines on alternative care require States to ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorisation from a competent authority and are subject to regular monitoring and review, as well as previous vetting. Authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision. The European Commission considers that given the circumstances of children displaced from Ukraine whose families, caregivers and guardians may change, monitoring the evolution of their situation by the national child protection authorities is necessary.

Chapter 6.2 provides an overview of how Member States are monitoring the situation of those children that were evacuated together in a group from a Ukrainian institution.

When unaccompanied children are travelling on their own and placed in reception centres, the situation of the child and of the centre will be generally monitored as established in cases for other third country national children or national children without parental care. Also, in Member States where the child is placed under the foster care programme there will be regular monitoring. For example, in Finland the Regional State Administrative Agency monitors the situation of the child and if deficiencies are found, the agency will intervene with appropriate measures.

However, unaccompanied children whose care and legal responsibility is assigned to an accompanying adult presents a more challenging situation. If the accompanying adult was assigned legal responsibility in Ukraine and that decision is recognised in the EU Member State, then it is likely that no further checks will take place from the side of child protection authorities. As in any other family setting, child protection services would only intervene if there were suspicions or reports of neglect, abuse or other situations putting the child at risk. These could be reported by teachers, doctors or other citizens.

The 1996 Hague Convention on Child Protection establishes that the country of habitual residence, is responsible for deciding protection measures. In the case of children fleeing Ukraine, the responsible state is still Ukraine. However, in urgent cases and situations of risk for the child, the state where the child is present has jurisdiction: “[the] contracting State in whose territory the child […] is present have jurisdiction to take any necessary measures of protection”, as established in Article 11.1. of the Convention.

Such a situation emerged in Portugal, where 27 Ukrainian children who had been placed with families in Portugal were then removed. The Association of Ukrainians in Portugal stated that the local Commissions for the Protection of Children and Young People had acted in accordance with the Portuguese law, which applies to any child in danger, because of ill-treatment, abandonment, abuse, lack of care, or similar situations. Following an investigation, 18 children returned to the foster families in Portugal.

In Belgium, the level of follow up and monitoring can be limited for unaccompanied children staying with relatives or other persons taking care of them. Due to a lack of local guardians and delays, the Guardianship Service can only assign a legal guardian on short notice to the most vulnerable while others are registered in a waiting list. The Guardianship Service contacts the

unaccompanied children on the waiting list to check on their current whereabouts and individual situations. If this demonstrates that the child is particularly vulnerable, a guardian can be assigned on short notice. For children on the waiting list, responsibility remains with the services that are in touch with the child (such as a doctor, school or public centre for social welfare) to remain vigilant and contact child protection authorities if needed. [40]

In situations where the care or the legal responsibility has been assigned in the Member State and is shared between the accompanying adult and the national authorities, there are more mechanisms to monitor the situation of the child. For example, in Latvia, based on the law on assistance to Ukrainian civilians, the court can inspect the living conditions and guardianship.

In Slovenia, Social Work Centres are responsible for the oversight of cases of the child being placed with the person who looked after them when they fled Ukraine. Where there is any suspicion that the child is not being adequately cared for, appropriate measures are taken to protect the rights and best interests of the child. [41]

# 6. Protecting other children in vulnerable situation

Children in particularly vulnerable situation are entitled to special protection. It is important to assess the different needs, and to take preventive and protective measures. For children displaced from Ukraine, it includes children evacuated from Ukrainian institutions, children with disabilities and children at risk of becoming victims of crime.

According to the CRC, State Parties have a duty to provide support to the parents to assist them in their parental responsibilities (Article 18) and if they are unable to look after them, the child has a right to special protection and assistance (Article 20).

By ratifying the CRPD, the EU, all 27 Member States and Ukraine have committed to realising the right of children with disabilities of all human rights and fundamental freedoms on an equal basis with other children (Article 7) and the respect of children with disabilities' right to family life and care within the community in a family setting (Article 23 (5)).

In times of conflict, children are exposed to particular and heightened risks. They may go missing or fall victim to crimes, including trafficking, sexual abuse and other forms of exploitation. Targeted measures are needed from the moment of first arrival and early identification of risks through ensuring proper referral to specialised services and continuous support to victims by appropriate and accessible services.

## 6.1 Children evacuated from Ukrainian institutions

Prior to the Russian invasion of Ukraine in February 2022, reports speak of up to 120,000 children living in over 700 institutions across Ukraine. These figures include children with a physical or intellectual disability, orphans or children whose parents had lost parental authority, and also children who were deemed to be academically gifted and were sent to receive enhanced education. Many of the children residing in the institutions maintained close relationships with their parents, who, for one reason or another, were not in position to care for the children or to provide the level of support required.

Despite action by the Ukrainian government, including the launch of a 10-year deinstitutionalisation plan, [42] Ukraine is the country with the highest number of institutionalised children in Europe, with the exception of Russia.

Many children returned to their parents or relatives from the institutions in the days and weeks following Russia's invasion of Ukraine, but, according to the European Commission, over 3,000 were evacuated in groups to Member States, through bilateral agreements between respective authorities or through private initiatives.

Of the 27 EU Member States, nine countries reported through Franet that they have not received

any children evacuated from Ukrainian institutions, including Bulgaria, Cyprus, Denmark, Estonia, Finland, Ireland, Latvia, Malta, Portugal. Others do not collect or disaggregate data according to this category of children. For example, the directorate of Immigration in Luxembourg could not confirm if there were any arrivals of children evacuated from institutions, as it only disaggregates statistics related to unaccompanied and separated children. [43] Please see Franet national reports for more information.

Although there are no data available on the total number of children evacuated, but the figure is likely much higher than 3,000. Poland alone suggested having received 3,000 children. A report from the European Disability Forum claims the number of children from institutions arriving in the EU could be more than 4,200.

Many of the children evacuated at the beginning of the war may have since returned to Ukraine. For example, Lithuania recorded the arrival of 375 children from Ukrainian institutions and the subsequent departure of 267 of them. In Czechia, the Ministry of Education, Youth and Sport also noted that children have since left the country. It is not known, however, whether the reason children leave is to travel home to Ukraine, or onwards to other countries. [44]

Other Member States had initiated discussions with Ukraine regarding receiving groups of children from institutions, although these did not materialise. Finland had been preparing to receive up to 100 children from one Ukrainian institution, however, the request was subsequently withdrawn by Ukrainian authorities.

### 6.1.1 Placement of children evacuated from institutions

Article 16(2) of the TPD outlines the type of placements that unaccompanied children should be offered, see Legal corner: Placement of unaccompanied minors (Article 16 (2), TPD).

Most children evacuated from Ukrainian institutions were placed with the person who looked after the children when fleeing, and accommodated in reception centres or facilities which were quickly opened and adapted such as hotels or sports facilities. This was mainly due to the explicit request from Ukrainian authorities that groups of children from institutions were not to be separated. The accommodation of large groups of children resulted in lower standards of care, which received criticism from civil society. This led to different agreements and frameworks in Member States between ministries of the hosting Member State and the Ukrainian ministries. This was particularly the case of Poland and Lithuania that signed agreements with specifications regarding the protection of children fleeing from Ukraine.

In Poland, a political declaration on the social protection of children affected by warfare and armed conflict was signed by the Polish Minister of Family and Social Policy and the Ukrainian Minister of Social Policy in June 2022. It established measures for the return of the children to Ukraine after the end of the war and measures to maintain close contact between children evacuated from the same institution. It also provided for the possibility that an administrative

district in Poland can issue a permit for running a care and educational institution for children who are citizens of Ukraine. This agreement granted permission for care and educational institutions which would otherwise most likely not have met the standards set out in Polish residential care law and policies.

Lithuania and Ukraine entered into a cooperation agreement in April 2022 that outlined specific responsibilities related to care and guardianship and enshrined the commitment of Lithuania to keep groups of children together, unless doing so conflicted with the best interests of the child. Consequently, Lithuania amended the Law on Social Services to reduce the licencing requirements for institutions providing childcare. It also set out a simplified procedure for establishing social care centres for unaccompanied children and foreign children left without parental care from states where a humanitarian crisis has occurred. [45]

These agreements and informal arrangements resulted in a situation where children were placed together in large facilities, which did not align with UN and EU standards advocating for small-scale facilities, more suitable care setting. As a result, some facilities were not adequate for the care of children and children with disabilities.

For example, in Poland a group of 700 children and caregivers from several institutions are living in an isolated hotel complex outside Warsaw. However, the European Commission is working with Polish and Ukrainian authorities for the transfer of the children to more appropriate accommodation.

Almost all of Lithuania's former institutions had been closed in recent years, as they moved children in need of care into family-style settings. However, with the large numbers of refugees arriving from Ukraine, Lithuanian authorities were forced to re-open some of these institutions and temporary facilities not suitable for childcare, such as a recreation centre, until the premises of the former care facility were prepared. [46]

The Lithuanian Ombudsperson for the Rights of the Child expressed concerns in their annual report about the amendments made to the Law on Social Services to reduce the requirements for childcare institutions, as they may not align with the principle of the best interests of the child. The Office of the Ombudsperson found that the staff-to-child ratio in some childcare institutions did not meet social care norms, negatively impacting the fulfilment of children's needs, including emotional well-being and access to leisure and educational activities. In some cases, a single adult was responsible for overseeing between 14 and 15 children. [47]

The Netherlands received four Ukrainian institutions in their entirety, including staff and directors. [48] 154 children are accommodated at four separate premises which were adapted to host the children: a former bank, a former police station, a former housing facility and a housing facility operated by an organisation for persons with intellectual disabilities.

Regarding Italy, the European Disability Forum reported that a group of children from an Ukrainian orphanage intended to travel and settle in Italy. The group of 93 children aged between 8 and 18 years old were evacuated from an institution in Ukraine and municipal authorities in Brescia accommodated the group in a disused hotel. In April, the Juvenile Court of Brescia, in agreement

with the Prefecture of Bergamo, ruled that it was in the best interests of the children to keep them together. They took into account the fact that the legal guardianship was valid, provided by the deputy director of the Ukrainian institution who travelled to Italy with the children. [49]

Civil society played an active role in coordinating the transfer and reception of these children and is still actively involved. For example, in Austria, the NGO kleine Herzen hosted a group of 61 children aged between 1 and 6 and their 35 accompanying carers. In Romania, the Hope and Homes for Children Foundation supported groups of children and provided financial, logistical and human resources. In France, the NGO Friends of Rivne, *(l'Association des amis de Rivné)*, who had previously supported children affected from the Chernobyl nuclear accident, were involved in the evacuation and hosting of 53 children. [50]

### 6.1.2 Oversight and involvement of child protection authorities

Member States have an obligation under Article 3(3) CRC to "ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision." The standards and the situation of children within care and institutional-type facilities should be monitored by child protection authorities on a regular basis, to prevent any incidence of neglect or abuse, as established by the UN guidelines on alternative care. It is also important to pay attention to the particular situation of children with disabilities, who are more vulnerable to violence and abuse, as observed by the Committee on the Rights of the Child and as highlighted in FRA research on violence against children with disabilities. In some Member States, human rights bodies carried out monitoring activities in addition to child protection authorities, for example the Ombudsperson for Children in Croatia and the Office of the Ombudsman for Children's Rights in Lithuania who criticised the conditions of care in institutions hosting children.

As discussed in Section 5.4, the 1996 Hague Convention on Child Protection establishes that the country of habitual residence - in this case, Ukraine - is responsible for deciding protection measures. This is no different when the children in question are children evacuated from Ukrainian institutions. However, in urgent cases and situations of risk for the child, the "contracting State in whose territory the child […] is present has jurisdiction to take any necessary measures of protection", as established in Article 11.1. of the Convention.

Authorities in Ukraine and in some Member States formalised their intention to cooperate when risk situations arise. For example, the agreement between Ukrainian and Lithuanian authorities establishes cooperation for individual cases that may lead to violations of children's rights and to exchange information to ensure the child's individual needs and best interests.

In Poland, a law enacted on 12 March 2022 states that social welfare authorities should provide supervision and support to Ukrainian guardians accompanying children evacuated from institutions. However, due to a lack of guidance regarding what this supervision should look like,

some of the responsibility for ensuring child protection fell to CSOs who had alerted authorities to some instances of alleged violence on the part of carers. [51]

In practice, the monitoring and the involvement of child protection authorities led to concrete interventions from authorities in instances where there is concern for the wellbeing of children.

In Spain, in accordance with a royal decree, the Public Protection Entity retains the right to monitor entities housing groups of children from Ukrainian institutions and to declare such entities as unsuitable if it recognises a risk to the children. Such a situation arose in Spain where the regional government in Castile and Leon Castilla y León had to assume the guardianship of 87 children, following complaints from Social Services staff and employees in the school. The children were under the guardianship of the Director of the Ukrainian institutions evacuated in April 2022.

A similar case occurred in Slovenia, where the Social Work Centre received an anonymous report of alleged violence against the children. The subsequent investigation did not result in a call for any further action. Nevertheless, for preventative reasons, the children and staff were monitored for several months following this, including receiving unannounced visits by the Social Work Centre's workers. [52]

## 6.2 Children with disabilities displaced in the EU

Under Article 20(1) CRC, "a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State". This protection is even more pertinent for children with disabilities.

All Member States, Ukraine and the EU itself have acceded to the UN Convention on the Rights of Persons with Disabilities (CRPD) and are bound to ensure the full enjoyment by children with disabilities of all human rights on equal basis with other children (Article 7(1)) and the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict (Article 11) and the respect of children with disabilities' right to family life and care within the community in a family setting (Article 23 (5)). Here again, the best interests of the child shall be a primary consideration.

Specific measures to ensure the fundamental rights protection of children with disabilities fleeing Ukraine were found in some Member States.

In several Member States, benefits and allowances that apply to disabled citizens also apply to those fleeing Ukraine – including children – who have disabilities. For example, in Cyprus, people with disabilities, including children fleeing the war in Ukraine are eligible for the same disability benefits as Cypriot residents with disabilities. Also in Hungary, children with disabilities from Ukraine have access to a so-called pedagogical service. [53] The pedagogical service consists of a group of experts who assess the child's developmental stage and needs in a procedure upon request by the parents. In complex disability cases the child can be referred to a special

educational institution.

However, children with disabilities were not offered the same protections everywhere. In Bulgaria, for example, children with disabilities granted temporary protection are not covered by and do not have access to financial support provided for in the Family Benefits for Children Act, with the exception of medical equipment. According to the Bulgarian Ombudsman, the international protection procedure is preferable as it would give them more rights to access the national health, education and social systems.

Some Member States set out specific measures targeted at children with disabilities displaced from Ukraine, and their families, that were often connected to financial benefits. In Slovakia, children with disabilities receive a monthly benefit which is adjusted according to the severity of the disability. In Czechia, UNICEF and the Ministry of Labour and Social Affairs launched a financial benefit for children with disabilities, which targets exclusively Ukrainian refugees with temporary protection. The applicant must hold a valid Ukrainian Disabled Child's Card and a valid accompanying medical certificate which is provided when obtaining the temporary protection visa issued by the Czech authorities. If the child does not have a valid Ukrainian Disabled Child's Card and a valid accompanying certificate, the programme provides a medical disability assessment by a doctor. In Poland, families with children with disabilities have a lower threshold for receiving family allowance.

Some Member States set out specific measures related to their accommodation. In Malmo, Sweden, for example, local authorities adapted apartments for children with disabilities. However, although Croatia provided some collective accommodation, difficulties connected to this were reported in relation to children with developmental difficulties and disabilities. [54]

Some Member States provided access to therapy. In Malta, children with disabilities may attend a weekly multisensory room session, along with hydrotherapy and swimming lessons, as part of a scheme established by the Inspire Foundation. [55]

In some Member States, there were targeted efforts to ensure information about support reached families with children with disabilities. Efforts to ensure accessibility of the information, in line with Articles 9 and 21 of the CRPD, were also found. In Slovakia, for example, a website details information on temporary protection; carer's benefits and available support for children with disabilities; medical and early childhood intervention centres, as well as sport training provided by the Special Olympics organisation. In Belgium, a disability organisation produced bilingual flashcards for Ukrainian children with autism or communication difficulties to facilitate communication, available in Ukrainian with German, French and Dutch translations.

Children with disabilities also experienced challenges related to certification. Several reports were received of children with disabilities facing non-recognition of their medical diagnoses or disability certification. A further challenge was having to ensure these documents have been translated and, sometimes, notarised by the authorities in the receiving Member State. In Poland, certification for accessing special education issued in Ukraine is not accepted and other medical documentation requires a sworn translation into Polish. Translation of relevant documents is also required in

Slovenia. [56]

Disability recognition documents issued in Ukraine are not valid in Bulgaria. Therefore, people with disabilities from Ukraine must go through the entire disability assessment procedure in Bulgaria that includes some expensive medical tests to access the social system. It was reported that volunteers often advise people with severe disabilities to go to other countries with better healthcare arrangements.

Similarly, in Finland, assessments or certificates issued in Ukraine are not necessarily automatically accepted in Finland. To gain access to support services, a disability or reduced functional ability must be assessed by a Finnish physician. [57]

In Slovakia, the Office of Labour, Social Affairs and Family carried out assessments of disability for children who arrived without certified documentation. This involves a more simplified assessment, the '12-question assessment tool, which has been welcomed by the Platform of Families of Children with Disabilities, who see it as an improvement to the government's current lengthy process for national children, which can require several doctors' assessments.

### 6.2.1 Children with disabilities evacuated from Ukrainian institutions

In August 2022, UN experts expressed concern that children with disabilities would be institutionalised rather than hosted in the community, an action which is inconsistent with the requirements of Article 19 of the CRPD on living independently and being included in the community. FRA has pointed out to the existing challenges in Member States' efforts to de-institutionalise persons with disabilities. The CRPD Committee has emphasised the importance of continued deinstitutionalisation, even in emergency situations, in its guidelines on deinstitutionalization, including in emergencies.

Some Member States had established specific procedures to ensure the appropriate reception of children with disabilities evacuated from Ukraine. For example, in Germany, the Ministry of Work and Social Affairs and the Ministry of Health established a federal point of contact (*Bundeskontaktstelle*) in May 2022, which is operated by the German Red Cross. The federal point of contact is not responsible for centralising information on all cases in Germany; it only gathers information of those individuals who turn to it, get registered and are then referred to appropriate accommodation. The majority are adults with special needs. However, the federal point of contact has also been involved some cases of institutions for children with disabilities and ensured proper referrals. [58]

Similarly, in the Netherlands, children with disabilities who arrive are referred to a youth protection agency, the William Schrikker Foundation, that works with children with disabilities.

In analysing the situation of children evacuated from institutions, and in particular those with disabilities, it is important to assess whether they have appropriate access to services and support in the community. This is required under Article 26 of the Charter of Fundamental Rights,

which provides for “the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community”; as well as other obligations prescribed in the CRC (Article 23(1)) and the UN CRPD (Article 19). Ensuring that children who are kept together in large groups or an institutional setting can engage with the local community, and access local services, is crucial to their well-being and development.

Very few initiatives to meet this requirement were found in the countries that reported hosting such groups of children. This includes access to education, healthcare, psychosocial attention, and legal advice. In some Member States such as Greece and the Netherlands, facilities were equipped to provide access, including transport, to many or all of these services which are often found in local communities.

## 6.3 Safeguarding children at risk of becoming victims of crime, including illegal adoption

In times of conflict, children, especially those unaccompanied and separated, are particularly vulnerable. They may go missing or fall victim to crimes, including trafficking, sexual abuse and other forms of exploitation. The Memorandum of the Council of Europe Commissioner for Human Rights on the human rights consequences of the war in Ukraine calls for better identification and registration of unaccompanied and separated children, family tracing and reunification procedures, and acknowledges that the displacement resulted in a heightened risk of human trafficking, exploitation, and abuse. The Operational Guidance on the application of the TPDalso stresses “the need to ensure that the basic guarantees and safeguards for unaccompanied children are respected and therefore their protection is fully ensured”. In all decisions and actions concerning children, the best interests of the child should be the primary consideration, consistent with the terms of Article 24 of the Charter of Fundamental Rights and Article 3 of the UN Convention on the Rights of the Child.

The EU recently acceded to the Council of Europe Convention on violence against women (Istanbul Convention), which is relevant for the prevention of violence against girls, including domestic and sexual violence.

> **"The European Parliament […] calls on EU countries to address the specific needs of women and girls in reception centres and to ensure that gender-based violence services and referral pathways and complaints mechanisms are immediately available within communities in languages and formats accessible to all groups."**
>
> *European Parliament resolution on the impact of the war against Ukraine on women, 5 May 2022, para. 6.*

The Victims' Rights Directive makes specific reference to protection of child victims and serves as a framework to develop particular measures to provide support for child victims of crime (Article 23 and 24). Also relevant is EU legislation on the protection and support for victims of trafficking in human beings and child victims of sexual exploitation and child pornography. These Directives are applicable no matter the nationality or residence status of the child. The European Commission has proposed a new directive on combating violence against women and domestic violence (March 2023) and amendments to the Victim's Rights Directive (July 2023).

Although outside EU territory, it is also important to note the allegations of forced transfers and deportations of children within and outside of Ukraine. The Ukrainian government has identified over 19,000 children unlawfully deported or otherwise separated from their parents or guardians. The UN has documented cases of children subjected to forced transfers, arbitrary detention, enforced disappearance, torture and ill-treatment. On 17 March 2023, the International Criminal Court (ICC) issued arrest warrants for Russia's President Vladimir Putin and Commissioner for Children's Rights Maria Lvova-Belova, in connection with possible war crimes concerning the deportation and 'illegal transfer' of children from occupied Ukraine. Lithuania's Prosecutor General has opened an investigation into the alleged criminal transfer of Ukrainian children from Ukraine to Belarus.

### 6.3.1 Prevention of trafficking in human beings and other forms of abuse or exploitation

The European Commission's operational guidelines for implementation of the TPD "strongly encouraged [Member States] to put in place adequate prevention measures specifically targeting persons fleeing Ukraine. These may include providing information on the risks of trafficking, in a language that persons fleeing Ukraine are able to understand and, for the cases of unaccompanied children, in a child-friendly and age-appropriate manner […]. Such information should be also available online and contain the number of an emergency hotline that could be

contacted in multiple languages on 24/7."

The EU Anti-Trafficking Coordinator presented the Anti-Trafficking Plan to protect people fleeing the war in Ukraine in May 2022, which builds on the EU Strategy on Combatting Trafficking in Human Beings and the EU Anti-Trafficking Directive (2011/36/EU). The Plan also includes specific recommendations for Member States for protecting children from trafficking and reporting cases of missing children through better use of international and national databases including the Schengen Information System (SIS), Interpol's database and Europol's database. Beyond this, the European Commission provides information on how each EU country tackles, prevents, and identifies trafficking in human beings, as well as the contact details of national authorities and other relevant organisations working in this field.

### FRA activity box – Survey on violence against women fleeing Ukraine

FRA is collecting data on the experiences of women fleeing the war in Ukraine with respect to violence, and other human rights abuses, relating to the war. The survey questionnaire will include questions related to the experiences and the situation of their children. The data collection will take place in three EU Member States: Czechia, Germany and Poland.

Ukrainians have been recorded as trafficked both domestically and internationally for many years according to the UN. Since the outbreak of the war in Ukraine, many and CSOs have warned about the dangers children may confront when fleeing the country, including trafficking, sexual exploitation, abduction and illegal adoption. International organisations have also warned about the risks. It became apparent that there was a need to adopt public policy measures to address the situation of boys and girls who may be at risk of violence and crime and facilitate their access to specialised care and protection services. Measures need to consider the specific needs of girls and boys among the group of children arriving from Ukraine. They should also consider specific risks, for example, for boys becoming victims of labour exploitation or girls becoming victims of trafficking for sexual exploitation.

The European Commission is working closely with the Ukrainian authorities on how best to assist them and Ukrainian parents or legal guardians with tracing missing children, while maintaining full respect of the EU data protection legislation and of the rights of the children.

The platform Missing Children Europe set up a dedicated Ukraine helpdesk providing information in Ukrainian and Russian on reporting missing children. It includes links to available services in the different neighbouring countries and posters of missing children from Ukraine suspected to be in the EU.

Some Member States also launched initiatives to prevent children from Ukraine going missing and protect them from harm. In Estonia, the Red Cross produced a website to provide information to

families who are searching misplaced or missing children. In Italy, the Deputy Commissioner created guidelines to protect Ukrainian unaccompanied children and set up an operating procedure for tracing children in case of disappearance.

Some Member States developed laws or policies that address crime prevention and victim support, including for children. For example, in Spain, the Royal Decree Law 6/2022 establishes protection measures for particularly vulnerable groups, including children victims of gender-based violence, victims of human trafficking and sexual exploitation in the context of the humanitarian crisis caused by the war. The Decree also guarantees access to care services and to the minimum wage for displaced people victims of trafficking and sexual exploitation. In Poland, the Ministry of Interior and Administration developed guidelines for the prevention of trafficking targeted at guardians of unaccompanied children fleeing Ukraine.

In Slovakia, the Contingency Plan for dealing with the emergency situation related to the mass arrival of people from Ukraine includes specific measures to prevent human trafficking. These measures include training border police officers to detect victims and distributing of information materials in Ukrainian to victims of trafficking. The Romanian National Action Plan on the prevention of exploitation, sexual abuse and the risks associated with trafficking in human beings, sets out specific measures addressing children fleeing Ukraine. The National Action Plan for Children's Rights 2022-2026 in Luxembourg, also includes actions to prevent child trafficking specifically addressing the increased risk children displaced from Ukraine face.

**Promising practice – A guide for displaced people to stay protected online in Hungary**

In the context of the displacement of thousands of people from Ukraine, UNHCR Hungary has developed a guide for parents and young people. The guide provides practical information of threats when browsing for jobs or accommodation online, and when using social media. UNHCR also organised workshops for children and young people.

Many Member States launched information campaigns to tackle the risk of crimes, and more specifically, the risk of trafficking. They were often run by CSOs. Information campaigns included distributing leaflets and posters at border crossing points, train stations, airports, and in registration centres and shelters. The information was translated into Ukrainian, English, Russian and other languages.

Counselling services through hotlines was another common measure to support children, including those who might be experiencing domestic violence. For example, in Austria, SOS Children's Villages and the Austrian Broadcasting Corporation who run a counselling hotline (*Rat auf Draht 147*) expanded their services and offered advice in Ukrainian and Russian from the beginning of the war until June 2023.

In Spain, the Anar Foundation has set up an online chatroom website available in Ukrainian and English, among other languages. It supports psychological care, is free, confidential and operational 24 hours a day, seven days a week. It also provides support for parents and adults who suspect that a Ukrainian is at risk of falling victim to crime. [59]

In Poland, in accordance with the provisions of the Law of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine, children are entitled to therapeutic assistance. In this regard, several organizations have established special hotlines dedicated to children from Ukraine. The Dajemy Dzieciom Site Foundation runs a helpline for children and young people operational 24 hours a day, seven days a week, with Ukrainian available from 14:00 until midnight. It can be used by children of all ages. The Children's Ombudsman operates another helpline and helpline and online chat room that provides counselling and psychological support to all children, including in Ukrainian and Russian.

### 6.3.2 Prevention of illegal adoption

Article 21 of the UNCRC provides for safeguards to allow inter-country adoption if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin. The European Convention on the Adoption of Children (revised in 2008) and the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague on Intercountry Adoption Convention) regulate the safeguards for inter-country adoption and provide the framework for the protection of children in emergency situations. In case of an armed conflict, the focus should be on child protection measures, based on the 1996 Hague Convention Child Protection, other than adoption, as stated by the Hague Convention Bureau in relation to the conflict in Ukraine.

It is an agreed international principle that children should not be adopted during situations of war or conflict, as re-stated by the Hague Convention Bureau in the context of Ukraine. The aim is to prevent rushed decisions in emergencies that may bypass agreed standards, benefit intermediaries financially, or lead to the adoption of children who could potentially reunite with their families which is, in principle, the best setting for a child's growth.

The Ukrainian government officially suspended child adoptions for as long the martial law is in place. In a joint CRC and UNCRPD statement, the Committees stated that they "support the effort of the Ukrainian government to ensure evacuated children do not go missing, are not adopted by persons in other countries and will return to Ukraine once the war is over." Similarly, CSOs also called for a moratorium on inter-country adoption.

Lastly, several Member States implemented additional safeguards to prevent illegal adoption. In Poland, these precautions are outlined in a political declaration signed with Ukrainian authorities where Polish authorities commit to not accelerating ongoing adoption processes and refrain from initiating new ones. In Latvia, the adoption of unaccompanied Ukrainian children is forbidden under the Law on Assistance to Ukrainian Civilians. Similarly, in Lithuania, the State Child Rights

Protection and Adoption Service collaborates with the police to prevent attempts by adults to bring Ukrainian children to the USA or other countries for illegal adoption. Additionally, the State Child Rights Protection and Adoption Service actively raises public awareness about ineligibility of children from Ukraine to be adopted or placed in permanent foster care in any circumstances.

# Ways forward

Following the Russian invasion of Ukraine and the activation of the TPD, challenges pertaining to the national child protection systems within the EU quickly became apparent. Pre-existing issues in the establishment and functioning of these systems were exposed and further exacerbated as over a million children fled Ukraine and arrived in EU Member States. Despite being entitled to a wide range of rights under the TPD, the reality for people arriving from Ukraine revealed barriers that prevented their access to those rights.

Temporary protection in the EU for those fleeing Ukraine will continue until 4 March 2024, and the European Commission has already announced plans to extend this until March 2025. To effectively implement their obligations under the TPD and various international instruments, Member States must secure the child's best interests and wellbeing by ensuring swift access to specific rights. To this end, efforts to implement the EU Strategy on the Rights of the Child and the European Child Guarantee now hold even greater significance. One critical step is that all Member States develop their national action plans for the European Child Guarantee, addressing challenges faced by children with a migrant background, including refugee children and children displaced from Ukraine. As recommended in FRA's 2023 Fundamental Rights Report, the implementation of the national plans should be scrutinised by the European Commission and relevant monitoring outcomes included in the European Semester process.

Across the EU, measures are being implemented at both the national and local level to facilitate Ukrainian families' access to essential aspects of child welfare, including education and healthcare. Recognising the ongoing challenges faced by families and children displaced from Ukraine, the European Commission and respective Ukrainian ministries have taken concrete steps for more effective and sustained coordination in education and cooperation on health. However, as this bulletin shows, further efforts are required so that children can fully access and enjoy the rights they hold under the TPD, and under international and European human rights law.

- As children displaced from Ukraine commence a second academic year in new cities and communities, national and local authorities need to intensify efforts to increase registration and attendance throughout the 2023/2024 academic year. Integration efforts in mainstream schools and childcare facilities must also be escalated. Yet another year of interruptions to their education could have a devastating impact on children's wellbeing, social skills and mental health and result in a 'lost generation' in terms of education, training and basic skills.
- Accessible and affordable trauma support and counselling remain crucial. Children displaced from Ukraine have endured 18 months of displacement, separation from family and close relatives, and experiences of stress and being under threat. Moreover, this immediately follows the disruption, uncertainty and fear induced by the Covid-19 pandemic. Efforts to overcome the general shortage of mental health support and rehabilitation services in Member States, and to address additional challenges such as the language barrier faced by people displaced from Ukraine, should be sustained and increased.

- The protection of unaccompanied and separated children requires a specific and targeted response from Member States. This involves functional guardianship systems that safeguard the well-being and best interests of children in all aspects of their lives. Investing in the effectiveness of guardianship systems in the EU is necessary in order to ensure that all children finding refuge in the EU – from Ukraine as well as from other third countries – have access to and receive the support, services and protection to which they are entitled.
- The situation for children arriving from Ukrainian institutions deserves continued care and particular attention. The institutionalisation of children in large facilities is not an appropriate solution. EU Member States should not backtrack on the progress made on deinstitutionalisation and should provide children displaced from Ukraine with community-based, individualised care. If institutional settings are used in a temporary capacity, oversight by national child protection authorities is critical, to ensure that national standards are upheld in the care provided to the children. Consideration should be given to children with disabilities to ensure that their specific needs for accessibility, inclusion and additional support are duly addressed.

Crucially, the lack of up-to-date and comprehensive child-related data is concerning. It hinders the development of evidence-based policy design and targeted support and raises concerns about the circumstances of children who have fled Ukraine. Across all Member States and within EU institutions, there must be increased and committed efforts to collect robust data on different categories of children, disaggregated by age and sex. This data would facilitate the design and implementation of tailored policies and measures that cater for distinct risks and needs for protection. Without such data, some children who are already facing difficult circumstances might be deprived of the protection and support they are entitled to.

In the coming months and years, authorities in EU Member States and in Ukraine will need to take coordinated decisions regarding the future of children who fled Ukraine. It remains unknown when it will be safe enough to return to Ukraine. Alongside that, questions remain as to whether returning to Ukraine would be in the children's best interests.

When temporary protection ends, the TPD states that the general laws on protection of people, so called 'aliens', in the Member States apply (Article 20). This Directive also outlines provisions for voluntary return (Article 21) and enforced return (Article 22). The latter includes an obligation on Member States to take measures to ensure that the enforced return of persons whose temporary protection has ended and who are not eligible for admission is conducted with due respect for human dignity. Any measures related to return need to take into consideration the best interests of the child (Article 15 (4)).

FRA's 2023 Fundamental Rights Report suggests that Member States should establish meaningful legal pathways to facilitate a smooth transition from temporary protection status to other protection statuses under either EU or national law. The European Commission proposed various models for extending residence and work permits, or for creating conditions to transition to other legal statuses.

The UN Committee on the Rights of the Child, in its general comment on children in migration

contexts, stresses that decisions regarding a child's return to their country of origin must take into account individual circumstances and the child's best interests. The comment explicitly states that return is not the only solution; alternatives such as further integration into the country of residence or resettlement to a third country should also be considered. Moreover, according to the CRC Committee, plans should be discussed and developed with the child in a child-friendly and sensitive manner.

Council of Europe Member States committed to provide displaced children with opportunities to participate in decisions that affect them in the Reykjavik Declaration, 'United around our Values'. FRA's guide on children deprived of parental care found in an EU Member State other than their own provides guidance on how to define durable solutions in the case of unaccompanied children.

Some of the children displaced in the EU have already returned to Ukraine, which has drawn criticism from civil society. According to the Child Circle/UNICEF report some returns from institutions to Ukraine were carried out in a sudden way, reportedly without transparent decision-making procedures or a clear process for supporting individual children in the process.

Ukraine has recently adopted a decree stating that the return of children in residential care who were evacuated should only occur after the end of martial law. The decree establishes a centralised system for making decisions on return decisions, requiring prior approval from the central government for returning Ukrainian children from institutions.

For children evacuated from institutions and children with disabilities, it is essential that reform efforts continue to establish comprehensive deinstitutionalisation. The Council of Europe reiterated their support for such reform and the European Commission is similarly supportive of Ukraine's plans to move away from institutionalisation and develop a modern alternative care strategy.

Discussions about the reconstruction of Ukraine have already begun. At the heart of those discussions there must be an acknowledgement of the need to respect, protect and fulfil the rights of the child, including their rights to health, education, family life, participation, adequate standard of living, and protection against abuse and harm. Both the EU and its Member States should commit to providing support to Ukraine in this endeavour. For as long as children from Ukraine remain in the EU, Member States should strive to ensure children have access to these same rights, in the hope that they experience a healthy, safe and happy childhood.

# Annex 1

Table 1 presents an overview of data collected by Franet on the number of children who fled Ukraine registered in each Member State.

The starting point for collecting the data, or data reference point, are frequently different for each Member State, depending on the sources and reporting periods. Many of the totals are derived from additional contextual information or different sources. For example, some of the data sources are authorities responsible for education, while in others are border police or child protection authorities. These caveats should be considered when interpreting or comparing the data.

Table 1 – Overall number of children fleeing from Ukraine in the EU Member States, data collected by Franet, June 2023

| | Franet data | Date | Source | Public or not |
|---|---|---|---|---|
| **AT** | 32,750 | 1 May 2023 | Federal Ministry of the Interior | Not public |
| **BE** | 22,409 | 30 April 2023 | Federal Public Service for Home Affairs, Immigration Office | Public |
| **BG** | 53,867 | 9 June 2023 | State Agency for Child Protection | Not public |
| **CY** | 4,761 | 30 April 2023 | Ministry of the Interior, Asylum Service | Not public |
| **CZ*** | 91,000 | 1 April 2023 | Ministry of Interior | Not public |
| **DE** | 349,000 | 23 May 2023 | German Central Register of Foreigners | Public |
| **DK** | 13,096 | 30 June 2023 | Statistics Denmark | Public |
| **EE** | 28,837 | 30 April 2023 | Police and Boarder Guard Board | Not public |

| | | | | |
|---|---|---|---|---|
| **EL** | 6,709 | 30 April 2023 | Ministry of Migration and Asylum | Public |
| **ES** | 56,341 | 22 March 2023 | Information provided at public sessions of the Congress of Deputies, Committee on the Rights of Children and Adolescents | Public, but not accessible regularly updated source |
| **FI** | 15,537 | 30 April 2023 | Finnish Immigration Service | Not public |
| **FR⋆⋆⋆** | 20,795 | 30 April 2023 | Ministry of National Education and Youth | |
| **HR⋆⋆** | n/a | | | |
| **HU** | 14,940 | 30 April 2023 | Ministry of Interior, National Directorate-General for Aliens Policing | Not public |
| **IE** | 24,413 | 30 April 2023 | Central Statistics Office, Department of Social Protection | Public |
| **IT** | 49,459 | 30 April 2023 | Italian Civil Protection Department | Public |
| **LT** | 25,992 | 31 May 2023 | Lithuanian Migration information system | Public |
| **LU** | 1,820 | 30 April 2023 | Ministry of Foreign and European Affairs, Directorate of immigration | Not public |
| **LV** | 12,306 | 13 June 2023 | Population Register | Not public |
| | 15,612 | 13 June 2023 | Register of Information Necessary for Providing Support to Ukrainian Civilians | Not public |
| **MT** | 578 | 30 April 2023 | International Protection Agency | Not public |
| **NL⋆⋆⋆⋆** | 20,400 | 7 May 2023 | Ministry of Education, Science and Culture | Public |

| | | | | |
|---|---|---|---|---|
| **PL⋆⋆** | | | | |
| **PT** | 14,256 | 30 April 2023 | Immigration and Borders Service | Not public |
| **RO** | 1,575,624 | 30 April 2023 | General Inspectorate of Border Police | Not public |
| **SE** | 375 asylum-seeking Ukrainian citizens | 30 April 2023 | Swedish Migration Agency | Public |
| | 17,067 registered for TP | | | Public |
| **SI⋆⋆** | | | | |
| **SK** | 39,451 registered for TP | 30 April 2023 | Bureau of Border and Foreign Police | Not public |
| | 34,352 have valid tolerated stay | | | |

A table presents an overview of data collected by FRA's multidisciplinary research network, Franet, on the number of children who fled Ukraine registered in each Member State. The data refers to information provided to FRA in June 2023.

*Source:* FRA, June 2023.

*Note: For comprehensive information, please see* Franet national reports.

⋆ *CZ - data are an estimate computed on the total of beneficiaries of temporary protection.*

⋆⋆ *HR, SI and PL - data on the overall number of children fleeing from Ukraine are not available.*

⋆⋆⋆ *FR* **-** *data include the children enrolled in French schools since data on the overall number of children fleeing Ukraine are not available.*

⋆⋆⋆⋆NL - data include children from 4 to 17 years old.

# Annex 2

Table 2 presents an overview of data collected from Franet on the number of children who fled Ukraine and were registered as unaccompanied in each EU Member State.

The starting point for collecting the data, or data reference point, are frequently different for each Member State, depending on the sources and reporting periods. Many of the totals are derived from additional contextual information or different sources. For example, some of the data sources are authorities responsible for child protection or guardianship. These caveats should be considered when interpreting or comparing the data.

Table 2– Number of unaccompanied children fleeing the Ukraine in the EU Member States, data collected by Franet, June 2023

| EUMS | Number of children (Franet data) | Date | Source | Public or not |
|---|---|---|---|---|
| **AT** | 1,105 | 1 May 2023 | Federal Ministry of the Interior | Not public |
| **BE** | 1,298 | 30 April 2023 | Federal Public Service for Home Affairs | Public |
| | 1,453 | 14 June 2023 | Guardianship Service | Not public |
| **BG** | 589 | 9 June 2023 | State Agency for Child Protection | Not public |
| **CY** | 0 | 30 April 2023 | Ministry of the Interior, Asylum Service | Not public |
| **CZ*** | 200 | 1 April 2023 | Ministry of Interior | Not public |
| **DE** | 3,891 | 30 October 2022 | Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) | Public |
| **DK** | 655 | 30 April 2023 | Danish Immigration Service | Not public |
| **EE** | 110 | 30 April 2023 | Police and Boarder Guard Board and Social Insurance Board | Not public |

| | | | | |
|---|---|---|---|---|
| **EL** | 3 | 30 April 2023 | Ministry of Migration and Asylum | Public |
| **ES** | 2,000 | 22 March 2023 | Information provided at public sessions of the Congress of Deputies, Committee on the Rights of Children and Adolescents | Public, but not accessible regularly updated source |
| **FI** | 726 | 30 April 2023 | Finnish Immigration Service | Not public |
| **FR⋆⋆** | | | | |
| **HR** | 3 | 30 April 2023 | Ministry of Labour, Pension System, Family and Social Policy | Not public |
| **HU** | 32 | 30 April 2023 | Ministry of Interior, National Directorate-General for Social Affairs and Child Protection | Not public |
| **IE** | 311 | 26 May 2023 | Child and Family Agency (Tusla) | Not public |
| **IT** | 4,706 | 30 April 2023 | Ministry of Labour and Social Policies | Public |
| **LT** | 267 | 31 May 2023 | Internal Register of State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour | Not public |
| **LU** | 11 | 30 April 2023 | Ministry of Foreign and European Affairs, Directorate of Immigration | Not public |
| **LV** | 5 | 21 March 2023 | State Inspectorate for the Protection of Children's Rights | Not public |
| **MT** | 7 | 30 April 2023 | International Protection Agency | Not public |
| **NL⋆** | 150 | 30 April 2023 | Guardianship Authority (Stichting Nidos) | Not public |
| **PL** | 539 | 27 June 2023 | Ministry of Family and Social Policy | Not public |
| **PT** | 15 | 30 April 2023 | Immigration and Borders Service | Not public |
| **RO** | 5,008 | 30 April 2023 | General Inspectorate of Border Police | Not public |
| | | | | Public |

| | | | | |
|---|---|---|---|---|
| **SE** | 823 (includes 13 seeking asylum, not temporary protection) | 30 April 2023 | Swedish Migration Agency | Public |
| **SI⋆⋆** | | | | |
| **SK** | 153 | 30 April 2023 | Central Office of Labour, Social Affairs and Family | Not public |

A table presents an *overview of data collected by FRA's multidisciplinary research network, Franet, on the number of unaccompanied children who fled Ukraine registered in each Member State. The data refers to information provided to FRA in June 2023.*

*Source:* FRA, June 2023.

*Note: For comprehensive information, please see* Franet national reports.

⋆ *CZ and NL - data are an estimate.*

⋆⋆ *FR and SI - data on unaccompanied children fleeing from Ukraine are not available.*

# Endnotes

[1] For Ireland, see Council Implementing Decision (EU) 2022/382 of 4 March 2022 having the effect of introducing temporary protection; Recital 25: 'Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption of this Decision.'. It was adopted into Irish law by Section 60 of the International Protection Act 2015.

[2]

[3] For Ireland, see Council Implementing Decision (EU) 2022/382 of 4 March 2022 having the effect of introducing temporary protection; Recital 25: 'Ireland is bound by Directive 2001/55/EC and is therefore taking part in the adoption of this Decision.' It was adopted into Irish law by Section 60 of the International Protection Act 2015.

[4] European Union Agency for Asylum (EUAA) (2023), Providing Temporary Protection to Displaced Persons from Ukraine. A Year in Review, Chapter 3.1., March 2023.

[5] European Commission (2023), Proposal for a Regulation of the European Parliament and of the Council on establishing the Ukraine Facility, COM (2023) 338 final, 20 June 2023, p. 16.

[6] European Commission (2023), Providing Temporary Protection to Displaced Persons from Ukraine: A Year in Review (europa.eu), p. 20.

[7] Information received from the Latvian Ministry of Interior by email on 14 June 2023.

[8] Sweden, e-mail correspondence with legal expert at the Migration Agency, 14 June 2023.

[9] Greece, the information was provided by the Greek Special Secretary for the Protection of Unaccompanied Minors through a written contribution on 12 June 2023.

[10] Croatia, Ministry of Labour, Pension System, Family and Social Policy, email received on 4 July 2023

[11] Committee on the Rights of the Child, General Comment 14 (2013) 29 May 2013.

[12] EUAA (2023), Providing Temporary Protection to Displaced Persons from Ukraine. A Year in Review, March 2023, Ch. 2.

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[14] Croatia, Ministry of Labour, Pension System, Family and Social Policy, email received on 4 July 2023.

[15] Slovakia, Information provided by a representative of the Ministry of Labour Social Affairs and Family of the Slovak Republic on 16 June 2023 via e-mail.

[16] Czechia, Online interview of Franet contractor with the NGO LOCIKA, 8 June 2023.

[17] Slovakia, information provided by the representative of the Bratislava Self-Governing Region to the Franet

contractor in an interview on 5 June 2023.

[18] Cyprus, Telephone consultation of Franet contractor with the Ministry of Health, 16 June 2023.

[19] Ireland, Correspondence from Health Services Executive (HSE) Ukrainian Refugee Coordination Group, 7 July 2023

[20] Slovenia, Information was provided by the Slovene Philanthropy upon request (interview, 9 June 2023).

[21] Hungary, Minister of Human Capacities' Order of 9/2022. (III.11.).

[22] Online interview with a representative of an NGO providing assistance to refugees (8 June 2023); author's own professional experience at the NGO Centre LOCIKA, information valid on 30 June 2023.

[23] Slovenia, Information was provided by the Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants upon request (email, 9 June 2023, response dated 8 June 2023).

[24] France, the information provided by the Head of the Resilience Education and Promotion of International Humanitarian Law Unit of Red Cross France via email on 9 June 2023.

[25] Letter from the Ministry of Education, Sport and Youth to the Franet contractor, 14 June 2023.

[26] Germany, Contribution via phone by SOS Kinderdörfer e.V., 29 June 2023.

[27] Interview with representatives of the NGO Save the Children Romania on 16 June 2023.

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[29] Slovakia, Ministry of Justice of the Slovak Republic (2022), Usmernenie Ministerstva spravodlivosti k opatrovníctvu vo vzťahu k maloletým utečencom z Ukrajiny (stav k 1.4.2023).

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[31] France, information provided by the representative of the Consulate of Ukraine in France via phone to the Franet contractor, 5 July 2023.

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[33] Belgium, Interview with a project coordinator at the Guardianship Service, 14 June 2023. Also mentioned in Guardianship Service (2022), Handbook for guardians, p.27.

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Intervention, How to become a temporary guardian of a child from Ukraine without parents, 2022.

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[38] Slovakia, Information provided by the Ministry of Labour, Social Affairs and Family via e-mail communication on 5 June 2023.

[39] Hungary, Information received from the UNHCR via email on 4 July 2023.

[40] Belgium, Interview with a project coordinator of the Guardianship Service of 14 June 2023.

[41] Slovenia, information was provided by the Ministry of Labour, Family, Social Affairs and Equal opportunities upon request (email, 9 June 2023).

[42] Ukraine, Decree of the Cabinet of Ministers of Ukraine "On approval of the state target social program of reforming the system of institutions for orphan children and children deprived of parental care" (2007), dated October 17, 2007. No. 1242

[43] Luxembourg, information provided by the Ministry of Foreign and European Affairs, Directorate of immigration by email on 11/7/2023. The Directorate of immigration (Direction de l'immigration) only disaggregates statistics between unaccompanied children and children accompanied by the parents or another responsible adult.

[44] Czechia, Email communication between Czechia Franet partner and the Ministry of Education, Youth and Sports on 11 June 2023.

[45] Lithuania, Seimas (2022). Law on the Amendment of Articles 2,23, 24 and 24 of the Law on Social Services No. X-493, No. XIV-952, 17 March 2022.

[46] Lithuania, Representative of the Office of Ombudsperson for the Rights of the Child (2023), the phone call with Lithuanian Franet partner, dated 11 July 2023.

[47] Lithuania, Representative of the Office of Ombudsperson for the Rights of the Child (2023), the phone call with Lithuanian Franet partner, dated 11 July 2023.

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[49] Il Post (2022), "L'orfanotrofio ucraino che ha cambiato un paese delle valli bergamasche", 25 December 2022.

[50] France, the information provided by the representative of the Consulate of Ukraine in France via phone interview on July 5, 2023.

[51] Tymińska A. (2022), Children in foster care and minors from Ukraine: ex-post evaluation of the regulation and practice of application of the Ukrainian special law, Warsaw, 2022; Covtiuh I., Khomyn Y., Strama A. (2023), Temporary care of a minor child from Ukraine. A guide for caregivers, Krakow, 2023.

[52] Slovenia, Information was provided by the Social Work Centre, (Primorsko-Notranjska) upon request (email, 5 July 2023).

[53] Hungary, according to article 3 of Gov. Decree 106/2022. (III. 12) children concerned are entitled to use the services of day-care centres, nursery care, education, care and the services of the "Sure Start Children's Home" under the same conditions as Hungarian citizens.

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