

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

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# 1. Children fleeing Ukraine

## 1.1. Data on children fleeing Ukraine

**Table 1** Children fleeing Ukraine

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children	Y (for children enrolled in French schools)	20,795 (according to the Ministry of National Education and Youth)  The request for any additional information to the French Office for Immigration and Integration is pending.
Arrived accompanied by mother, father or another legal guardian	N	The request for any additional information to the French Office for Immigration and Integration is pending.
Arrived without parents, but with other family members, neighbours or family friends	N	The request for any additional information to the French Office for Immigration and Integration is pending.
Arrived unaccompanied	N	The request for any additional information to the French Office for Immigration and Integration is pending.
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)	N	The request for any additional information to the French Office for Immigration and Integration is pending.
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)	N	The request for any additional information to the French Office for Immigration and Integration is pending.

Source: Ministry of National Education and Youth.

The identification and registration of Ukrainian children seeking asylum is carried out under the admission procedure for temporary protection. Beyond this admission procedure, no specific active identification and registration policy have been put in place.<sup>1</sup>

The Directorate General for Foreigners in France (Immigration Directorate) of the Ministry of Interior stated in its official response that *"in accordance with common law, minors do not need a document to justify the regularity of their stay on French territory. Minors benefiting from temporary protection are not issued a permit and therefore are not registered in the databases regarding the stay"*.<sup>2</sup>

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<sup>1</sup> Children do not need to obtain a temporary residency permit in the context of remaining in France, contrary to adults. Also see: [www.welcometofrance.com/accueil-en-france-des-personnes-deplacees-ukraine](http://www.welcometofrance.com/accueil-en-france-des-personnes-deplacees-ukraine)

<sup>2</sup> Ministry of Interior, Letter dated 18 July 2023.

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

### 2.1. Responsibilities of child protection authorities

No specific legislation has been adopted specifically regarding children fleeing Ukraine and child protection is provided within the framework of already existing legislation.<sup>3</sup>

The policy framework includes the [Pact for Children \(\*Pacte pour l'enfance\*\)](#), initiated by the Secretary of State for Child Protection to the Minister of Solidarity and Health in 2019, which later led to the reform of [the child welfare system \(ASE\)](#) in January 2020 and the establishing of [a national child protection and prevention strategy \(\*stratégie nationale de prévention et de protection de l'enfance\*\)](#).

This strategy focuses on:

- prevention - mandatory early prenatal interview, increase in the number of pre- and post-natal home visits, creation of new parental relays;
- strengthening the pathway for protected children - mandatory complete health check-up for all young people entering the Child welfare system (*Aide Sociale à l'Enfance* – ASE), better control of childcare structures, systematic support for the return home at the end of placement, reform of the status of family assistants;
- preparing and securing the adult life of young adults (help in accessing housing, scholarships and higher education);
- empowering children and ensuring their rights.
- The responsibility for ensuring child protection is delegated hierarchically top-down from the national level to the local one and proceeds as follows:
- the person responsible for child protection at the national level is [the Secretariat of State for Children](#) supported by consultative bodies - the [National council for child protection \(CNPE\)](#) and [the France protected children public interest group \(GIP\)](#) - which are placed [under the authority of the Prime Minister](#);

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<sup>3</sup> Confirmed by the representative of Paris Prefecture (Interview on 22 June 2023) and by the representatives of the French Ministry of National Education and Youth (Interview on 23 June 2023).

- at local level, the main responsibility for child protection lies with departmental councils and their dedicated services - ASE. The child welfare system finances and monitors the implementing of child protection, which is carried out mainly by various associations and NGOs.

In numerous attempts to get in touch with ASE representatives as part of this research, we were redirected to representatives of NGOs and local associations.

The NGOs and associated associations, sub-contracted to provide child protection on the ground, differ on a case-by-case basis,<sup>4</sup> and include the following main players:<sup>5</sup>

1. Secours Catholique - Caritas France: takes charge of, guides and supports children at risk of, and victims of human trafficking.
2. French Red Cross: provides information and guidance to victims of human trafficking and those who are at risk.
3. Off the street ("*Hors la rue*"): identifies and supports unaccompanied foreign children who have been trafficked.
4. Ecpat France – mission Calais: offers legal, social and psychological support for unaccompanied and homeless minors, including minors at risk of, or victims of trafficking.
5. Taking action to tackle underage prostitution (ACPE): offers support to minors who are victims of sexual exploitation (psycho-educational, legal support).
6. L'amicale du Nid (AdN): provides support to minors involved in prostitution.
7. ALTHEA – L'Appart: takes in and listens to minors in, or at risk of prostitution, as well as provides them with guidance and support.

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<sup>4</sup> 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.

<sup>5</sup> The information is indicated in the official [UNHCR leaflet](#) given out in France to children fleeing Ukraine and confirmed by the representative of Red Cross France via email on 9 June 2023.

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

[The International Convention on the Rights of the Child](#) (CIDE), ratified by France, stipulates in its Article 20 that "any child temporarily or permanently deprived of their family environment, or who in their own interest cannot be left in this environment, is entitled to special protection and assistance from the State including asylum-seeking, refugee or migrant children, regardless of their nationality, immigration status or statelessness". Unaccompanied minors (MNA), and separated foreign minors (MIE), who arrive in France, including children fleeing Ukraine, are therefore entitled [to the same protection as any other child](#).

Thus, the ASE holds the main responsibility for ensuring child protection for unaccompanied and separated children fleeing Ukraine. On the ground, the main sub-contracted associations and NGOs are:

1. [French Red Cross](#)
2. [Ecpat France – mission Calais](#)
3. Off the street ("[Hors la rue](#)")

### 2.1.2. Children evacuated from Ukrainian institutions

According to the representative of the consulate of Ukraine in France,<sup>6</sup> in cases of children evacuated from family-type orphanages (*дитячий будинок сімейного типу*) with an appointed Ukrainian guardian, which is the most common way the orphanage-type institutions operate in Ukraine, local French associations are delegated with the responsibility of control and oversight of such children. For more detailed information on specific cases – see 3.3.

We did not find any information on the dedicated centers in France specifically created for children from Ukrainian institutions.

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<sup>6</sup> The information provided by the representative of the Consulate of Ukraine in France via phone interview on 5 July 2023.

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

### 3.1. Arrived unaccompanied

According to the ASE services, legal representation of unaccompanied minors in France is taking place in 2 steps:

1. The identification of unaccompanied minors fleeing Ukraine is carried out by the association or NGOs in charge of the admission.<sup>7</sup> An association/NGO responsible for assisting unaccompanied children sets up emergency reception, shelter and assessment of the situation of young people identifying themselves as unaccompanied minors, according to an already existing protocol defined by the State for all unaccompanied children and expected to last 5 days.<sup>8</sup> This step is the financial responsibility of the State, which reimburses the costs. If the young person is declared a minor at the end of this assessment, a distribution key is applied to determine in which department the minor will be definitively accepted. This department will then entrust the young person to the ASE at its expense.

2. An unaccompanied minor is appointed with a legal representative by the guardianship judge. In general, the guardianship of unaccompanied minors is referred to the ASE. In cases of emergency, the judge may authorize the ASE to carry out certain formalities on an exceptional basis. An ad hoc guardian can also be appointed by the public prosecutor's office to make, for example, an asylum application on behalf of a minor.

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

ASE is responsible for assessing the situation of minors arriving with family members, neighbours or family friends, for example, whether an adult who accompanied a minor,

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<sup>7</sup> For example, Paris reception centers for persons fleeing Ukraine are associations 'Coallia' and 'France terre d'asile'.

<sup>8</sup> French Code of social action and families (*Code de l'action sociale et des familles*), Article L223-2.



is authorized by at least one of the parents in a written statement certified by the national (Ukrainian) guardianship authority appointing him/her as a child's guardian.<sup>9</sup> Without such certified statement, or in case of doubt, the juvenile judge can recognize an adult as a trustworthy third party authorized to live with the child and carry out the tasks/activities involved in everyday life. For more important task/activities, an extended judicial authorization has to be obtained.<sup>10</sup>

As the representative of the consulate of Ukraine in France indicated,<sup>11</sup> the written statement of the parents, certified by the guardianship authority of Ukraine, is automatically recognized by the French authorities. If there is no such statement (there were such cases at the beginning, in the fall of 2022), the consulate and embassy of Ukraine in France helps Ukrainian citizens to certify the necessary document. In general, the consulate and embassy of Ukraine cooperates with the French authorities and provides assistance in confirming documents, if their authenticity is in doubt (for example, due to the poor state of the document, paper being too crumpled, etc.). The representative of the consulate states that they are not aware of any cases of confirmed forgery of such documents, nor the arrival of an unaccompanied child from Ukraine to France without the guardianship. However, in theory, based on French legislation, if a minor is not accompanied by a relative or an appointed guardian, a child is placed under the protection of the public authorities and treated as unaccompanied minor.<sup>12</sup>

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

If a minor comes with an appointed legal guardian, the procedure is the same as described in 3.2.

If a minor comes without an appointed legal guardian, the procedure is the same as described in 3.1.

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<sup>9</sup> Interview at the Paris registration center for people fleeing Ukraine, 23 June 2023.

<sup>10</sup> France, Civil code (*Code civil*), [Article 375-7](#).

<sup>11</sup> The information provided by the representative of the Consulate of Ukraine in France via phone interview on 5 July 2023.

<sup>12</sup> France, Code of social action and families (*Code de l'action sociale et des familles*), [Article L227-1](#).

According to the representative of the consulate of Ukraine in France,<sup>13</sup> there were cases of evacuation of children from institutions to France in the beginning of the Russian full-scale invasion of Ukraine. For example, in March 2022, 53 children orphans from Rivne were evacuated to the Alpes-de-Haute-Provence and 21 children orphans and those who are deprived of parental care from Vinnitsa were evacuated to the Haute-Garonne. In both cases the children were not evacuated from orphan institutions per se, but rather from family-type orphanages (*дитячий будинок сімейного типу*). In both cases, family-type orphanages had already set up links with French associations who organized with local authorities the evacuation and reception of the children from Ukraine. In the Alpes-de-Haute-Provence case, it was the association “Friends of Rivne (*l’Association des amis de Rivné*)” which previously worked with Chernobyl children from the region; in the Haute-Garonne case, it was Bessiere Red Cross Association and the municipality and the mayor of Bessier. In both cases, the associations were delegated with the responsibility of control and oversight of these children. The representative of the consulate of Ukraine in France stated that the guardian appointed in Ukraine is automatically recognized.

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

If a minor comes with an appointed legal guardian, the procedure is the same as described in 3.2.

If a minor comes without an appointed legal guardian, the procedure is the same as described in 3.1.

The cases described in 3.3. can be considered as well as “private initiatives” by the mentioned associations.

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<sup>13</sup> The information provided by the representative of the Consulate of Ukraine in France via phone interview on 5 July 2023.

<b>Academy</b>	<b>Kindergarten/pre-school (age: 3-5)</b>	<b>Elementary/ primary school (age: 6-10)</b>	<b>Middle school (age: 11-14)</b>	<b>High school (age: 15-17)</b>	<b>TOTAL</b>
AIX-MARSEILLE	130	388	320	166	1004
AMIENS	83	153	138	50	424
BESANCON	58	121	134	63	376
BORDEAUX	153	431	306	114	1004
CLERMONT-FERRAND	82	159	161	67	469
CORSE	6	20	20	2	48
CRETEIL	122	282	277	82	763
DIJON	76	176	162	56	470
GRENOBLE	138	557	485	185	1365
GUADELOUPE	0	0	0	1	1
GUYANE	0	0	0	0	0
LA REUNION	0	0	1	0	1
LILLE	89	200	125	37	451
LIMOGES	39	89	84	30	242
LYON	162	300	285	102	849
MARTINIQUE	0	0	0	0	0
MAYOTTE	0	0	0	0	0
MONTPELLIER	215	496	402	105	1218
NANCY-METZ	148	362	378	121	1009
NANTES	157	342	320	102	921
NICE	378	869	708	260	2215
NORMANDIE	149	338	312	151	950

ORLEANS-TOURS	101	316	271	97	785
PARIS	80	195	145	87	507
POITIERS	105	237	252	119	713
REIMS	75	182	164	62	483
RENNES	134	279	282	101	796
STRASBOURG	122	256	299	106	783
TOULOUSE	188	350	366	129	1033
VERSAILLES	302	729	631	253	1915
<b>TOTAL</b>	<b>3292</b>	<b>7827</b>	<b>7028</b>	<b>2648</b>	<b>20795</b>

# 4. Information on and practical challenges in accessing basic services for children fleeing Ukraine

## 4.1. General information and challenges

### Access to education:

In France, the Ministry of National Education [states](#) that the access to school education is a right for all children who reside in France, regardless of nationality. Public school is free and education is compulsory for girls and boys aged 3 to 16. According to [the presentation document of the French educational system drawn up for displaced families from Ukraine](#), the process of enrolment in schools depends on the age of a child: for children between 3 and 10 years old, the enrolment takes place via the town (city) hall of the place of accommodation; for children between 11 and 18 years old, a parent/caregiver has to contact by themselves a school closest to a place of accommodation. In both cases a parent/caregiver must provide address confirmation and identity card/passport.

According to the data provided to us by the General Directorate of School Education of the French Ministry of National Education, Youth and Sports, the number of refugee pupils from Ukraine enrolled in schools, colleges, high schools for the second semester of the academic year 2022-2023 is the following:<sup>14</sup>

The biggest challenge in access to education for displaced children from Ukraine is to maintain the link between the place of accommodation and the local school, meaning that if the family moves even from one district to another, the child has to be re-enrolled in another school closer to the place of accommodation and start the process of adaptation and learning all over again.<sup>15</sup>

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<sup>14</sup> Data from 07/03/2022 - Source: Ministry of National Education and Youth, provided by email on 05 June 2023.

<sup>15</sup> 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.

### Access to healthcare:

[According to the French State Health Insurance provider](#), displaced children from Ukraine are entitled to health insurance and supplementary health insurance under the usual conditions:

- a. Minors accompanied by a legal representative (parent) benefit from the same rights as their parent upon submission of any supporting document mentioning them (passport, family record book, etc.). If an official proof cannot be submitted, form [S3705 "Request for attachment of minor children to one or both insured parents"](#) must be completed.
- b. For minors not accompanied by a parent, but by a family member or by a third party, the child is registered separately as an insured person and benefits from universal health protection and supplementary health insurance. Two documents have to be provided: a sworn statement from the caregiver, stating the country of origin, the date of arrival in France, the marital status and the minor's residential address; an identity document of the caregiver.
- c. If the child is taken in by an institution or an organisation, they are also registered separately as an insured person and benefit from universal health protection and supplementary health insurance.

### Access to child protection:

[According to the Ministry for Europe and Foreign Affairs](#), the right to protection is a universal right for any child arriving and residing in France. France has ratified all international texts which protect and promote children's rights: [the United Nations Convention on the Rights of the Child](#), [Optional Protocol on the Involvement of Children in Armed Conflict](#), [Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](#), [Optional Protocol on a Communications Procedure](#).

The major challenge regarding access to child protection lies in the dispersion of initiatives at the local level by various associations and NGOs and the absence of consolidation linked to a generalized process.<sup>16</sup>

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<sup>16</sup> 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.

To sum up, the major general challenges are:<sup>17</sup>

1. Language barrier;
2. Different school system without concrete support, with sometimes significant loss in levels (for example, young people of one school age are put in a class of a lower age to promote their language learning, but with a decreased level in other subjects) and often without specific support for disabled people;
3. Lack of psychological support;

## 4.2. Challenges for children with multiple risks/disadvantages

Through the desk research and the interviews with French national authorities, we did not identify specific challenges that could be applied directly to children with multiple risks and disadvantages, like children with disabilities or Roma children.

However, after interviewing the representative of the consulate of Ukraine in France, we can assume that children with non-Ukrainian nationality do not enjoy the same advantages as Ukrainian nationals as much as the Ukrainian authorities operating in France assist French authorities in various administrative procedures only in relations to Ukrainian nationals.

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<sup>17</sup> 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 and the project manager of "Pedagogical continuity" of the French Ministry of Education via phone interview on 23 June 2023; Arsea, *Un dispositif innovant pour les familles déplacées ukrainiennes*, 9 January 2023.

## 5. Policies in place

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

[According to the French Ministry of National Education, Youth and Sports](#), there is a [training space](#) developed specifically to provide support for teachers (on a voluntary basis) who are taking on pupils arriving from Ukraine. [According to its description](#), this training space is intended for all school and educational establishment staff and it provides resources to help the enrolment of pupils arriving from conflict zones. The resources have been selected or developed by teachers and staff of inspection bodies with the assistance of specialists, both in crisis management and in the field of care for children and young people. They are intended to provide an understanding of the situation as a whole, and to propose courses of action and support.

[Other specific measures](#) have been taken concerning the care of very young children (0-3 years) - free care in nurseries and other early childhood facilities for children displaced from Ukraine. A platform allows such institutions to inform the prefecture of their department of the number of places available.

### 5.2. European Child Guarantee

[France's Child Guarantee National Action Plan](#) was published on 12 April 2022. It contains no mention of children fleeing Ukraine.

### 5.3. Budget

According to [the Court of Auditors](#), all expenditure incurred by the State and Social Security for the temporary protection of Ukrainians is €634 million for the year 2022. Most of this expenditure involves the allowance paid to displaced persons (218.46 million) and accommodation (253.27 million).

There is no specific budget allocated for displaced children from Ukraine mentioned in the report for the previous year.